

June 24, 2022

Sent via Email

State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Dear Board Members and Staff:

I am writing to offer the Golden Gate Salmon Association's support for the May 24, 2022 Petition of the Winnemem Wintu Tribe, Shingle Springs Band of Miwok Indians, Save California Salmon, Little Manila Rising, and Restore the Delta, calling on the State Water Resources Control Board to open a rulemaking to ensure the timely review and update the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary ("Bay-Delta Plan").

It is widely recognized that the Bay-Delta ecosystem is in crisis. As the State Water Board has recognized, "[f]or decades . . . the quality of the water in the [Bay-Delta] channels has been degraded, there has been a substantial overall reduction in flows and significant changes in the timing and distribution of those flows, and species have been cut off from natal waters."¹ Water diversions and export projects have reduced unimpaired flows by almost half on average and by as much as 80% in certain months. As a result, there is far too little water left flowing through the Bay-Delta to give life to the people, plants, animals, and lands that these waterways have sustained for millennia. Low flows and poor water quality have imperiled native fish species, created conditions that enable harmful algal blooms to thrive, and made waters hazardous for residents who rely on them for basic needs and wellness. California tribes and Delta communities of color are particularly impacted by the reduction in flows and the degraded state of Bay-Delta waterways. These impacts perpetuate a legacy of injustice that, as the State Water Board has acknowledged, has been at the root of how California has managed its waterways since the state's inception.

In addition to the above impacts on tribal communities and communities of color, the lack of adequate, updated flow standards to replace the current 1995 requirements has resulted in severe impacts to salmon runs and the California salmon fishing industry. Because the Board has not updated the Bay-Delta Plan, inadequate flows and temperature protections have devastated the salmon that fishing jobs and fishing communities depend on, including the following:

¹ State Water Resources Control Bd., *Fact Sheet: Phase II Update of the Bay-Delta Plan: Inflows to the Sacramento River and Delta and Tributaries, Delta Outflows, Cold Water Habitat and Interior Delta Flows*, p. 1 (Oct. 2017).

- During 2021 and 2022, virtually all naturally spawning winter and fall run salmon were killed, or will be killed, as a result of lethal water temperatures below Shasta Dam. Those temperatures were caused by the Bureau's failure to retain adequate cold water to maintain safe spawning temperatures. The Board must update the Bay-Delta Plan to impose adequate temperature and carry over storage requirements on the Bureau's operation of Shasta Dam.
- Rather than making progress toward the doubling of salmon runs, as required by the Board's current Bay-Delta Plan, naturally producing salmon runs have been allowed to decline dramatically. As a result, hatchery produced salmon are increasingly important to maintain salmon fishing jobs.
- The decline of naturally producing salmon in the Bay-Delta and on other rivers where the State Board also has important responsibilities has resulted in dramatically limited salmon fishing seasons. This has slashed the size of the salmon fishing fleet. It has cost jobs. And it has placed additional strain on salmon fishing families and communities.
- Winter and spring run salmon are now on the brink of extinction. That affects the fishing industry in several ways. First, fishermen can no longer target these formerly important runs. Second, their precarious status results in further limits on our ability to fish for fall run salmon.

Simply put, the Board is failing to protect Bay-Delta salmon and California's \$1.4 billion, 23,000 job salmon fishing industry. New Bay-Delta flow requirements in an updated and implemented Bay-Delta Plan are central to the future health of our industry.

The State Water Board has clear duties under the law to responsibly manage Bay-Delta waters. Those responsibilities include protecting ecosystem health, fish and wildlife, and commercial and recreational fishing as beneficial uses. The Board must review the Bay-Delta Plan every three years in accordance with the Clean Water Act and the Porter-Cologne Act, and it must update the water quality standards in it to protect public trust resources, prevent unreasonable diversion and use of water, and safeguard the full range of beneficial uses of Bay-Delta waters. In doing so, the State Water Board must abide by the State's numerous commitments regarding environmental justice, tribal consultation, protection of salmon and the fishing industry, and full public participation in the review and decision-making process.

Despite its own recognition of the ecosystem crisis in the Bay-Delta and its obligations to address it, the State Water Board has fallen woefully short of meeting these legal requirements. The State Water Board has failed to conduct a comprehensive review of Bay-Delta water quality standards for *sixteen* years. It has failed to increase instream flow requirements to anywhere near the levels that the Board has determined are necessary to protect public trust resources. And it has prioritized the failed, closed-door voluntary agreement negotiation with water diverters and exporters over consultation with tribes and affected communities, over the protection of beneficial uses, and over the timely, science-based update process that the law requires.

The Petition for Rulemaking is an opportunity for the State Water Board to fulfill its legal duties to responsibly manage Bay-Delta waters and reverse the pattern of putting water users before the needs of tribes, Delta communities, the fishing community and the health of the ecosystem. We

respectfully urge the State Water Board to schedule this matter for a public hearing and to move forward with the open, participatory, and comprehensive review and update of the Bay-Delta Plan sought in the Petition.

Sincerely,



John McManus
President
Golden State Salmon Association



Mike Conroy
Executive Director
Pacific Coast Federation of Fishermen's Associations