

General Talking Points for Phase 2 of the Bay Delta Water Quality Control Plan

Phase 2 focuses on the Sacramento River and its tributaries, the three tributaries east of the Delta (Mokelumne, Cosumnes and Calaveras), and Delta inflow and outflow into the bay.

Our goal is to empower the State Water Board to make decisions based on science, not political expediency. This is a legacy vote that will impact everyone, including disadvantaged communities, tribes, the fishing community, our children and all future generations that already have so much to worry about. Let's give our youth hope for the future – an outcome we can all be proud of.

We expect the Board to represent all of the State's interests, protect all beneficial uses, and follow through on their legal mandate to restore the Bay-Delta ecosystem.

Submitting Comments

The deadline for submitting comments is January 19, 2024.

Comments can be emailed to: SacDeltaComments@waterboards.ca.gov
With the subject "**Comment Letter – Sacramento/Delta Draft Staff Report**"

Comments can be mailed to:
State Water Resources Control Board
Division of Water Rights
Attn: Bay-Delta & Hearings Branch
P.O. Box 100
Sacramento, CA 95812-2000

Getting Started

Personalize your comments. Who are you, and why do you care enough to write? Have you been following the Bay Delta Plan, and have you testified before the State Water Board in the past? Do you have personal observations to share about beneficial uses related to our rivers and the Bay-Delta (why are they important to you)?

The Bay-Delta Is an Ecosystem in Crisis

- Everyone acknowledges this, yet water agencies and the Newsom Administration want people to believe they have solutions that will "produce more fish with less water." Their Voluntary Agreements (VAs) are nothing new, and are destined to fail.
- The State Water Board is charged with restoring the Bay-Delta ecosystem, so decisions should be made based on legitimate science, not wishful thinking.
- Salmon populations are in such bad shape that the commercial fishing season had to be closed this year, and will likely be canceled again next year.

- Toxic algae blooms in the Delta that can make people sick and kill pets and wildlife have continued to get worse. They are caused by slow moving, warm, nutrient-rich water. The Delta needs more freshwater inflow.
- 6 species of fish are listed as endangered or threatened. The Bay Delta Plan needs to protect all of them.
- Some general facts about the Bay-Delta can be found [here](#).

Fish Need Water

- The State Water Board's 2010 [Flow Criteria Report](#) found that 75% of unimpaired flow on the Sacramento River and its tributaries, and 75% of unimpaired Delta outflow (water reaching the Bay) would be needed to protect the Bay-Delta ecosystem.
- In an average year, only 50% of the natural flow of our Central Valley rivers reaches the Bay. During droughts it can drop to 1/3. This has put the Bay-Delta in a perpetual state of drought.
- Non-flow measures, such as habitat restoration and invasive predator management, are important, but cannot substitute for higher flows. We need both. Non-flow measures have little impact on critical issues such as water temperature, floodplain inundation (creating habitat for baby fish), harmful algae blooms in the Delta, and water quality.
- The VAs would produce very little new water, and wouldn't even produce much new habitat, which is what they falsely claim is all that's needed.

The Voluntary Agreements (VAs) Are Destined to Fail

- Programs, such as CalFed, that focused almost exclusively on non-flow measures have all failed. The VAs would produce more of the same results. Here's a [good article](#) on why previous efforts to restore the Bay-Delta have failed.
- VAs were touted as expediting ecological improvements, but have achieved the opposite. They have only served as a delay tactic for incalcitrant water agencies.
- The VAs are a give-away of Public Trust water and public funding to water agencies that are legally obligated to keep fish populations in good condition, but have failed to do so.
- The VAs would only last eight years – less time than what it's taken to consider them.
- The VAs are so flawed that the few NGOs that were involved early on in the process dropped out. Not a single conservation, fishing, tribal or environmental justice group supports the VAs.
- The VAs do not include an adequate adaptive management plan (back-up plan if they fail). The Bay Delta Plan, on the other hand, could increase or decrease flow requirements based on whether biological goals are being met. The VAs are just a checklist.
- The VAs would not even meet the modest objectives of the proposed Bay Delta Plan, so consideration of them should be terminated immediately.

- Governor Newsom is the problem, pressuring the State Water Board to embrace the pathetic VAs.

Beneficial Uses and Public Trust Resources

- The Plan acknowledges the need for Tribal Beneficial Uses (TBU), but does not include a plan to protect them. California's water rights are inherently racist – See [this article](#).
- The Plan fails to protect beneficial uses related to fisheries, including commercial, subsistence, tribal and recreational fishing (perhaps one of these beneficial uses relates to you).
- The plan fails to protect water quality for other forms of recreation, such as swimming and boating.
- The plan is prejudicial toward agricultural interests at the expense of other beneficial uses. Agriculture uses 80% of CA's developed water, but only contributes 2% of California's GDP.
- Agricultural exports privatize water – a Public Trust resource that is supposed to belong to the people of California – making a small group rich at the expense of our ecosystems and low income communities.
- Agriculture wastes a lot of water and depletes groundwater because irrigation water is often too cheap to incentive innovation. We need to change the playing field to reward efficiency.