

BOARD of SUPERVISORS



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MEMORANDUM

TO: Harlan Kelly, Jr., General Manager, Public Utilities Commission
George Kostyrko, Director, Office of Public Affairs, California State Water Resources Control Board

FROM: Erica Major, Assistant Clerk
Land Use and Transportation Committee

DATE: October 19, 2018

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Peskin, on October 16, 2018:

File No. 181014

Resolution urging support of State Water Board proposed updates to the 2006 Bay-Delta Plan.

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: erica.major@sfgov.org.

c: Juliet Ellis, Public Utilities Commission
Donna Hood, Public Utilities Commission
John Scarpulla, Public Utilities Commission
Christopher Whitmore, Public Utilities Commission
Timothy Moran, California State Water Resources Control Board
Blair Robertson, California State Water Resources Control Board

1 [Urging Support of State Water Board Proposed Updates to the 2006 Bay-Delta Plan]

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3 **Resolution urging support of State Water Board proposed updates to the 2006 Bay-**
4 **Delta Plan.**

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6 WHEREAS, The San Francisco Bay/Sacramento-San Joaquin River Delta Estuary (the
7 “Bay-Delta Estuary”) is critical to the natural environment and economy of the State of
8 California, providing drinking water to two-thirds of the State’s population, supplying some of
9 the State’s most productive agricultural areas, and constituting one of the largest ecosystems
10 for fish and wildlife habitats and production in the United States; and

11 WHEREAS, The Water Quality Control Plan for the San Francisco Bay/Sacramento-
12 San Joaquin Delta Estuary (the “Bay-Delta Plan”) establishes beneficial uses of the Bay-Delta
13 Estuary and water quality objectives in furtherance of those beneficial uses; and

14 WHEREAS, The Porter-Cologne Act, also known as the California Water Code, was
15 established in 1969 and authorized the California State Water Board to create the Bay-Delta
16 Plan and issue updates to the Plan; and

17 WHEREAS, The State Water Board’s last amendments to the Bay-Delta Plan were
18 completed in 2006, and the most recent substantive changes to water quality objectives,
19 implementation program, and monitoring and special studies in the Bay-Delta Plan were
20 completed in 1995; and

21 WHEREAS, In 2009, California lawmakers passed Senate Bill 1, the Delta Reform Act,
22 which required State agencies to look at upstream river flows, or “flow criteria,” as part of a
23 more holistic approach to regulating the entire watershed; and

24 WHEREAS, Pursuant to the mandate of the 2009 Delta Reform Act, the State Water
25 Board adopted Resolution No. 2010-0039 approving its Final Report on Development of Flow

1 Criteria for the Sacramento-San Joaquin Delta Ecosystem, which found, based on the best
2 available science, that current flows are insufficient to protect public trust resources, and
3 suggested maintenance of 60% flow on the lower San Joaquin River during the months of
4 February through June in order to sufficiently protect Delta fisheries; and

5 WHEREAS, The current proposed update to the Bay-Delta Plan seeks to strike a
6 balance between multiple beneficial uses, including an update to San Joaquin River flow
7 objectives to both protect fish and wildlife beneficial uses and protect other agricultural and
8 urban beneficial uses; and

9 WHEREAS, In seeking this balance between various beneficial uses, the State Water
10 Board has recommended updating the Plan to require 40% unimpaired flow from each of the
11 Stanislaus, Tuolumne, and Merced Rivers from February through June in order to maintain
12 inflow conditions from the San Joaquin River watershed to the Delta sufficient to support and
13 maintain the natural production of viable native San Joaquin River watershed populations,
14 including maintenance of flows that more closely mimic the natural hydrographic conditions to
15 which native fish species are adapted; and

16 WHEREAS, The State Water Board's recommended 40% unimpaired flow is well
17 below the recommended flow set forth in its 2010 study, which suggested a 60% flow
18 assuming that natural variable system preservation and fishery protection were the primary
19 purposes for which its waters were put to beneficial use; and

20 WHEREAS, Seeking to balance both the health of the environment and the needs of
21 farms and cities, the Plan also provides for flexibility through "adaptive implementation" which
22 optimizes flows to achieve the aforementioned objectives while allowing consideration of other
23 beneficial uses, provided that those considerations do not reduce intended benefits to fish and
24 wildlife; and

1 WHEREAS, Modeling demonstrates that the San Francisco Public Utilities Commission
2 could manage the past 100-year hydrologic cycle, including the 1987-1992 drought of record,
3 with the revised Bay-Delta Plan in place; and

4 WHEREAS, In recent years, up to 90% of the water has been taken out of the San
5 Joaquin River, causing salmon populations to plummet from approximately 70,000 Chinook
6 salmon in 1984 to just 8,000 in 2014; and

7 WHEREAS, The National Wildlife Federation classifies Chinook salmon as an
8 important keystone species of the region, a vital food source for a diversity of wildlife including
9 orcas, bears, seals and large birds of prey, and a proverbial “canary in the coalmine” relative
10 to the impact of climate change on the health of regional ecosystems; and

11 WHEREAS, In 2016, then-presumptive Republican presidential nominee Donald Trump
12 told California voters at a Fresno rally, “There is no drought” – in spite of concurrent NIDIS
13 evidence that approximately 60% of the state was experiencing “severe drought” conditions –
14 and further stated, “We’re going to solve your water problem”; and

15 WHEREAS, Since President Trump’s election, his administration has re-doubled its
16 efforts to oppose the State Water Board’s Bay-Delta Plan update, including a July 2018 visit
17 by Secretary of the Interior Ryan Zinke to two reservoirs in the Northern San Joaquin Valley
18 with Congressional Representative Jeff Denham (R-Turlock), who has introduced
19 amendments in the House of Representatives to block the state’s “water grab”; and

20 WHEREAS, Under the cloud of climate change denial and anti-science populism, the
21 debate around the Bay-Delta Plan has transcended the realm of rational, environmental
22 discourse toward a political and populist, anti-conservation rally cry, fueled by the strategic
23 lobbying of a federal Republican administration aiming to destabilize California’s status as a
24 Democratic stronghold; now, therefore, be it

1 RESOLVED, That the City and County of San Francisco supports the California State
2 Water Board's pending update to the December 13, 2006, Water Quality Control Plan for the
3 San Francisco Bay/Sacramento-San Joaquin Delta Estuary, including the recommended
4 increase to 40% unimpaired flows in the San Joaquin River and its three major tributaries
5 between the months of February and June each year; and, be it

6 FURTHER RESOLVED, That the City and County of San Francisco forward this
7 Resolution to the San Francisco Public Utilities Commission, California State Water Board,
8 and each of its elected State and Federal representatives.

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