

1 [Urging the San Francisco Public Utilities Commission to Reach a Voluntary Agreement  
2 Regarding the Bay-Delta Plan]

3 **Resolution urging the San Francisco Public Utilities Commission, the State of**  
4 **California, and the California State Water Resources Control Board, to redouble their**  
5 **efforts to reach a voluntary agreement regarding the Bay-Delta Plan.**

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

12 WHEREAS, The Tuolumne River, which flows into the Bay Delta Estuary, is the  
13 primary water source for more than 2.7 million people in the Bay Area via the San Francisco  
14 Public Utilities Commission (SFPUC); and

15 WHEREAS, In 2018, the San Francisco Board of Supervisors unanimously passed a  
16 Resolution urging the State Water Resources Control Board (the “State Water Board”) to act  
17 to adopt its proposed update to the 2006 Water Quality Control Plan to, among other things,  
18 require 40% unimpaired flows from each of the Stanislaus, Tuolumne, and Merced Rivers  
19 during the months of February through June “in order to maintain inflow conditions ...  
20 sufficient to support and maintain the natural production of viable native San Joaquin River  
21 watershed populations, including maintenance of flows that more closely mimic the natural  
22 hydrographic conditions to which native fish species are adapted;” and

23 WHEREAS, In December 2018, through State Water Board Resolution No. 2018-0059,  
24 the State Water Board amended the Water Quality Control Plan for the San Francisco  
25 Bay/Sacramento-San Joaquin Delta Estuary (the “Bay-Delta Plan”), and on February 25,

1 2019, the Office of Administrative Law approved the Bay-Delta Plan amendments, which are  
2 now in effect; and

3 WHEREAS, The amended Bay-Delta Plan provided for additional flexibility through  
4 “adaptive management” which optimizes flows to achieve environmental objectives and to  
5 encourage voluntary agreements, including commitments to meet flow requirements and  
6 undertake non-flow actions; and

7 WHEREAS, In the years leading up to the State Water Board’s action, up to 90% of flows  
8 had been diverted from the San Joaquin River, causing salmon populations to plummet from  
9 approximately 70,000 Chinook salmon in 1984 to just 8,000 in 2014; and

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

14 WHEREAS, Since the State Water Board, the Bay Delta Plan calling for 40% natural  
15 flows, allowing 60% to go to cities and farms, has not been enforced, as San Francisco and  
16 other irrigation districts have sought to undermine the State Water Board’s 2018 Update to the  
17 Bay-Delta Plan, and as a result the Bay-Delta Estuary has continued down a path toward  
18 complete ecological collapse; and

19 WHEREAS, Despite the unanimously-adopted position of the San Francisco Board of  
20 Supervisors, last week the San Francisco Public Utilities Commission unilaterally proceeded  
21 with renewed litigation in the Superior Court of the State of California, County of Tuolumne,  
22 against the California State Water Resources Control Board, which threatens to further divide  
23 parties and impair implementation of the 2018 Update to the Bay-Delta Plan; and

24 WHEREAS, Despite the magnitude and complexity of the issues involved, the San  
25 Francisco Public Utilities Commission proceeded with litigation without holding a single public

1 hearing on the underlying issues and without notice to legislative policymakers who had  
2 recently and formally weighed in on said issues; and

3 WHEREAS, The SFPUC's recent action coincides with ongoing revelations in a public  
4 corruption scandal that have resulted in the resignation of and federal charges against the  
5 General Manager of the SFPUC, leaving the SFPUC with interim leadership; now, therefore,  
6 be it

7 RESOLVED, That the Board of Supervisors of the City and County of San Francisco  
8 reiterates its support for the 2018 Update to the Bay-Delta Plan and calls on the San  
9 Francisco Public Utilities Commission, the State of California, and the State Water Resources  
10 Board, to redouble the efforts to reach a voluntary agreement which would allow for deliberate  
11 public engagement on the underlying issues and negotiation among the interested parties, to  
12 obviate the need for further litigation.

13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25