



Key Environmental and Fishing Concerns with the 2020 Voluntary Agreement Framework

Our organizations are committed to restoring the health of the San Francisco Bay-Delta. Unsustainable water diversions have greatly reduced flows in the rivers that would naturally flow into and through the Delta, devastating native salmon runs, threatening thousands of fishing jobs, and potentially driving several native fish species extinct. Climate change is worsening these challenges.

State officials recently released a framework for a new set of proposed voluntary agreements (VA) for the Bay-Delta. Although essential details have not been made public, our organizations are deeply concerned that the proposal fails to protect water quality in the estuary, our native fish and wildlife, and the jobs and communities that depend on a healthy watershed. **Based on our current understanding of the proposal, we cannot support it.**

Below are key concerns about the proposal:

The VA Appears to Require Weakening Existing Protections for Endangered Species. In 2019, the Trump Administration gutted protections for salmon and other endangered species in the Bay-Delta, and the California Department of Water Resources has proposed very similar rollbacks of environmental protections for the State Water Project (SWP). While the VA does not identify operating rules for the SWP and federal Central Valley Project, water contractors have made clear that they will only agree to a VA if the state weakens its California Endangered Species Act protections for salmon and other endangered fish and leaves the Trump rollbacks in place. A VA built upon weakening protections for endangered species would likely lead to extinction and devastate California's salmon fishing industry.

The VA Delays Achieving Salmon Doubling for Several More Decades and Weakens Water Quality Standards. The VA framework redefines the legal requirements of the Bay-Delta Plan to make them less protective of fish and wildlife. It delays salmon doubling – first intended to be achieved in 2002 – until

2050 and seems to embrace a scientifically invalid description of viable native fish populations. It also appears to lack previously-proposed standards to regulate water temperatures to protect salmon upstream of the Delta.

The VA does not Provide Adequate Flows for a Healthy Bay-Delta. Decades of scientific evidence, including numerous recent studies, shows that restoring water quality and vibrant fisheries will require major increases in the volume of fresh water that reaches San Francisco Bay. On average, more than 50% of the flow from Central Valley rivers is diverted away. The VA framework does not include enough flow to meaningfully improve water quality or native fish populations, and it proposes dramatically less flow than the State Water Resources Control Board (SWRCB) required and/or recommended in 2018. Further, the VA framework does not appear to protect against new diversions (e.g., from the Trump Administration’s Delta pumping or new reservoirs), so the framework could result in even less environmental water than today.

The VA’s Proposed Habitat Restoration is Not a Substitute for Adequate Flows. Our organizations strongly support habitat restoration as a complement to adequate instream flows—but not at the expense of essential protections for water quality and endangered species. Existing habitat restoration requirements are years behind schedule, and any benefits of habitat restoration work promised in the VA likely will take years or decades to emerge. Habitat restoration can and should happen without a flawed VA.

The VA Appears to Lack Essential Legal Safeguards. Thus far, the State has failed to require the VA parties to commit to essential legal safeguards like numeric water quality standards, meaningful SWRCB authority to make changes if necessary, clear measures to enforce the VA’s requirements, and backstop protections that are activated if a party leaves the deal and at the end of the agreement’s term. It also appears to take power away from the SWRCB, limiting its ability to protect the Bay-Delta for decades to come.

The need for new water quality protections for the Bay-Delta is urgent, and our organizations strongly support a scientifically-sound, public process at the SWRCB to improve conditions in San Francisco Bay and its watershed. Rather than focusing efforts on negotiating a Voluntary Agreement that provides inadequate environmental protections for the Bay-Delta, we urge the State to pair stronger, science-based Bay-Delta flow requirements with investments in local and regional water supplies to create a more climate-resilient future with reduced reliance on the Delta.