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Via email: [LSJR-SD-Comments@waterboards.ca.gov](mailto:LSJR-SD-Comments@waterboards.ca.gov)

July 27, 2018

Jeanine Townsend  
 Clerk to the Board  
 State Water Resources Control Board  
 1001 I Street, 24th Floor  
 Sacramento, CA 95814

**Subject: Comment Letter—Revisions to Proposed Bay-Delta Plan Amendments**

Dear Ms. Townsend:

Restore the Delta advocates for local Delta stakeholders to ensure that they have a direct impact on water management decisions affecting the water quality and well-being of their communities, and water sustainability policies for all Californians. We work through public education and outreach so that all Californians recognize the Sacramento-San Joaquin Delta as part of California's natural heritage, deserving of protection and restoration. We fight for a Delta whose waters are fishable, swimmable, drinkable, and farmable, supporting the health of the San Francisco Bay-Delta Estuary, and the ocean beyond. Our coalition envisions the Sacramento-San Joaquin Delta as a place where a vibrant local economy, tourism, recreation, farming, wildlife, and fisheries thrive as a result of resident efforts to protect our waterway commons.

We comment on the above-mentioned revisions to the proposed Phase 1 Bay-Delta Plan amendments (amendments to the 2006 Bay-Delta Water Quality Control Plan for San Joaquin River Flow Objectives and Interior South Delta Salinity Objectives to be more precise). We previously commented to the State Water Resources Control Board (SWRCB) on March 16, 2017. We incorporate our comments from that letter into this present letter, as we see little in the Draft Final document that has changed in response to our previous comments. We continue to find that SWRCB adheres to its "mixed messages" concerning the Delta tunnels project (known to others as "California WaterFix") by putting forward increased San Joaquin River flows with relaxed south

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Delta salinity objectives both of which would realize the future foretold in the source-water fingerprint modeling done for the tunnels project of increased San Joaquin flow lacking further control on San Joaquin pollutant discharges that make that river's water less desirable for export or for contribution to outflow. The Board has continued to bifurcate the lower three tributaries from the upper San Joaquin upstream of the Merced confluence. It is much simpler and more direct to just state "the purpose of these flow objectives is to ensure that increased San Joaquin River inflow contributes drop for drop to Delta outflow, and is not available for export" but no such succinct statement appears in the final draft. The language of the second paragraph on page 29 of Appendix K is laden with legalese that obfuscates its seeming good intentions. We continue to regard the Board's proposal on San Joaquin inflow as weak tea. In light of the present Change Petition proceeding on the tunnels project, we do not find it reassuring that the Board may further consider and reallocate responsibility for contributing to Delta outflow in a water right proceeding, since such a proceeding could go either way depending on evidence received and weighed by some future board.

We continue to find no reference to or incorporation of key state water policies applicable to the Delta nor any findings by the SWRCB demonstrating that the Phase 1 final draft complies with these policies and how-so.

We continue to find no reference to the SWRCB obligation under state law to make findings or provide analysis for the final draft's compliance with statewide environmental justice, human right to water, and new beneficial uses relating to tribal cultural, tribal subsistence fishing, and general subsistence fishing beneficial uses.

We continue to find that the SWRCB fails to justify relaxation of the interior South Delta salinity objectives. Retaining the salinity objectives of the 1995 water quality control plan would protect both the area's farms and the river path for young salmon swimming to the Pacific Ocean. Area farms provide important farm employment for many members of Delta and Stockton environmental justice communities. Salmon are a key resource for commercial and sport fishing, and a way of life for many northern California Indian tribes. Salmon at risk of extinction now is an environmental justice issue for these tribes and for all people who fish for their subsistence in the Delta and along these rivers. The bodies of returning salmon contribute to the health of our watersheds, economies, our farms, and to environmental justice communities.

We recognize that the SWRCB has a difficult task balancing competing needs for lower San Joaquin River flows in an oversubscribed system. However, the SWRCB decided in 2009 not to bring the upper San Joaquin River water users into this process. This action was not caused by Delta residents or resources. We urge those Stanislaus, Tuolumne, and Merced River water users who are expected to contribute tributary flows under this plan to remember how the Phase 1 Plan's distribution of sacrifice came about—and that they remember not to blame migrating salmon who long predate our all-too-human politics in this watershed.

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Thank you for the opportunity to comment on these Phase 1 Bay-Delta Plan amendments.

Sincerely,



Barbara Barrigan-Parrilla  
Executive Director



Tim Stroshane  
Policy Analyst

**For immediate release: July 27, 2018****Contact:**

Barbara Barrigan-Parrilla, Executive Director, Restore the Delta, 209-479-2053,

[barbara@restorethedelta.org](mailto:barbara@restorethedelta.org)

Tim Strohane, Policy Analyst, Restore the Delta, 510-847-7556, [tim@restorethedelta.org](mailto:tim@restorethedelta.org)

**Restore the Delta Submits Comments on Bay-Delta Plan Updates;  
SWRCB Prohibits Discussion of Plan Updates at WaterFix Hearing**

**STOCKTON, CA** – Today, Restore the Delta submitted their comments regarding the proposed updates to the Bay-Delta Water Quality Control Plan in a [letter](#) to the State Water Resources Control Board (SWRCB).

As outlined in their recent [policy statement](#) on the Water Quality Control Plan, Restore the Delta maintains that the Plan does not examine water quality impacts on the Delta's environmental justice community, nor does it protect salinity standards for south Delta agriculture. In addition, the Plan fails to establish the 50-60 percent flow criteria needed for salmon population and habitat restoration in the San Joaquin River and its tributaries. Finally, the Plan does not guarantee that new inflows to the Delta will not be exported to south of Delta customers; nor does it guarantee that these through-Delta flows will be used for San Francisco Bay outflow.

The SWRCB will close their public comment period for Phase I of the Water Quality Control Plan by the end of today (July 27) and will deliberate the adoption of the proposed Phase I Plan amendments at its public meetings on August 21 and August 22.

As the Board begins their review and response period of these comments on the Plan, the Board will also resume the change petition hearing for the Delta tunnels project, also known as the "California WaterFix" on August 2.

However, the CA WaterFix hearing team claimed that, "The merits of the WaterFix project, however, are not related to the Board's consideration of the proposed Bay-Delta Plan amendments and are not appropriate topics of discussion at the Board meeting," in an email sent to the tunnels hearing service list on Wednesday, July 25, ultimately restricting the discussion of the Plan updates during this stage of the hearing.

**Policy Analyst for Restore the Delta and author of the comment letter, Tim Strohane said,** "Long-awaited updates to Plans like this one [Bay-Delta Water Quality Control Plan] should be completed before projects like the Governor's 'California WaterFix' tunnels break ground, but the Governor would never let that happen. His tunnels, the proverbial elephant in the room, dictate the Plan and its updates. But the Board has not and will not allow any public comments on WaterFix related to the Plan because the Board cannot violate ex parte communications rules for the project's water rights hearing; ironically, the WaterFix project will undo the Board's ultimate plan to revive salmon populations. The Governor forced the Board into this predicament. If the Board has an endgame for this catch-22 world in the Delta, they won't or can't say what it is."

Yesterday, Restore the Delta signed on to a comment [letter](#) written and submitted by The Bay Institute and Friends of the San Francisco Estuary on behalf of a coalition of 58 environmental, tribal, fishing, Delta, and business communities invested in healthy Central Valley Rivers and a thriving San Francisco Bay Estuary, including the Sacramento-San Joaquin River Delta.

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**From:** Barbara Barrigan-Parrilla <barbara@restorethedelta.org>  
**Sent:** Friday, July 27, 2018 9:32 AM  
**To:** Patricia Schifferle; WQCP1Comments  
**Cc:** LSJR-SD-Comments@waterboards.ca.gov; dwr@waterboards.ca.gov  
**Subject:** Re: Comment Letter - Revisions to Proposed Bay-Delta Plan Amendments.  
**Attachments:** RTD Comment letter on Bay Delta Plan Updates Final (1) (1).docx  
**Categories:** Yellow Category, Red Category

On Fri, Jul 27, 2018 at 9:28 AM, Patricia Schifferle <[pacificadvocates@hotmail.com](mailto:pacificadvocates@hotmail.com)> wrote:

Dear Ms Jeanine Townsend, Clerk to the Board

Please find attached comments regarding revisions to the Proposed Bay-Delta Plan Amendments due by noon today.

Please confirm receipt.

Regards,

Patricia Schifferle

*Patricia Schifferle*

Director

530 550 0219 v



*Pacific Advocates*

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