

# PROPOSED VOLUNTARY AGREEMENT IS A BAD DEAL FOR CALIFORNIA

**THE VOLUNTARY AGREEMENT (VA)** California state officials proposed for the San Francisco Bay-Delta estuary in February 2020 would fail to protect and restore populations of salmon and other endangered fish, thousands of west coast fishing jobs and water quality for Delta communities that are threatened by harmful algal blooms.

Despite years of negotiations with the Trump administration and water districts, key aspects of the proposal remain unresolved and uncertainty over water project operations makes any deal impossible in the near-term. Although the VA lacks critical details and cannot realistically attain the support it needs, it is blocking the adoption of updated water quality protections for the Bay-Delta by the State Water Resources Control Board (SWRCB). Meanwhile, the Bay-Delta continues to decline.

To safeguard water quality and prevent our native fish from being driven extinct, the Water Board must act *now* to adopt a scientifically credible plan for the Bay-Delta estuary.

## Key flaws in the Proposed Voluntary Agreement

### 1. Deprives fish and wildlife of essential freshwater flows.

The scientific record clearly shows that river flows provided by



CALIFORNIA DEPARTMENT OF WATER RESOURCES/PAUL HAMES

**Aerial view of Delta farmland and waterways**

the VA would be inadequate to prevent decline of—much less restore—native fish and wildlife species in the Bay-Delta and its tributary rivers. The flow of fresh water largely determines the survival and abundance of native fish throughout the watershed.

Victims of inadequate flows include California’s prized chinook salmon, which need sufficient flows in winter and spring to migrate down the Sacramento, Tuolumne and other rivers and out to sea. Increasing the amount of flow to the San Francisco Bay, particularly in the winter and spring months, is also critical for longfin smelt and other fish that are an important part of the estuary’s food web.

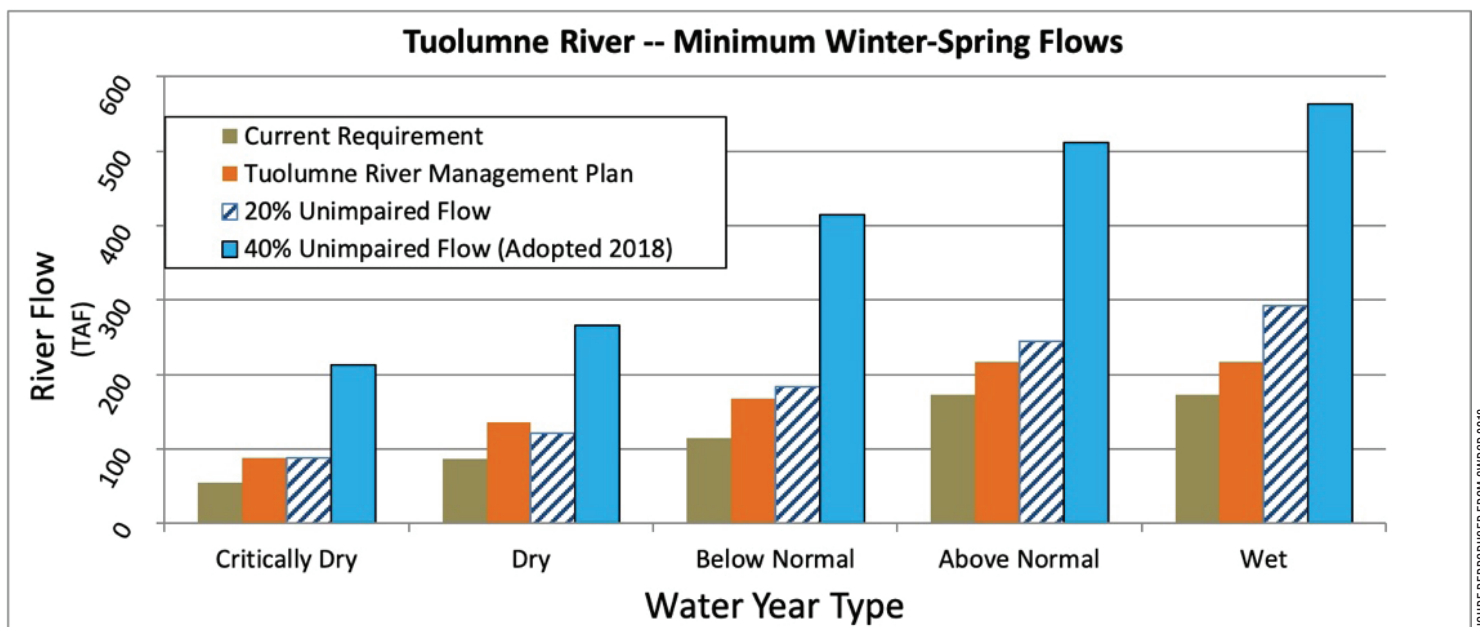


FIGURE REPRODUCED FROM SWRCB 2018

Minimum Tuolumne River flows required currently vs. new 2018 water quality objectives vs. those described in the Tuolumne River Management Plan (TRMP). TRMP flows approximate those in the Tuolumne VA.

## 2. Ignores science and focuses on strategies destined for failure.

In contrast to the strong scientific support for increased flow volume and more natural flow timing, the VA emphasizes habitat restoration and predator control even though these approaches are unproven, expensive and/or highly unlikely to benefit vulnerable fish populations without better flow conditions. Recent scientific studies demonstrate that habitat restoration in the Delta will be ineffective without significant increases in river flow into and through the Delta. Similarly, numerous scientific studies show that predator control would not meaningfully improve survival of salmon or other native fish.

## 3. Fails to protect water quality for Delta communities.

Increasingly frequent outbreaks of harmful algal blooms near Stockton highlight the risks posed by inadequate flows and water quality standards. The VA fails to include measures to ensure safe water quality for Delta communities, particularly disadvantaged communities, and future generations.

## 4. Lacks a comprehensive approach.

In 2018, SWRCB proposed a comprehensive, enforceable framework to protect the Bay-Delta and its watershed. It included standards for water temperatures below upstream dams, restrictions on Delta water exports, operations to protect fish and wildlife and other measures. In contrast, the VA does not include any restrictions on the operations of the big water projects that control upstream dams and the huge pumps in the Delta, ignores some rivers entirely, lacks



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## Fishing boats in Fort Bragg, California

mechanisms for effective enforcement and could revert back to the outdated 1995 water quality standards in 15 years.

## 5. Fails to protect communities or the environment, particularly during droughts.

During the most recent drought, the state waived water quality standards that were specifically designed to protect fish and farms in dry periods. The Bureau of Reclamation also killed most of the endangered salmon below Shasta Dam by releasing water that was too hot for salmon eggs.

More droughts are coming, but the VA doubles down on the approach that failed in the last drought, which is a recipe for disaster.

## SWRCB Must Act Now to Adopt Scientifically Credible Standards

In violation of the requirements of state and federal law, SWRCB has not meaningfully updated and implemented water quality protections since 1995. This quarter century of inaction has driven many native fish and wildlife to the brink of extinction. The salmon fishery was completely closed in 2008 and 2009, resulting in devastating impacts to fishing jobs and communities. **Increasing flows to the Bay is necessary to protect native fish and wildlife, thousands of fishing jobs and the families they support and water quality for farms and Delta communities.** California can increase flows to protect the environment *and* sustain the economy through job-creating investments in local and regional water supply solutions like water recycling, improved water use efficiency on farms and in cities, and urban stormwater capture.



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## Harmful algal bloom, Stockton, California, August 2020