

# CALIFORNIA LEGISLATURE

STATE CAPITOL  
SACRAMENTO, CALIFORNIA  
95814

October 3, 2016

Felicia Marcus, California WaterFix Project Co-Hearing Officer  
Tam Doduc, California WaterFix Project Co-Hearing Officer  
State Water Resources Control Board  
1001 I Street  
Sacramento, CA 95814

Dear Ms. Marcus and Ms. Doduc:

As representatives of California's Sacramento-San Joaquin-San Francisco Bay Delta communities, we would like to register our strong opposition to the Petition for Change in Water Rights that has been submitted by the Department of Water Resources and the U.S. Bureau of Reclamation. The petition seeks to add three new points of water diversion to specified water rights permits for the State Water Project and the Central Valley Project associated with the California WaterFix Project. These diversions will cause catastrophic damage to the environment and economy of the Delta region and the entire San Francisco Bay Region, and should not be approved.

The Delta Reform Act of 2009 created the co-equal goals of ensuring a reliable water supply for California while protecting and enhancing the Delta ecosystem--with the ultimate aim of reducing reliance on the Delta in meeting California's future waters supply needs. The Delta Reform Act also established that these coequal goals be achieved while protecting and enhancing the unique cultural, recreational, natural resource, and agricultural values of the Delta.

While the Bay Delta Conservation Plan and its successor project, the California WaterFix, claim their efforts serve to restore the fragile Delta ecosystem, the proposed WaterFix does nothing to achieve the goals of the 2009 legislative package that established the Delta Reform Act. In fact, the proposed project will likely lead to the catastrophic degradation of the California Delta ecosystem if permitted to proceed.

Current water quality standards are already failing to protect fish and wildlife and other beneficial uses of the estuary's water. There is scientific evidence that insufficient freshwater

flows and inadequate water quality are primary drivers of the long-term degradation of ecological conditions in the Bay-Delta estuary. The amount of freshwater entering the San Francisco Bay has significantly decreased due to diversion, leading to diminished populations of fish and wildlife and reduced water quality in the Bay. The reduction in fresh water flows is also leading to the spread of invasive species such as the water hyacinth, as well as increases in toxic algal blooms, which produce neurotoxins and cyanobacteria that poison wildlife and can be harmful to human health.

Contrary to its name, the WaterFix would only exacerbate conditions in the Delta by diverting up to two-thirds of the Sacramento River, leading to increased salinity and contributing to further declines in fish, birds, and other wildlife in the Delta.

Reduced freshwater resulting from the project will have a domino effect on the Delta's unique food-web, putting hundreds of plant and wildlife species at risk—including the critically endangered Delta Smelt, and the endangered Chinook salmon and the Greater Sandhill Crane—at risk of extinction due to diminished food supply and habitat loss. Even ocean wildlife such as the South Pacific Puget Sound Orca Whales that depend on migrating Delta species could face endangerment.

The WaterFix not only poses serious threats to the Delta's environment, but will also affect the Delta's \$5.2 billion agricultural economy. Farmers cannot irrigate crops with salt water and they certainly cannot plant crops in contaminated soils resulting from salinity intrusion. Generations of family farms and farm workers, and ancillary businesses, could be devastated.

Delta and Coastal fisheries, which are dependent on thriving wildlife, are also at risk. This iconic industry is worth billions annually, with the salmon industry worth \$1.5 billion annually alone. Increased contaminants and loss of fish populations resulting from the WaterFix not only threaten the thousands of jobs and livelihoods tied to these industries, but the food security of low-income communities that depend on subsistence fishing.

Additionally, construction and operation of the proposed project will decimate the Delta's \$750 million recreation and tourism economy for years to come by obstructing and disabling navigable water ways for boating, marinas, and other types of leisure activities.

In addition to all of these credible impacts, there is wide ranging concern that the science used to justify the WaterFix is highly flawed. Virtually every scientific panel that has reviewed the environmental documents for the Delta Tunnels plan, ranging from the Delta Independent Science Board to federal Environmental Protection Agency scientists, has strongly criticized the badly flawed "science" the project is based upon. The EPA released a statement on August 30, 2014 that operating the proposed conveyance facilities "would contribute to increased and persistent violations of water quality standards in the Delta, set under the Clean Water Act," and that the tunnels "would not protect beneficial uses for aquatic life, thereby violating the Clean Water Act."

Furthermore, it should be noted that the SWRCB decision on the Tunnels permit is coming before the SWRCB updates the Bay Delta Water Quality Control Plan, and these flow and water quality standards are woefully out-of-date. The Water Quality Control Plan should be updated

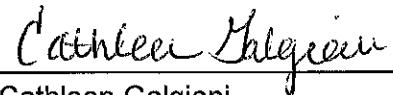
before any approval of WaterFix permits which will allow the Board to evaluate whether a new conveyance actually makes sense given stronger standards requiring more water flow into the Delta.

The WaterFix project fixes nothing, failing to achieve the objectives laid out by the Delta Reform Act. This proposal will not provide any increase in water supply, and will cause serious and potentially irreparable harm to the Delta's precious and fragile ecosystem, as well as its communities and economy. For these reasons, we encourage you to deny the water rights petition before you.

Sincerely,



Lois Wolk  
State Senator, 3<sup>rd</sup> District



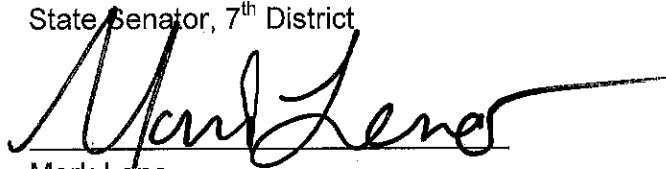
Cathleen Galgiani  
State Senator, 5<sup>th</sup> District



Steven M. Glazer  
State Senator, 7<sup>th</sup> District



Loni Hancock  
State Senator, 9<sup>th</sup> District



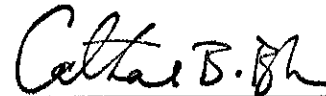
Mark Leno  
State Senator, 11<sup>th</sup> District



Dr. Richard Pan  
State Senator, 6<sup>th</sup> District



Bob Wieckowski  
State Senator, 10<sup>th</sup> District



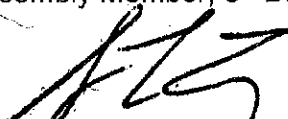
Catherine B. Baker  
Assembly Member, 16<sup>th</sup> District



Ken Cooley  
Assembly Member, 8<sup>th</sup> District



Bill Dodd  
Assembly Member, 4<sup>th</sup> District



Susan T. Eggman  
Assembly Member, 13<sup>th</sup> District



Jerry Hill  
State Senator, 13<sup>th</sup> District