



# Threats to the Bay-Delta: Underappreciated and Overused

Central Valley farmers, State Water Contractors, and Metropolitan Water District have for decades pressed for increasingly more water to be diverted from the Delta and sent south. This coalition is heavily involved in three ongoing issues that critically threaten the Delta ecosystem: voluntary agreements as an alternative to the Bay-Delta Water Quality Control Plan; federal junk science and state capitulation via the Department of Interior's so-called biological opinion; and the proposed single tunnel project.



## Voluntary Agreements

The voluntary agreements (VAs) are unenforceable agreements among state officials, water suppliers and purveyors, and a few NGOs that will set alternative flow requirements to those set by the 2018 Update to the Bay-Delta Water Quality Control Plan (2018 Update). This is a policy set by the State Water Board regulating water quality and flow standards for the Bay-Delta developed in four phases.

Phase 1 of the 2018 Update was adopted in December in 2018 and set new water quality standards in three tributaries of the San Joaquin River, requiring more water to flow through the south Delta ecosystem and reducing the amount of water that can be diverted and exported. Unfortunately, the Board has put off full implementa-

tion of Phase 1 pending a final VA package proposal that sets comparable flow requirements.

Over the past year it has become increasingly evident that the proposed final VA package will be in no way comparable to the Phase 1 standards. Letters and statements from NGO groups participating in the process and preliminary reports from the state show that the proposal would actually require less flows than both the Phase 1 requirements and what is currently required by law. And a determination of the VAs enforceability has yet to be made.

In sum, the anticipated final VA proposal would greatly benefit water exports and substantially harm the Delta ecosystem and its residents even more than what is currently happening.

## Federal Junk Science and State Capitulation

In October 2019, the federal U.S. Fish and Wildlife Service (FWS) and National Marine Fisheries Service (NMFS) issued new biological opinions (biops) that govern water movement and exports through the Delta based on life cycles and locations of endangered fish species. These new biops increase water diversions and weaken or eliminate protections for salmon and other endangered species.

The biops are the product of doctored science and reek of political interference. Prior to the 2016 election, state and federal agencies prepared to strengthen the previous biops released in 2008-09 and require more protections to prevent extinction. And in January 2017 NMFS proposed actions to increase protections. But upon installation of former Westlands Water District lobbyist David Bernhardt (who champions diversions and exports) as Secretary of the Department of Interior, the federal agencies reversed course, reassigned the scientists working on the biops to a different division, and directed these scientists to author biops that will decrease flows in the Delta and maximize water exports for agricultural irrigation.

On the heels of this action, the California Department of Water Resources released a document proposing new rules for operations of the State Water Project in the Delta that were eerily similar to the federal biops. Specifically, these rules propose increasing freshwater exports, reducing flows through the estuary, and weakening protections for salmon and other imperiled fish.



## Single Tunnel Project

It is important to emphasize that the VA process and the biops debacle are not happening in a vacuum and without a grander plan: diverters and water users are seeking to obtain more diversions from the Delta. One way to do that, in their estimation—and particularly the estimation of the Metropolitan Water District—is to construct a single underground tunnel to divert millions of acre-feet of freshwater that would otherwise flow naturally through the Bay-Delta. In his 2019 State of the State address, Governor Gavin Newsom announced his support for this idea.

To this end, in January 2020, DWR released a Notice of Preparation, initiating the preparation of an Environmental Impact Report (EIR) for the single tunnel project. According to the document, the agency is considering a tunnel that would divert flows up to 6,000 cubic feet per second (cfs) from the Sacramento River. DWR is also considering alternative projects with capacities ranging from 3,000 cfs to 7,500 cfs.

And while the exact cost of a single tunnel project is unknown, proponents have estimated it will cost at least \$11 billion, although most environmentalists and independent analysts anticipate it would cost much more when overruns and interest are calculated. That cost will inevitably fall on ratepayers in Southern California where a key water wholesaler, the Metropolitan Water District, is the lead proponent of the project.

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