

# A Greenwashed Hoax



## The “Healthy Rivers and Landscapes” Approach

### The Crisis in the Delta

In 2018, the State Water Resources Control Board (“SWRCB” or “the Board”) finalized crucial updates to the Bay Delta Water Quality Control Plan (“the Bay Delta Plan”) for the first time in more than 20 years which would keep water in the San Francisco Bay Delta. Now, seven years later and to the detriment of the entire Delta ecosystem, the Board has not implemented any of these updates. As the California Natural Resource Agency (“CNRA”) admits, “science is clear that both adequate river flows and habitat are necessary to recover fish populations.”



**3+ Years**

The longest lasting moratorium on Chinook Salmon fishing in history

Instead of heeding their own advice and increasing freshwater flows, the Bay Delta Plan has gone completely unimplemented. Meanwhile, a total moratorium on Chinook salmon fishing extends into its third year because the essential flow conditions have not been met for salmon populations and Delta smelt have been declared functionally extinct. Rather than increasing flows, the Newsom administration, CNRA, and water agencies across the state have banded together to **WEAKEN** the robust regulatory updates adopted in 2018.

### The Healthy Rivers and Landscapes Approach

Also known as Voluntary Agreements (VAs), the HRLA is the Newsom Administration’s greenwashed plan to let water diverters take control of ecosystem protection at the regulatory level.

#### The Inception of the HRLA...

In 2022, a consortium of water diverters and state and federal entities drafted a memorandum outlining their goals for the VAs that, as they admit, “would restore significantly less flow than the State Water Board’s flow criteria and scientific basis reports indicate is necessary” to protect fish populations

#### Shutting out Tribes and Environmentalists

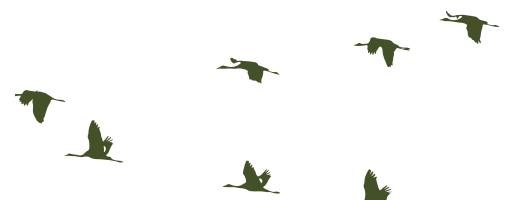
While CNRA initially attempted to include Tribes and environmental orgs in early negotiations, these crucial stakeholders abandoned the process because of a hostile environment where they were “wholly shut out of the conversation,” with confidentiality agreements that “shielded the negotiations from public input and shrouded them in secrecy.”



*The San Francisco-San Joaquin Bay Delta Estuary*

#### A Helpful Analogy

The VAs are inadequate agreements made by the very agencies that use and profit off of water extraction. As Doug Obegi, former staff attorney at NRDC argues, the VA process is tantamount to “the State of California proposing to eliminate existing air quality regulations that protect public health and instead exclusively negotiating voluntary agreements with industry over how much air pollution to allow in your community.”



## How do the HRLA Voluntary Agreements work?

→ The goals of the HRLA are incredibly unambitious and do not meet the minimum flow criteria for which ecologists have advocated for years. In fact, during dry years, the VAs will add no new water to many of the Sacramento and San Joaquin river systems' parched tributaries. Worst of all, the VAs use water diverters' voluntary contributions as cover to erode the Bay Delta Plan's protections for existing river water from future diversions.

→ As it stands currently, water diverters pledge "flow contributions" that they would normally divert for usage but will voluntarily leave in depleted rivers for ecological benefits. The additional flow contributions represent the only water that diverters commit to leaving in these ailing ecosystems. This means that all existing flows - the water that is currently flowing through the Delta's depleted rivers and tributaries known as "reference flows" - are subject to future diversion and are not legally protected.

→ Not only do Voluntary Agreements fail to materially increase water inflows for the collapsing ecosystems in dire need of freshwater, they also imperil the little remaining water flowing through the Delta by compromising the Bay-Delta Plan and opting for weaker protections.

## Unimpaired Flows

Sierra Club is a strong proponent of a comprehensive update to the Bay-Delta Plan and implementation of the **Unimpaired Flows Approach**, because it is the only plan that gives the Delta and its endangered inhabitants a fighting chance at recovery.

### No more parched rivers

The Unimpaired Flows Approach requires water users to leave 40% of water flows in the San Joaquin river ecosystem and its tributaries between February and June annually, to support fish migration and rearing and combat salinity intrusion.

### A science-backed plan

The Unimpaired Flows Approach is based in empirical, science-backed understandings of ecological conditions and centers Tribal input, community engagement, and transparency in the drafting and implementation of the Plan.



*Winnemem Wintu Tribe of Northern California*

### Strict regulations for a dire emergency

A Bay-Delta Plan that centers Unimpaired Flows will provide a clear yardstick to understand whether it is safe and regulation-compliant to divert water. Moreover, it gives clear enforcement power to the Water Board instead of the very water diverters that need regulation

***Please join Sierra Club California in demanding a full update the Bay Delta Water Quality Control Plan and implementation of Unimpaired Flows.***

**For more information visit [sierraclub.org/california](http://sierraclub.org/california) or contact Associate Organizer Layne Fajeau at [layne.fajeau@sierraclub.org](mailto:layne.fajeau@sierraclub.org)**