

June 13, 2022

Sent via Email

State Water Resources Control Board  
1001 I Street  
Sacramento, CA 95814

Re: Stockton Coalition Letter of Support for Petition for Rulemaking Bay-Delta Plan

Dear Chair Esquivel and Board Members:

The undersigned Stockton area organizations submit this letter in support of the May 24, 2022 Petition of the Winnemem Wintu Tribe, Shingle Springs Band of Miwok Indians, Save California Salmon, Little Manila Rising, and Restore the Delta, calling on the State Water Resources Control Board to open a rulemaking to timely review and update the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (“Bay-Delta Plan”). Our organizations work with Stockton’s large environmental justice population, and we know that improving water quality and flow conditions for the Delta is essential for improving environmental health and related public health challenges associated with pollution, mitigating

climate change impacts, and restoring public trust resources, and access to waterways in an equitable manner.

It is widely recognized that the Bay-Delta ecosystem is in crisis. As the State Water Board has recognized, “[f]or decades . . . the quality of the water in the [Bay-Delta] channels has been degraded, there has been a substantial overall reduction in flows and significant changes in the timing and distribution of those flows, and species have been cut off from natal waters.”<sup>1</sup> Water diversions and export projects have reduced unimpaired flows by almost half on average and by as much as 80% in certain months. As a result, there is far too little water left flowing through the Bay-Delta to give life to the people, plants, animals, and lands that these waterways have sustained for millennia. Among other things, low flows and poor water quality have imperiled native fish species, created conditions that enable harmful algal blooms to thrive, and made waters hazardous for residents who rely on them for basic needs and wellness. California tribes and Delta communities of color are particularly impacted by the reduction in flows and the degraded state of Bay-Delta waterways. These impacts perpetuate a legacy of dispossession and alienation that, as the State Water Board has acknowledged, has been at the root of how California has managed its waterways since the state’s inception.

The State Water Board has clear duties under the law to responsibly manage Bay-Delta waters. The Board must review the Bay-Delta Plan every three years in accordance with the

Clean Water Act and the Porter-Cologne Act, and it must update the water quality standards in it to protect public trust resources, prevent unreasonable diversion and use of water, and safeguard the full range of beneficial uses of Bay-Delta waters. In doing so, the State Water Board must abide by the State’s numerous commitments to center environmental justice, tribal consultation, and fulsome public participation in the review and decision-making process.

Despite its own recognition of the ecosystem crisis in the Bay-Delta and its obligations to address it, the State Water Board has fallen woefully short of meeting these legal requirements. The State Water Board has failed to conduct a comprehensive review of Bay-Delta water quality standards for sixteen years; it has failed to increase instream flow requirements to anywhere near the levels that the Board has determined are necessary to protect public trust resources; and it has prioritized closed-door negotiation of instream flow commitments with water diverters and exporters over consultation with tribes and affected communities and over the participatory and science-based update process that the law requires.

The Petition for Rulemaking is an opportunity for the State Water Board to fulfill its legal duties to responsibly manage Bay-Delta waters and reverse the pattern of putting water exporters before

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<sup>1</sup> State Water Resources Control Bd., *Fact Sheet: Phase II Update of the Bay-Delta Plan: Inflows to the Sacramento River and Delta and Tributaries, Delta Outflows, Cold Water Habitat and Interior Delta Flows*, p. 1 (Oct. 2017).

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the needs of tribes, Delta communities, and the health of the ecosystem. We respectfully urge the State Water Board to schedule this matter for public hearing and to move forward with the open, participatory, and comprehensive review and update of the Bay-Delta Plan sought in the Petition.

Sincerely,



Councilmember Kimberly Warmsley  
District 6  
City of Stockton



Bobby Bivens  
President  
NAACP Stockton Chapter



Dr. Nancy Huante-Tzintzun  
Executive Director  
Nopal: Community Cultura Activism  
Educación



Ector Olivares  
Environmental Justice Program Director  
Catholic Charities Diocese of Stockton



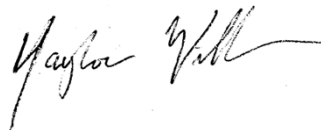
Tama Brisbane  
Executive Director  
With Our Words



Harold Goldstein  
Executive Director  
Public Health Advocates



Phillip Merlo  
Executive Director  
San Joaquin County Historical Museum



Taylor Williams  
Workforce & Economy Program Manager  
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Mary Elizabeth, M.S., R.E.H.S.  
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Jasmine Leek  
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Darryl Rutherford  
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CC: Deborah Ann Sivas, Director, Stanford Environmental Law Clinic  
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Malissa Tayaba, Vice Chair, Shingle Springs Band of Miwok Indians  
Chief Caleen Sisk, Spiritual Leader and Tribal Chief, Winnemem Wintu Tribe  
Gary Mulcahy, Government Liaison, Winnemem Wintu Tribe  
Regina Chichizola, Policy Director, Save California Salmon  
Dillon Delvo, Executive Director, Little Manila Rising  
Barbara Barrigan-Parrilla, Executive Director, Restore the Delta