



December 6, 2018

Governor Edmund G. Brown  
c/o State Capitol, Suite 1173  
Sacramento, CA 95814

**Re: NGO Perspective on Phase 1 Voluntary Settlement Agreement Negotiations**

Dear Governor Brown,

On behalf of American Rivers, Defenders of Wildlife, Environmental Defense Fund, The Nature Conservancy, and Trout Unlimited, we are writing to share our perspective on the voluntary settlement agreement negotiations related to Phase 1 of the Bay-Delta Water Quality Control Plan (Plan) update in advance of the State Water Resources Control Board's December 12, 2018 hearing.

Water users, public agencies, and our organizations have made significant efforts over the past two years to broker a voluntary settlement agreement, and we appreciate the efforts of your team. Some progress has been made; however, the settlement content shared with us to date is insufficient to meet legal obligations or protect fish and wildlife. Accordingly, we believe it is imperative that the Board approve the proposal for Phase 1 at its hearing on December 12<sup>th</sup>.

We have all invested substantial time and effort in this negotiation effort because we believe a voluntary agreement may be the best way to restore fish and wildlife populations in the Bay-Delta watershed. Improving conditions for native fish is of the utmost importance, as several species teeter on the brink of extinction. Additionally, we see events each month that show the effects of extreme weather, climate change and increasingly variable precipitation cycles that imperil broader wildlife habitat values, water quality and public safety goals that we all share. The best available scientific information supports implementation of both flow actions and habitat restoration. We have expressed a willingness to evaluate different combinations of flow and habitat provided they have a scientific basis and meet the Plan objectives. However,

negotiations have not made enough progress toward agreements that could gain our support or legally be accepted by the Board.

In addition, some of the discussions relate not only to Phase 1 and to Phase 2, but are also interconnected with negotiations for other decisions in which we have not been involved. It would be impossible for us to support a voluntary settlement agreement without understanding the trajectory of each of these related critical processes.

We remain hopeful that we can help develop a voluntary agreement, even if after December 12<sup>th</sup>, and we stand ready to continue engaging in conversations about the integration of flow and habitat actions, a science plan, adequate and sustainable funding, and other essential elements of an agreement for both Phase 1 and Phase 2 of the Plan update.

Thank you for considering our perspective.

Sincerely,



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Steve Rotherth  
American Rivers



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Jay Ziegler  
The Nature Conservancy



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Rachel Zwillinger  
Defenders of Wildlife



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Maurice Hall  
Environmental Defense Fund



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Brian Johnson  
Trout Unlimited

cc: Felicia Marcus  
Karla Nemeth  
Charlton Bonham  
Peter Southworth