



Toni Atkins, President pro Tempore
California State Senate
State Capitol
Sacramento, CA 95814

Anthony Rendon, Speaker
California State Assembly
State Capitol
Sacramento, CA 95814

Senator Nancy Skinner, Chair
Senate Budget and Fiscal Review Comm.
1020 N Street, Room 502
Sacramento, CA 95814

Assemblyman Phil Ting, Chair
Committee on Budget
1021 O Street, Suite 8230
Sacramento, CA 95814

May 9, 2022

Re: Opposition to Funding for Backroom “Voluntary Agreement” Water Scheme

Dear President pro Tempore Atkins, Speaker Rendon, Senator Skinner and Assemblyman Ting:

We are writing on behalf of the commercial and recreational fishing community to oppose funding for a recent proposed deal the Newsom Administration struck with some water districts regarding the Bay-Delta and Central Valley salmon rivers. The deal would lock in high water diversions at great cost to many in California, including those of us in the salmon industry. Water users call it a “voluntary agreement” but even they admit that many water agencies and other stakeholders don’t support it. In fact, this “Bay Delta Voluntary Agreement” does not have a single signature from a Bay-Delta water agency, environmental, fishing or environmental justice NGO, Delta community or tribe. It’s hardly a breakthrough agreement. In addition, it’s environmentally damaging, fundamentally unjust, and is likely to be

found illegal, if approved by the State Water Resources Control Board. This deal is designed by a handful of powerful interests to continue the status quo of excessive diversions, not to protect the environment and salmon runs.

Over the past 30 years, it has become obvious that we are diverting too much water from Central Valley salmon rivers and the Bay-Delta downstream. The biggest problem is there's not enough water in Central Valley rivers in the spring to carry baby salmon safely to the ocean. Because of the lack of updated State Water Board fish flow requirements, the rivers that feed the Bay-Delta ecosystem are collapsing. Some salmon runs and other fish species are on the brink of extinction. These low populations are harming dependent fishing communities by restricting our ability to fish. Almost all of the fish we catch come from hatcheries – not from naturally spawning fish. In order to get full fishing seasons back, and fishing jobs that allow a family to survive, we need both hatchery and naturally spawned salmon. Our hatcheries are doing their part, but this deal assures the decline of our natural runs will continue. The \$1.4 billion salmon fishing industry and the communities and families that depend on salmon, need some relief.

Here is a partial list of the flaws in this new proposal.

The insider negotiations that led to this scheme excluded fishing, tribal, environmental justice and conservation interests, harming those who were left outside the room. One example is the deal ignores the need to avoid salmon kills caused by temperature pollution from major Central Valley dams. It also fails to provide mitigation for the extreme harm water agencies have caused to rivers, especially harm downstream of dams all the way to the Delta.

In many years, the proposed deal proposes far less water for rivers feeding the Bay-Delta than was required before the Trump Administration gutted protections for salmon.¹

The State of California has sued to overturn the Trump Bay-Delta Biological Opinions, and federal agencies are working to replace these salmon-killing water operation rules. Yet the new backroom deal adopts the Trump Biological Opinions as the foundation for this agreement, which allows higher diversions.

Not surprisingly, the scheme lacks a credible enforcement program to kick in when it fails. It doesn't even have a meaningful way to measure if it's succeeding or failing, pegged to the health of salmon, smelt, steelhead and the other species in steep decline today. To drive the point home, the deal would delay the State's existing salmon doubling requirement until 2050 – long after this deal would end.

Water districts have been promising a comprehensive agreement for over a decade, yet this scheme is a clear failure. If the State Board had simply updated and implemented new flow

¹ <https://twitter.com/jarosenfield/status/1519709116503011328/photo/1>

standards, instead of delaying for these backroom talks, salmon runs would be well into rebuilding by now.

The “voluntary agreement” scheme fails to provide needed water flows and temperature protections. It was struck by excluding key stakeholders and will continue to harm the environment. We urge you to oppose funding for this process in the state budget. We also urge you to ensure that related funds in the budget, such as to support habitat restoration, are not allowed to be used to finance this backroom deal. Instead, we urge you to give the State Board the funds and staff it needs to update and implement new Bay-Delta flow standards.

Thank you.

Sincerely,



John McManus
Golden State Salmon Association



Mike Conroy
Pacific Coast Federation of Fishermen’s Assns



Marc Gorelnik
Coastside Fishing Club



Chris Shutes
California Sportfishing Protection Alliance



Cindy Charles
Golden West Women Fly Fishers



Mark Rockwell
Northern California Council, Fly Fishers
International