Re: Voluntary Agreements and Delta/Tribal Environmental Justice Communities

Dear Governor Newsom:

We, the signatories on this letter, wish to express our gratitude for the recent letter sent by Secretary Crowfoot and Secretary Blumenfeld calling for the implementation of Phase I of the Bay-Delta Plan. We see this as the first step to an improvement in flow
and water quality conditions for the San Joaquin River side of the San Francisco Bay-Delta estuary. We welcome this improvement for our waterways for the environmental justice communities that our organizations represent and protect – and for our allies who stand with us.

We do, however, have ongoing concerns about the voluntary agreement process for the Sacramento River watershed and potential impacts on the Delta estuary.

The Mercury News recently published an Op-Ed by Chief Caleen Sisk and Barbara Barrigan-Parilla titled “Governor must integrate justice into state water policy.” We are writing to echo the piece’s important points and to request that your administration end its pursuit of voluntary agreements and expeditiously move forward with a transparent, public process to update the Bay-Delta Plan.

Updating the Bay-Delta Plan in full is critical for the wellbeing of Delta communities and all who rely on salmon for their culture and livelihood. Yet the current process marginalizes disadvantaged communities, tribes, fishing families and others. Under the banner of collaboration, California’s Natural Resources and Environmental Protection Agencies are facilitating exclusionary, backroom negotiations with powerful water districts to cut a deal for “voluntary agreements” regarding the Bay-Delta Plan update. The Agencies have repeatedly denied requests from fishing, conservation, and environmental justice groups for details about the negotiations. The voluntary agreements give those with power and privilege a seat at the table, while depriving marginalized voices of a meaningful public forum to advance their interests.

Predictably, a process that has explicitly excluded marginalized communities has failed to meet their needs. It appears that the voluntary agreements lack temperature standards to protect salmon that are essential for tribes, fail to focus on avoiding harmful algal blooms that plague Delta communities, and would not improve water management during droughts.

A more equitable and just California cannot be forged through exclusionary negotiations designed to accommodate powerful economic interests that have benefited – and continue to benefit – from the status quo. In its Draft Resolution Condemning Racism, Xenophobia, and Racial Injustice and Strengthening Commitment to Racial Equity, Diversity, Inclusion, Access, and Anti-Racism, the Water Board “[c]ommits to making racial equity, diversity, inclusion, and environmental justice central to our work as we implement our mission so that the access the State Water Board creates, and outcomes it influences, are not determined by a person’s race and the benefits are shared
equitably by all people.” Advancement of voluntary agreements that will make it impossible for disadvantaged communities, tribes, and others to have meaningful input is incompatible with this critical commitment and runs counter to your focus on ending exclusionary and racist policies.

We urge you to end these backroom negotiations that have failed to produce anything other than continuing the status quo of environmental degradation. Instead, we urge you to ensure the Water Board moves forward expeditiously with a transparent, public process to update the Bay-Delta Plan that gives all interests equal access to the decision-making process.

Sincerely,

[Signatures]

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Cc: Congressman Jerry McNerney, District 9, U.S. House of Representatives  
Senator Susan Talamantes Eggman, District 5, California State Senate  
Supervisor Kathy Miller, District 2, San Joaquin County Board of Supervisors  
Supervisor Don Nottoli, District 5, Sacramento County Board of Supervisors  
Tanya Trujillo, Assistant Secretary for Water and Science, United States Department of Interior  
Secretary Wade Crowfoot, California Natural Resources Agency  
Secretary Jared Blumenfeld, California EPA  
Karla Nemeth, Director, Department of Water Resources  
E. Joaquin Esquivel, Chair, California State Water Resources Board  
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