



# Threats to the Bay-Delta: Underappreciated and Overused

Central Valley farmers, State Water Contractors, and Metropolitan Water District have for decades pressed for increasingly more water to be diverted from the Delta and sent south. This coalition is heavily involved in three ongoing issues that critically threaten the Delta ecosystem: voluntary agreements as an alternative to the BayDelta Water Quality Control Plan; federal junk science and state capitulation via the Department of Interior's so-called biological opinion; and the proposed single tunnel project.



## Voluntary Agreements

The voluntary agreements (VAs) are unenforceable agreements among state officials, water suppliers and purveyors that will set alternative flow requirements to those set by the Update to the Bay-Delta Water Quality Control Plan (Update). This is a policy set by the State Water Board regulating water quality and flow standards for the Bay-Delta developed in four phases. Phase 1 of the Update was adopted in December in 2018 and set new water quality standards in three tributaries of the San Joaquin River, requiring more water to flow through the south Delta ecosystem and reducing the amount of water that can be diverted and exported. Unfortunately, the Board delayed full implementation of Phase 1 pending a final VA package proposal that sets comparable flow requirements. In March 2022, the VA parties produced an Memorandum of Understanding that set terms from which to build a final VA.

In October 2023, the State Water Board released a draft update for the Sacramento River and Northern Delta (Phase II) to the Bay Delta Plan that continues to consider the VAs as an alternative to science based flow standards.

The proposed VA package does not provide comparable flow, salinity, or temperature benefits to the Board's proposed standards. A determination of the VAs enforceability has yet to be made. In sum, the anticipated final VA proposal would greatly benefit water exports and continue to burden the Delta ecosystem and its residents.

## Federal Junk Science and State Capitulation

In October 2019, the federal U.S. Fish and Wildlife Service (FWS) and National Marine Fisheries Service (NMFS) issued new biological opinions (biops) that govern water movement and exports through the Delta based on life cycles and locations of endangered fish species. These new biops increase water diversions and weaken or eliminate protections for salmon and other endangered species.

The biops are the product of doctored science and reek of political interference. Prior to the 2016 election, state and federal agencies prepared to strengthen the previous biops released in 2008-09 and require more protections to prevent extinction. And in January 2017 NMFS proposed actions to increase protections. But upon installation of former Westlands Water District lobbyist David Bernhardt (who champions diversions and exports) as Secretary of the Department of Interior, the federal agencies reversed course, reassigned the scientists working on the biops to a different division, and directed these scientists to author biops that will decrease flows in the Delta and maximize water exports for agricultural irrigation.

On the heels of this action, the California Department of Water Resources released a document proposing new rules for operations of the State Water Project in the Delta that were eerily similar to the federal biops. Specifically, these rules propose increasing freshwater exports, reducing flows through the estuary, and weakening protections for salmon and other imperiled fish.



Photo by Department of Water Resources

## Single Tunnel Project

In December 2023, DWR released the final Environmental Impact Report (EIR) for the single tunnel project. According to the document, the agency is considering a tunnel that would divert flows up to 6,000 cubic feet per second (cfs) from the Sacramento River. While the exact cost of a single tunnel project is unknown, proponents in 2018 have estimated it will cost at least \$20.1 billion. An updated cost estimate is coming in spring 2024, and the cost-benefit analysis will come out in summer 2024. Sierra Club will demand updated numbers before the vote, anticipated in 2027. Ratepayers in Southern California's Metropolitan Water District will pay 47% of this cost.

**For more information, go to our website [www.sierraclub.org/california/sf-bay-delta-protection](http://www.sierraclub.org/california/sf-bay-delta-protection) or contact Molly Culton, [molly.culton@sierraclub.org](mailto:molly.culton@sierraclub.org), 916-557-1100 x 1100**