



515 E MAIN ST, STOCKTON, CA 95202

RESTORETHEDELTA.ORG

Via email to: bay-delta@waterboards.ca.gov, craig.Williams@waterboards.ca.gov

22 February 2023

State Water Resources Control Board
% Craig Williams
P.O. Box 100
Sacramento, CA 95812-0100

Subject: Petition for Reconsideration of Order Approving Temporary Urgency Changes to Water Right License and Permit Terms Relating to Delta Water Quality Objectives, Dated 21 February 2023

Dear Mr. Williams, and Other Concerned State Water Board Officials:

This letter constitutes Restore the Delta's petition for reconsideration of the above-referenced recent Order approving the TUCP submitted by Petitioners California Department of Water Resources and United States Bureau of Reclamation. RTD is concerned that while the Order provides some controls and places some accountability on Petitioners to report its compliance behavior with Order conditions, we request that the Water Board also commit to making their compliance behavior readily accessible to the public so that the public can feel and experience state agencies' accountability to the public overall.

Major public trust resources are being handed over to Petitioners and their various customers north and south of the Delta. Delta communities and the California public are entitled to know as much as can be timely obtained from Petitioners' activities with this water, and the monitoring gages that will determine their compliance by the Water Board. In this light, the Water Board has a fiduciary duty under the public trust doctrine to keep the public informed about the status of the TUCO's formal reallocation of water resources.

These are the points we petition the Water Board to reconsider in its Order:

- Concerning Condition 4 (p. 35): We request addition of this sentence prior to the sentence specifying the Executive Director's reservation of authority: "The State Water

Board shall notify the public immediately of Petitioners' intended uses of exported water pursuant to this Order, including proposed amounts for refuge and irrigation uses, and Petitioners' justifications for each."

- Concerning Condition 5 (p. 35): We request addition of this sentence: "The State Water Board shall notify the public immediately of Executive Director's action to modify this Order using its Lyris notification lists, and through media releases put out by the Board's public affairs office
- Concerning Condition 6 (p. 35): We respectfully ask the Water Board to conclude this condition with the following passage: "State Water Board shall provide where pertinent to each specific condition in this Order weekly (or where required monitoring and reporting activities by Petitioners are less frequent, biweekly) updates to the public via its Lyris notification lists, and through media releases put out by the Board's public affairs office. These public communications shall provide updated accessible links to information provided by Petitioners so that the public will be informed about the records produced under this TUCO."
- Concerning Condition 7 (p. 35): We request that the State Water Board require monthly reporting on the continuing accuracy and condition of the electrical conductivity gages of this Condition and inform the public of their status and provide 24-hour notification of the public when problems with these gages and sensors arise.
- Concerning Condition 8 (p. 35): We request that the State Water Board commit to immediately informing the public when the records amassed under this condition become available to the Water Board and fisheries agencies via its Lyris notification lists, and through media releases put out by the Board's public affairs office with updated accessible links to the information provided.
- Concerning Condition 9 (p. 36): We request that the State Water Board commit to immediately informing the public when the records amassed under this condition become available to the Water Board and fisheries agencies via its Lyris notification lists, and through media releases put out by the Board's public affairs office with updated accessible links to the information provided.
- Concerning Conditions 10 (p. 36): We further request that the State Water Board post to the web page the requirements of the proposed Delta Interim Operations Plan (IOP) submitted to the California Eastern District Court. Once the judge in the case where the IOP was proposed decides on its merits or some other course of action, the State Water Board shall post the judge's order and its provisions and make this information immediately available to the public via its Lyris notification lists, and through media releases put out by the Board's public affairs office with updated accessible links to the information provided.

Petition for Reconsideration of Order Approving Temporary Urgency Changes to Water Right License and Permit Terms Relating to Delta Water Quality Objectives, Dated 21 February 2023

We formally request via this letter that the State Water Board reconsider its recent Order and amend it to include these proposed provisions that will make the public's role more robust, and hopefully contribute to future decision making by Petitioners and the State Water Board as this water year unfolds.

Thank you for considering these requests and for the opportunity to comment.

Sincerely,



Barbara Barrigan-Parrilla
Executive Director



Tim Stroshane
Policy Analyst

cc: Malissa Tayaba, Vice Chair, Shingle Springs Band of Miwok Indians
Krystal Moreno, TEK Program Manager, Shingle Springs Band of Miwok Indians
James Sarmento, Executive Director, Cultural Resources, Shingle Springs Band
of Miwok Indians
Chief Caleen Sisk, Winnemem Wintu Tribe
Gary Mulcahy, Government Liaison, Winnemem Wintu Tribe
Dillon Delvo, Little Manila Rising
Regina Chichizola, Save California Salmon
Kasil Willie, Save California Salmon
Stephanie L. Safdi, Stanford Environmental Law Clinic
Mark Raftrey, Stanford Environmental Law Clinic
Doug Obegi, Natural Resources Defense Council
Kate Poole, Natural Resources Defense Council
Jonathan Rosenfield, San Francisco BayKeeper
John Herrick, South Delta Water Agency
Dante Nomellini, Central Delta Water Agency
Melissa Terry, North Delta Water Agency
Harry Black, City Manager, City of Stockton
Thomas Keeling, Freeman Firm
Stephen J. Welch, General Manager, Contra Costa Water District
Kelley Taber, Somach Simmons & Dunn
Osha Meserve, Soluri Meserve
Irene Calimlim, Greenlining the Hood
Jasmine Leek, Third City Coalition
Tama Brisbane, With Our Words, Inc.