



August 27, 2024

The Honorable Anna Caballero
1021 O Street, Room 7620
Sacramento, CA 95814

Re: Oppose Senate Bill 1390 (Caballero) – August 22, 2024 version

Dear Senator Caballero,

On behalf of the undersigned organizations, we are writing to oppose your bill, SB 1390. We were disappointed by the recent amendments (8/22/24) because they weaken the already minimal protections for the Delta for unpermitted water diversions. We were also disappointed that you rejected our suggested amendment to make it clear that such diversions must adhere to endangered species permit requirements when diversions are made from the Delta when it is under restrictions.

The August 22nd amendments to SB 1390 will weaken the protections to the Delta communities and fish and wildlife. Despite reaching an agreement with conservation and fishing organizations on language in the Water, Parks and Wildlife Committee that provided better protections for the Delta, SB 1390 was amended on the floor to weaken the Delta provision and undermine the carefully negotiated compromise.

As part of the agreement in SB 122 to allow a relaxing of environmental requirements to facilitate the diversion of flood flows to recharge groundwater, a set of protections was incorporated into that bill, including specific protections for the Delta. This provision was intended to address the concerns raised by organizations and entities in the Delta, who believed that diversion from the Delta would further impact Delta communities and the critical endangered fish that depend on the Delta for survival.

The recent amendments to SB 1390 insert language referencing one specific controlling agreement on conditions in the Delta, the Coordinated Operations Agreement, and not all

restrictions and protections in place in the Delta, including endangered species protection rules. This language gives inappropriate deference to the State Water and Central Valley Projects in when it is appropriate to divert from the Delta to accommodate flood flows. Moreover, the Coordinated Operations Agreement is currently in the process of being amended, as are the Bay Delta Water Quality Control Plan water quality standards.

The current operations of the State Water Project and Central Valley Project have harmed thousands of threatened steelhead and endangered winter-run Chinook salmon in an Above Normal water year. The 2024 salmon season has been closed, putting thousands of people out of work. Inadequate water operations requirements rules are a major cause of that salmon closure. Spring run salmon and Delta smelt are on the brink of extinction. Longfin and white sturgeon are likely to be listed soon. The San Francisco Bay-Delta Estuary is in desperate need of updated protections and increased freshwater outflow. **SB 1390 will exacerbate this ongoing situation and continue the inappropriate and unsustainable reliance on pumped water from the Delta.**

For these reasons, we must respectfully oppose SB 1390.

Sincerely,

Ashley Overhouse
Water Policy Advisor
Defenders of Wildlife

Ivan Senock
Deputy Director
Restore the Delta

Gary Bobker
Program Director
The Bay Institute

Erin Wooley
Senior Policy Strategist
Sierra Club California

Jon Rosenfield, Ph.D.
Science Director
San Francisco Baykeeper

Scott Artis
Executive Director
Golden State Salmon Association

Howard Penn,
Executive Director
Planning and Conservation League

Chief Caleen Sisk
Winnemem Wintu Tribe

Jann Dorman
Executive Director
Friends of the River

Martha Camacho Rodriguez
Director
SEE (Social Eco Education)

Sherri Norris
Executive Director
California Indian Environmental Alliance

Sarah Bates
Treasurer
San Francisco Crab Boat Owners Association