



January 17, 2017

The Honorable Edmund G. Brown, Jr.
Governor
State of California
State Capitol, Suite 1173
Sacramento, CA 95814

Re: Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary and the recirculated draft revised Substitute Environmental Document

Dear Governor Brown,

Recent public hearings held by the State Water Resources Control Board (Board) on a staff proposal to update minimum flow standards for the Lower San Joaquin River elevated very serious problems surrounding this endeavor.

You issued a pragmatic September 2016 letter to Chairwoman Felicia Marcus calling on the Board to pursue a collaborative approach inclusive of all stakeholders, including water rights holders. However, our members have not been engaged in any collaborative process. Rather, as Assemblymember Adam Gray wrote in his recent letter to the Board, the draft proposal “has created enormous ill will and distrust in the adversely affected communities.”

Assemblymember Gray goes further, writing that the update “is full of misinformation, is not realistic, does not reflect current circumstances, and... is significantly flawed.” We completely agree.

Indeed, in its current form, the draft proposal invites court challenges by the Turlock, Modesto and Merced Irrigation Districts, puts the Sustainable Groundwater Management Act process in jeopardy, fails to address non-flow stressors (e.g. predation, invasive species) and abandons the “faster, less contentious, and more durable” voluntary agreements you asked the Board and staff to implement in your September 2016 letter.

Even after receiving substantial and credible evidence that should trigger major revisions to the 3,000-page proposal, the Board inexplicably refrained from giving staff any kind of direction other than to ask for more information. I suggest, at the most elementary level, that the affected irrigation and municipal water districts should play a major role in the process and have the opportunity to provide direct and significant input in making needed revisions if the environmental and economic benefits of any settlement are to be fully realized.

Even though the deadline for written comment has been extended until March 17, 2017, I ask that you immediately urge the Board to begin anew on this proposal with the directive to pursue legitimate and meaningful settlement discussions with all involved parties. I agree with your

September 2016 letter that delay may be costly, but I assure you that hastily enacting this ill-advised, poorly-informed and one-sided proposal will result in far greater long term damage, both for the Delta ecosystem and rural San Joaquin Valley communities. Let's invest a little more time, and a lot more collaboration, to get this right.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Nassif".

Tom Nassif
President and CEO
Western Growers

cc: Felicia Marcus, Chair, State Water Resources Control Board
Mark Cowin, Director, California Department of Water Resources
Matt Rodriguez, Secretary, California Environmental Protection Agency