



April 1, 2019

Assembly Member Bill Quirk  
 Chair, Assembly Environmental Safety and Toxic Materials  
 1020 N Street, Room 171  
 Sacramento, CA 95814

**RE: AB 636 (Gray) State Water Resources Control Board: Water Quality Objectives – OPPOSE**

Dear Dr. Quirk and Members of the Committee:

On behalf of the Natural Resources Defense Council, Clean Water Action, Sierra Club California, Environmental Defense Fund, Defenders of Wildlife, Environmental Justice Coalition for Water, Community Water Center, Environmental Water Caucus, Southern California Watershed Alliance, Friends of the River, Wholly H2O, Mono Lake Committee, California Coastkeeper, Center for Biological Diversity, Planning and Conservation League, Golden Gate Salmon Association, and Pacific Coast Federation of Fishermen’s Associations, we are writing to oppose AB 636 by Assembly Member Gray. AB 636 would indefinitely prohibit the State Water Resources Control Board (“Board”) from implementing a water quality objective if the Board adopted a statement of overriding considerations under the California Environmental Quality Act

April 1, 2019

(“CEQA”) when approving that water quality objective. Under AB 636, the Board could not implement such water quality objectives, which protect farms, cities, and the environment, unless and until certain Legislative Committees hold hearings.

AB 636 is a thinly veiled attempt to prevent the Board from implementing the Bay-Delta Water Quality Control Plan (“Bay Delta Plan”), as Assembly Member’s Gray’s February 15, 2019 press release<sup>1</sup> makes clear. The Bay Delta Plan, which was adopted in 2018 after an extensive 10-year public process, requires increased flows in the Tuolumne and Merced Rivers, and largely maintains existing flows in the Stanislaus River, while still permitting agricultural water districts and cities to divert the majority of the rivers’ flow. The Bay Delta Plan is critically important to protect and restore the health of California’s rivers, our native fish and wildlife, the Bay-Delta estuary, and the thousands of fishing jobs that depend on healthy salmon runs. The Board adopted a statement of overriding considerations under CEQA for these water quality objectives in large part because the Board found that it could not require water districts, farms, and other water users to take actions to avoid or mitigate the potential adverse environmental impacts that may result from those third-party actions.

CEQA permits a state or local agency to adopt a statement of overriding considerations when environmental impacts of a project cannot or are not fully mitigated. Unlike virtually every other project subject to CEQA, this legislation would single out and prohibit the implementation of water quality objectives that protect water quality for farms, cities, and the environment unless and until Legislative hearings are held.

We support legislative oversight of state agencies. Legislative committees already have the legal authority and duty to ensure that all agencies are operating as intended. Unfortunately, AB 626 does not merely require oversight, but instead it prevents the Board from implementing water quality objectives that protect farms, cities and the environment, including the 2018 amendments to the Bay-Delta Plan.

For these reasons, we oppose AB 636, and we urge Members to vote **NO** when the bill is heard in committee. Thank you for consideration of our views.

Sincerely,



Doug Obegi  
Natural Resources Defense Council



Jennifer Clary  
Clean Water Action

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<sup>1</sup> That press release is available online at: <https://a21.asmdc.org/press-releases/20190215-gray-proposes-package-water-reform-legislation>

April 1, 2019



Brandon Dawson  
Sierra Club California



Colin Bailey  
Environmental Justice Coalition for Water



Connor Everts  
Environmental Water Caucus  
Southern California Watershed Alliance



Eric Wesselman  
Friends of the River

/s

Elizabeth Dougherty  
Wholly H2O



Noah Oppenheim  
Pacific Coast Federation of Fishermen's  
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Matt Baker  
Planning and Conservation League



Pablo Garza  
Environmental Defense Fund



Kim Delfino  
Defenders of Wildlife



Deborah Ores  
Community Water Center



Geoff McQuilkin  
Mono Lake Committee



Sean Bothwell  
California Coastkeeper



Brian Nowicki  
Center for Biological Diversity



Barry Nelson  
Golden Gate Salmon Association

cc: Members of the Assembly Environmental Safety and Toxic Materials Committee  
Assembly Member Adam Gray