

**From:** Dave Warner <dwar11@gmail.com>  
**Sent:** Monday, May 25, 2020 5:45 PM  
**To:** Commission <commission@sfwater.org>  
**Subject:** Public comment by email for the May 26 SFPUC meeting

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Dear President Caen and Commissioners,

It has been a great honor to communicate with you, not just for your present role at the SFPUC but also for your experience, expertise and values you bring to the commission.

I'm sorry to report troubling information. In resolution 19-0057 (March 26, 2019) regarding the Bay-Delta ecosystem there's a clear statement that directs staff to include biological outcomes in the voluntary agreement. But when reading the portion of the agreement for the Tuolumne River that was recently published on one of the irrigation districts' websites, there's no specific biological outcome mentioned.

This is troubling not just because it is a primary objective of environmentalists' discussions with the SFPUC, but perhaps even more so because of the accountability/governance concern. If the commission makes a specific resolution, it is expected that staff will follow that resolution or communicate back to the commission that staff is having difficulty implementing it. Otherwise the resolution becomes meaningless and the effectiveness of the commission's oversight is reduced.

The biological outcomes statement in resolution 19-0057 was key because it was a solution to the conflict between the water agencies and environmentalists. The water agencies said that salmon populations could recover with non-flow measures and with less water than the State Water Resources Control Board (SWRCB) required while the environmentalists said that at a minimum the SWRCB's flow measures were needed in addition to non-flow measures. By setting biological outcomes in the voluntary agreement, the flow conflict became moot as flow debate didn't matter as long as the fish populations recovered.

Perhaps staff had been intending to communicate to you at a future meeting of not being able to add biological objectives to the voluntary agreement. If so, the communication should have been done before the voluntary agreement became public, and more importantly, before SFPUC staff agreed to support the voluntary agreement in its current form. Otherwise you as commissioners have no ability to influence the outcome which limits your oversight.

Please investigate this matter. Was the biological outcomes statement not followed? Was there communication to commissioners and was it adequate? How does the public keep confidence that the commissioners' directives are being followed? Are changes needed to assure resolutions are followed?

Please also find a way such that the biological outcomes statement can be implemented or another solution can be found that provides a similar result.

For reference, here is the mentioned statement from resolution 19-0057:

“FURTHER RESOLVED, That this Commission directs staff to include specific biological outcomes in the voluntary agreement that will result in increased fish populations to make them sustainable in the lower Tuolumne River; and be it...”

Kind regards,

Dave Warner  
Palo Alto resident