Board Meeting to Consider Updates to Bay-Delta Water Quality Control Plan



CALIFORNIA
Water Boards

October 28–29, 2026

Board Meeting to Consider

1. Comments on the proposed Bay-Delta Plan* amendments

   *Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Watershed

2. Adoption of the final Staff Report/Substitute Environmental Document (Staff Report) in support of Plan amendments

3. Adoption of proposed Bay-Delta Plan amendments

Presentation Overview

- Agenda
- Background on Bay-Delta Plan and update process
- Overview of proposed Bay-Delta Plan amendments
- Summary of comments on final draft Bay-Delta Plan
- Board consideration and next steps

Board Meeting Materials

- Agenda Item released October 16, 2026
  - Cover Letter
  - Draft Resolution with California Environmental Quality Act Findings, Statement of Overriding Considerations, Mitigation Monitoring and Reporting Program, Water Code Section 13149.2 Findings
  - August 2026 Final Staff Report
  - Responsiveness Summary Addressing New Public Comments
  - Proposed Changes to August 2026 Final Draft Plan, including Appendix B.1
  - Change Sheet #1 (identifying changes in tabular format)
- Change Sheet #2 released October 27, 2026

October 28 Agenda

- Director Hertel of the Department of Fish and Wildlife and Director Gibson of the Department of Water Resources
- Elected officials and tribal leaders (not part of groups)
- Groups 1-5
  - Northern California Water Association
  - Golden State Salmon Association & Prairie Creek Labs
  - Healthy Rivers and Landscapes Participants
  - Yolo County Flood Control and Water Conservation District, Yocha Dehe Wintun Nation & Yolo County
  - Central Delta Water Agency
- Lunch
- Individual comments (anticipated after 1:00 pm)
- Groups 6-8
  - Tribal Representatives & Delta Tribal Environmental Coalition
- Individual comments (anticipated after 3:30 pm)

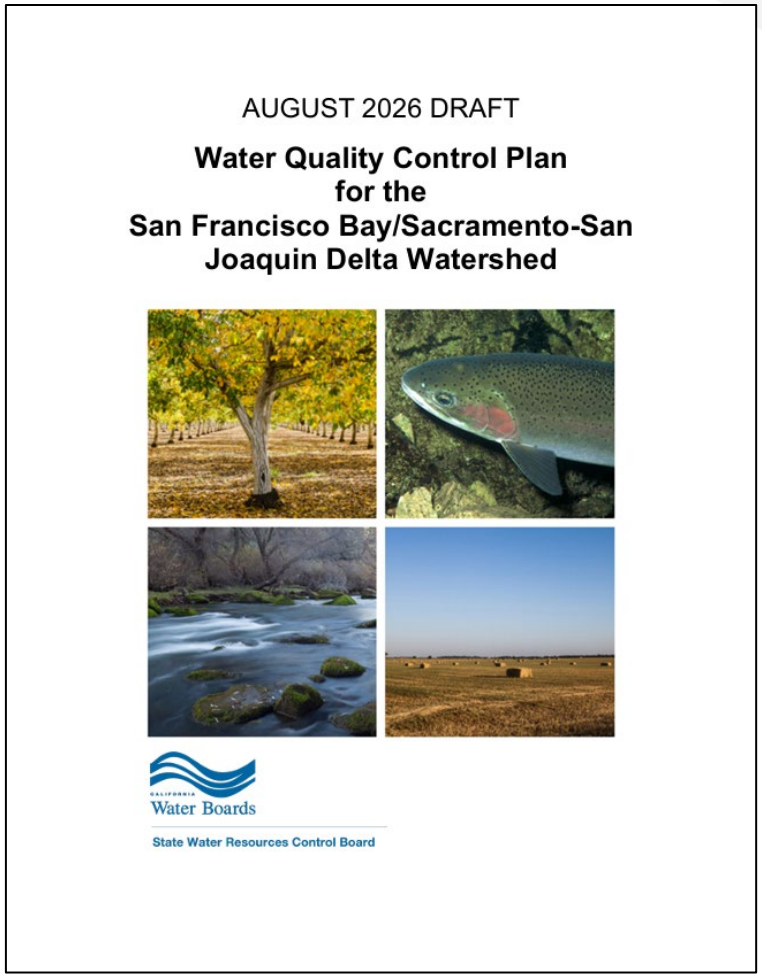
October 29 Agenda

- Secretary Wade Crowfoot of the California Natural Resources Agency
- Elected officials and tribal leaders (not part of groups)
- Board discussion and reflection on first day
- Groups 1-5
  - Healthy Rivers and Landscapes Participants
  - San Francisco Baykeeper, Friends of the River & California Sportfishing Protection Alliance
  - Tribal Fishermen & Tribal Scientist
  - Tribal and Bay-Delta Youth (Native Sisters Network and Communities United for Water Protection)
  - Tribal Traditional Practitioners
- Lunch
- Groups 6-8
  - Tribal Youth (Save California Salmon)
  - Communities for Water Protection
  - Salmon Fishing Representatives
- Individual comments (anticipated after 2:00 pm)
- Board discussion and vote, or continuation to October 30

San Francisco Bay/ Sacramento-San Joaquin Delta (Bay-Delta) Watershed



Bay-Delta Plan



Beneficial uses of water

- Including but not limited to municipal and industrial, agricultural, and fish and wildlife

Water quality objectives to protect uses

- Narrative and numeric (primarily flow-dependent)

Program of implementation to achieve objectives

- Flow and non-flow actions to protect beneficial uses and implement objectives

Monitoring to assess compliance and effectiveness

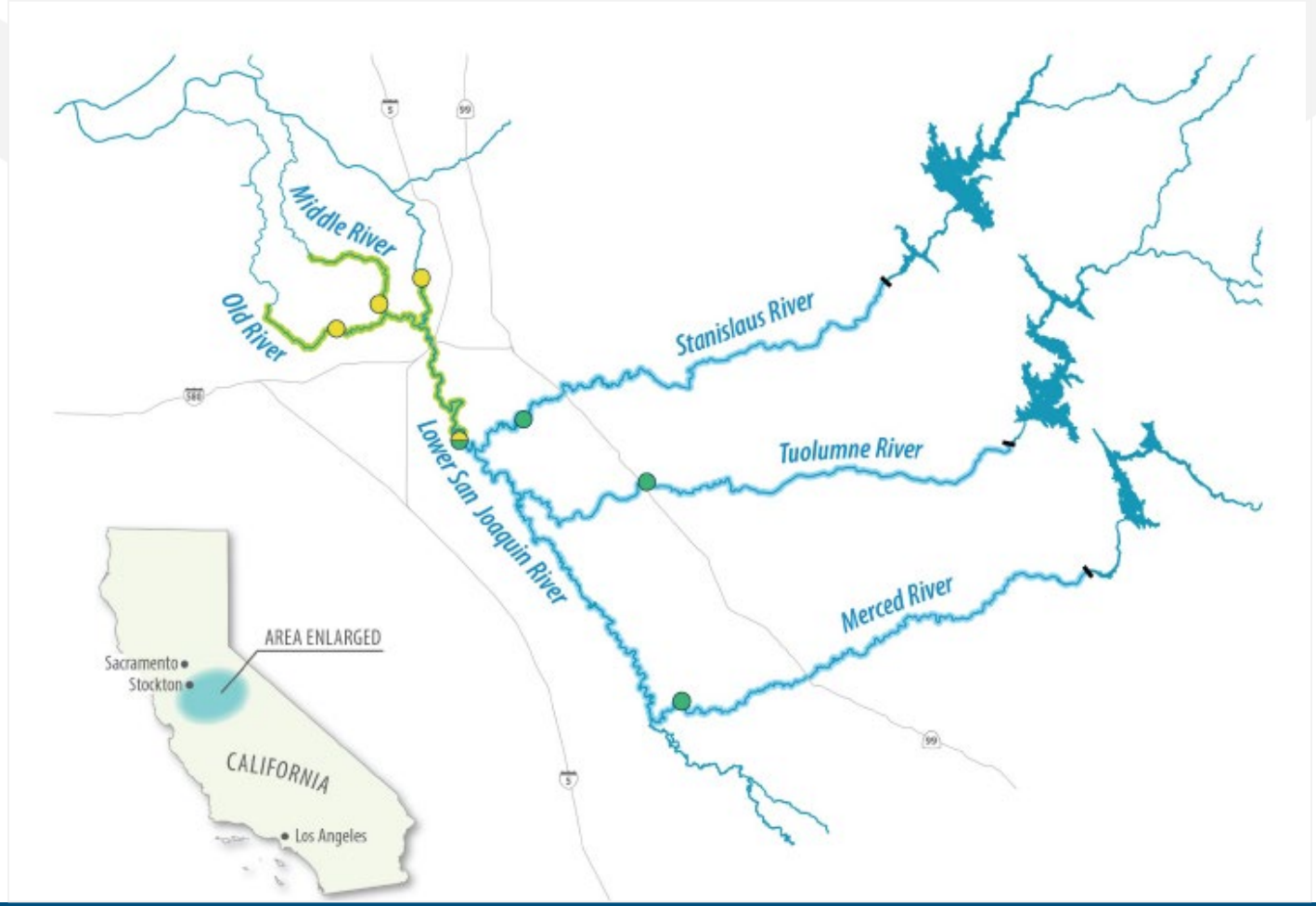
- Monitoring, reporting, evaluation, and special studies

Annual and periodic review to inform updates

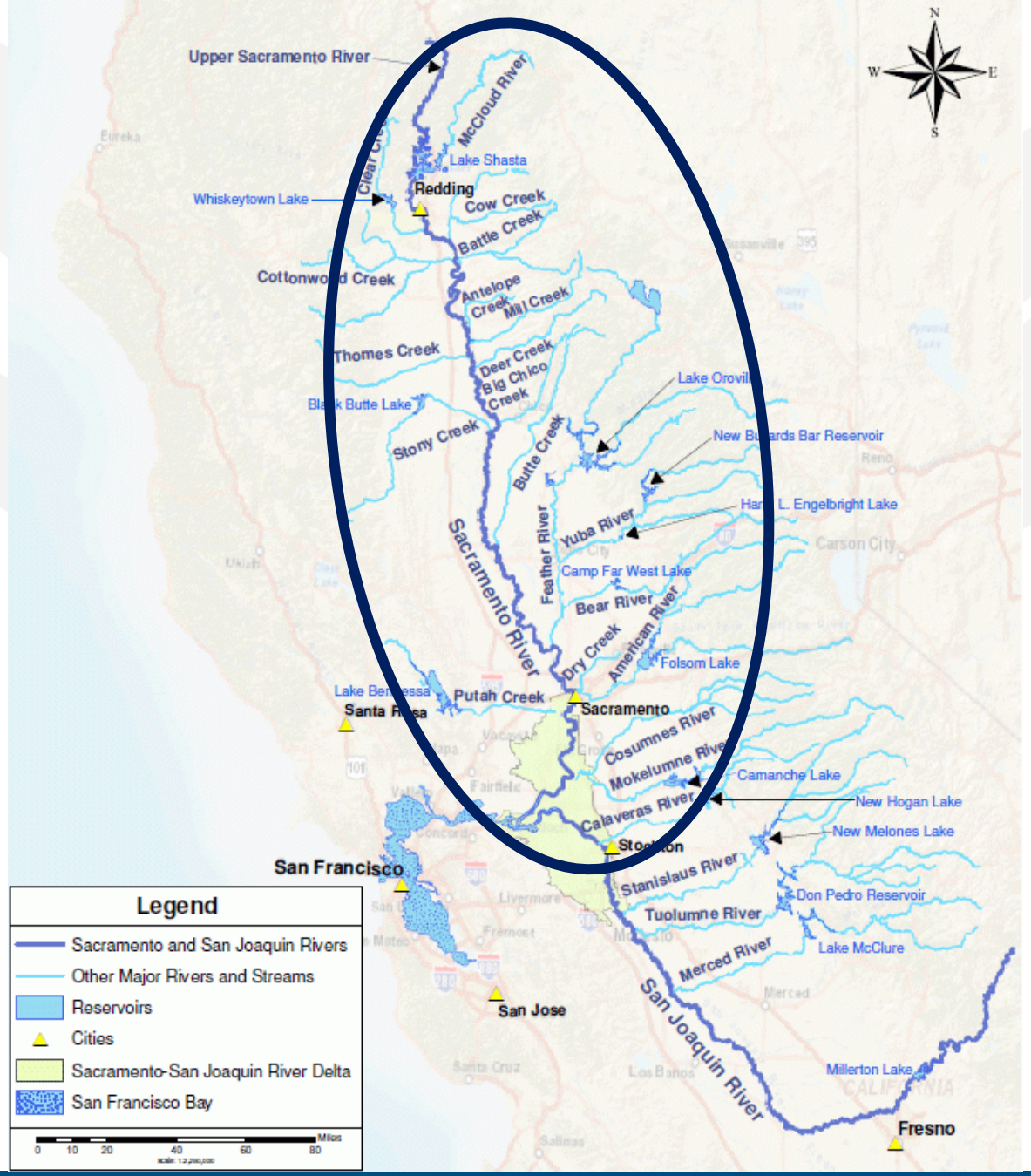
- Public meetings to report on progress and receive input

2018 Bay-Delta Plan

- Revised flow requirements for lower San Joaquin River and its salmon-bearing tributaries (LSJR) for reasonable protection of fish and wildlife
- Revised salinity requirements for southern Delta (SD) for reasonable protection of agriculture
- Referred to as the LSJR/SD update

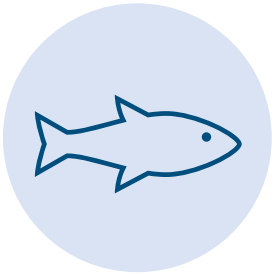


Sacramento River Watershed, Delta Eastside Tributaries (Calaveras, Consumnes, and Mokelumne Rivers) and Delta (Sacramento/Delta)



Purpose and Goals

Complete update to the Bay-Delta Plan to address reasonable protection of fish and wildlife throughout the Bay-Delta watershed (complementary to 2018 updates)



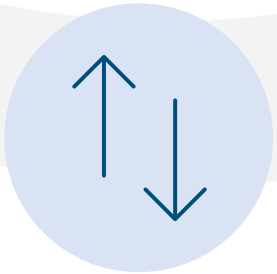
Establish flow, habitat, and related measures to reasonably protect native species while taking all water demands into consideration



Provide for voluntary and default pathways with flexibility



Monitor and evaluate to inform adaptive management and future changes



Establish foundation for implementing water rights priority system



Provide for collaboration, coordination, and integration of regulatory, scientific, and management processes

Sacramento/Delta Timeline

2017	2018	2022	2023	2024	2025	2026
Final Scientific Basis Report	Framework for Sacramento/ Delta Updates to Bay-Delta Plan	MOU* for Voluntary Agreements (Healthy Rivers and Landscapes or HRL) *Memorandum of Understanding	Draft Scientific Basis Report Supplement for Voluntary Agreements Draft Staff Report	Draft Bay-Delta Plan Peer Review of Draft Scientific Basis Report Supplement	Revised Drafts of Bay-Delta Plan Partially Recirculated Draft Staff Report	Final Draft Bay-Delta Plan Final Staff Report Final Scientific Basis Report Supplement

Public Process

2012–2017	2023	2024	2025	2026

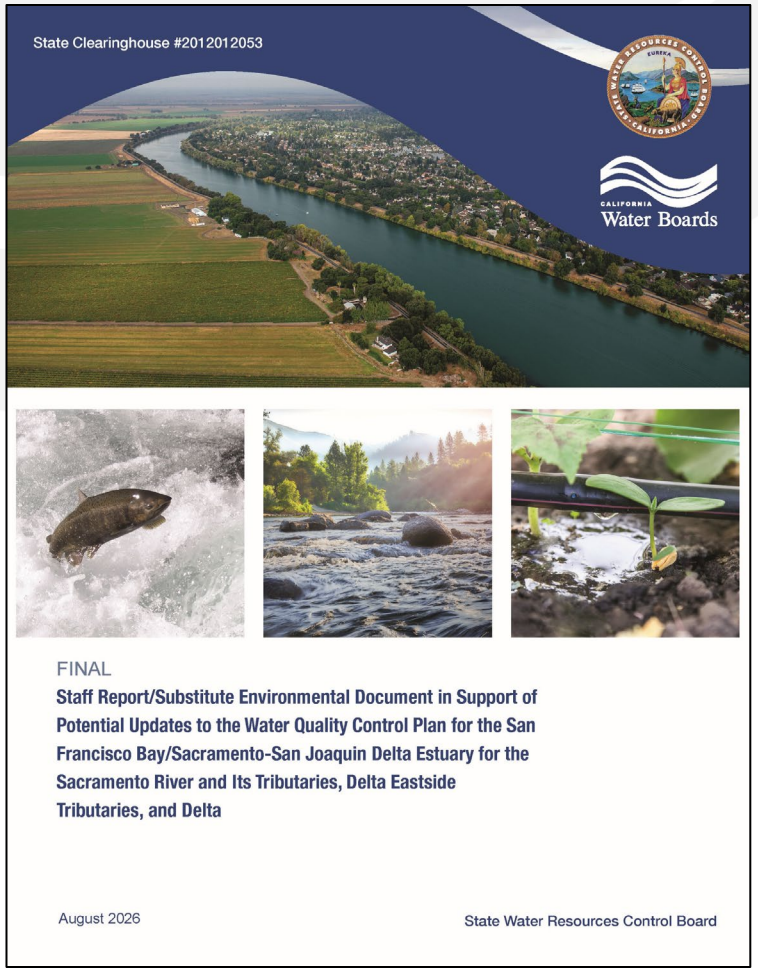
Multiple scoping and other public meetings and written comment periods on science, modeling, and related topics	• Draft Scientific Basis Report Supplement
	  • Board workshop
	  • 34-day comment period
	• 2 tribal and 2 environmental justice listening sessions on Bay-Delta Plan
	• Info Item on Tribal Beneficial Uses
	• Draft Staff Report
	  • 2 staff workshops
	  • 3-day Board hearing
	  • Tribal workshop
	  • 113-day comment period
		• 3-day Board workshop on proposed VAs/HRL
		• Oct. draft Bay-Delta Plan
		  • 5-day Board workshop
		  • 77-day comment period
			• 11 staff-led working meetings on draft Bay-Delta Plan
			• July draft Bay-Delta Plan (delayed public comment but remained available on website for review)
			• Dec. draft Bay-Delta Plan and partially recirculated draft Staff Report
			  • 3-day Board hearing
			  • 52-day comment period
				• Aug. final draft Bay-Delta Plan
				  • 30-day comment period

Purpose of Staff Report

- Complies with California Environmental Quality Act, Porter Cologne Act, and other laws
- Informs the Board's consideration of Plan amendments
- Assesses a range of possible alternatives for Sacramento/Delta updates to the Bay-Delta Plan
- Evaluates potential benefits, environmental impacts, and economic effects of alternatives
- Provides opportunity for public comment on analyses

Final Staff Report

- Contains three volumes
  - Chapters
  - Appendices
  - Responses to comments
- Includes responses to comments on 2023 draft and 2025 partially recirculated draft Staff Report, and 2025 drafts of the Plan
  - 23 Common Responses providing comprehensive responses to frequently raised topics
  - Tables responding to individual comments



Overview of Plan Amendments



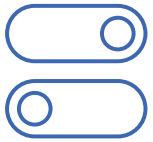
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Main Categories of Proposed Changes



Water Quality Objectives

Updated water quality objectives for the reasonable protection of fish and wildlife beneficial uses of water



Pathways for Compliance

Two pathways to meet objectives:

1. VA pathway for HRL water rights
2. Regulatory pathway for other water rights



Implementation, Monitoring, and Review

New provisions for a methodology to implement the Plan, a comprehensive monitoring framework, and annual and periodic review



Tribal

Incorporation and designation of Tribal Beneficial Uses and other tribal provisions

Water Quality Objectives for Fish and Wildlife Beneficial Uses

- Narrative Sacramento and Delta tributary inflow
- Narrative cold water habitat
- Narrative Delta outflow
- Inflow-based Delta outflow
- Narrative interior Delta flow
- Narrative fish viability

Table 3. Water Quality Objectives for Fish and Wildlife Beneficial Uses

COMPLIANCE LOCATIONS	INTERAGENCY STATION NUMBER RIVER KILOMETER INDEX STATION NUMBER (RKI)	PARAMETER	DESCRIPTION (UNIT)	WATER YEAR TYPE SACRAMENTO VALLEY 40-30-30 (FIGURE 2) APPLIES UNLESS OTHERWISE STATED	TIME PERIOD	VALUE
LOWER SAN JOAQUIN RIVER FLOWS						
San Joaquin River at Airport Way Bridge, Vernalis	C-10 (RSAN112)	Flow rate	Minimum monthly average flow rate (cubic feet per second [cfs])	All	Oct	1,000 cfs plus up to an additional 28 thousand acre-feet (TAF) pulse/attraction flow. The amount of additional water will be limited to that amount necessary to achieve a monthly average flow of 2,000 cfs. The additional 28 TAF pulse flow is not required in a critical year following a critical year.
San Joaquin River at Airport Way Bridge, Vernalis	C-10	Flow rate	Narrative and minimum 7-day running average flow rate (cfs) for February through June	Maintain inflow conditions from the San Joaquin River watershed to the Delta at Vernalis sufficient to support and maintain the natural production of viable native San Joaquin River watershed fish populations migrating through the Delta. Inflow conditions that reasonably contribute toward maintaining viable native migratory San Joaquin River fish populations include, but may not be limited to, flows that more closely mimic the natural hydrographic conditions to which native fish species are adapted, including the relative magnitude, duration, timing, and spatial extent of flows as they would naturally occur. Indicators of viability include population abundance, spatial extent, distribution, structure, genetic and life history diversity, and productivity. Maintain 40% of unimpaired flow, with an allowed adaptive range between 30–50%, inclusive, from each of the Stanislaus, Tuolumne, and Merced Rivers from February through June. Unimpaired flow represents the natural water production of a river basin, unaltered by upstream diversions, storage, or by export or import of water to or from other watersheds. Compliance with the percent of unimpaired flow from February through June in each river is determined by dividing the 7-day average observed flow at the compliance stations by the 7-day average calculated Full-Natural-Flow (FNF) at the FNF stations. Refinements to methods and measurements used to estimate FNF can be used for compliance if refinements improve accuracy and precision of FNF estimates. The total volume of water established by the percent of unimpaired flow requirement may be managed using an averaging period consistent with approved adaptive methods outlined in the program of implementation. At all times during February through June, the flow at Vernalis, as provided by the percent of unimpaired flow objective, shall be no lower than the base flow value of 1,000 cfs with an allowed adaptive management range between 800–1,200 cfs, inclusive. Flows provided to meet these numeric objectives shall be managed in a manner to avoid causing significant adverse impacts to fish and wildlife beneficial uses at other times of the year.		
Stanislaus River at Koetitz	California Department of Water Resources (DWR) Gage KOT					
Tuolumne River at Modesto	USGS Gage 1129000					
Merced River near Stevenson	DWR Gage MST C-10					
SACRAMENTO RIVER/DELTA TRIBUTARY FLOWS						
Sacramento River and its tributaries and the Mokelumne, Calaveras and Cosumnes Rivers (collectively, Delta eastside tributaries)		Flow rate	Narrative	All	Year round	Maintain water quality conditions, including inflow conditions from the Sacramento River/Delta tributaries, together with other measures in the watershed, sufficient to support and maintain the natural production of viable native fish populations. Conditions and measures that reasonably contribute toward maintaining viable native fish populations include the relative magnitude, duration, timing, quality and spatial extent of flows as they would naturally
Sacramento River at Rio Vista	D-24 (RSAC101)	Flow rate	Minimum monthly average (MMA) and minimum 7-day running	All	Sep	3,000 cfs MMA and 2,000 cfs 7DRA
				W, AN, BN, D	Oct	4,000 cfs MMA and 3,000 cfs 7DRA
				C	Oct	3,000 cfs MMA and 2,000 cfs 7DRA
				W, AN, BN, D	Nov–Dec	4,500 cfs MMA and 3,500 cfs 7DRA

Excerpt of Table 3 of the Bay-Delta Plan amendments

Two Implementation Pathways

VA Pathway

- Applies to HRL water rights specified in Plan (flow accounting Appendix B.1)
- Objectives implemented by HRL flow, habitat, and other required commitments

Regulatory Pathway

- Applies to other water rights
- Objectives implemented by a percent of unimpaired inflow and associated Delta outflow requirements, cold water habitat management, and other requirements
- Serves as a backstop

Both pathways would have regulatory effect upon Plan adoption and would be implemented concurrently.

VA Pathway

- Implements HRL flow and non-flow habitat commitments (vary by tributary, month, and water year type)
- Flow and habitat accounting
- Provisions for science and governance
- Initial 8-year term
  - Could be extended, modified, or terminated after evaluation of ecosystem benefits
  - Includes ability to make course corrections under certain circumstances (e.g., if HRL commitments are not met)
- List of HRL water rights included in Appendix B.1

Regulatory Pathway

Tributary Inflow and Inflow-Based Delta Outflow

- 55% of unimpaired flow with exceptions and adaptive implementation within the 45-65% range
- Water supply adjustments (WSAs) applicable to existing water rights
  - 55% during wettest 1/3 of conditions
  - 45% during middle 1/3 of conditions
  - 35% during driest 1/3 of conditions
  - Greater reductions for specified rainfall and municipal dominated tributaries (Mokelumne and Calaveras Rivers, and Putah Creek)
- Applicable required inflows from the Sacramento/Delta and LSJR tributaries required as outflow

Regulatory Pathway

Cold Water Habitat

- Reservoir owners/operators would be required to develop cold water management strategies identifying actions to provide temperature management, including proposed reservoir storage levels
- Owners/operators would be required to develop annual temperature management plans

Implementation Methodology

- To protect flows provided through both pathways
- Water right curtailments based on priority of right
- All water rights in the watershed would be subject to curtailments, including those as part of the VA pathway
- To be developed in a separate public process

Monitoring

- Monitoring and reporting framework to inform implementation and future updates
- Initial Bay-Delta Monitoring and Evaluation Program (BDMEP) includes:
  - Requirements identified in 2018 Bay-Delta Plan and in water right decisions that implement the Plan
  - HABs monitoring
  - HRL Supplemental Science and Monitoring
- Comprehensive BDMEP to be developed to include monitoring activities that should be conducted by additional water right holders to implement Plan amendments

Annual and Periodic Review

- Public meetings would be held annually to discuss progress on implementation of the Bay-Delta Plan and adaptive management
- Periodic reviews would be held every three years to discuss possible needed changes to the Bay-Delta Plan or its implementation to protect beneficial uses

Tribal Beneficial Uses

- Designation of Tribal Tradition and Culture (CUL) beneficial use in the Bay-Delta watershed
  - Based on substantial evidence provided to the Board through tribal outreach and engagement efforts that the watershed supports the use
  - Recognizes the centrality vital fish populations, particularly salmon, and aquatic life have for cultural, spiritual, ceremonial, and traditional rights and lifeways
- Incorporation of tribal and subsistence fishing beneficial uses (T-SUB and SUB) but not designation of uses
  - Designation would occur through separate process due to need for more specific evaluation

Additional Tribal Provisions

- Development of a tribal engagement plan to inform consultation, outreach, and engagement
- Formation of a Bay-Delta Tribal Advisory Group to provide input to the Board on Bay-Delta Plan processes
- Incorporation of tribal input in HRL decision making and science, and HRL habitat restoration projects
- Collaboration with tribes to incorporate Traditional Ecological Knowledge in the BDMEP

Comments on Final Draft Bay-Delta Plan



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Comments Received Pursuant to August 2026 Notice

- Notice solicited public comment on the revisions to the final draft Plan that were not included in the December 2025 revised draft Plan
  - 100 comment letters received
  - Responsiveness summary released on October 16, 2026
- Major comment themes are summarized in the following slides

Tribal Comments

- **Comment:** Comments expressed concerns about the integration of traditional ecological knowledge (TEK) and the treatment of tribal data.
- **Response:** The Plan amendments include provisions for the development of a Tribal Advisory Group and a tribal engagement plan, as well as provisions for consideration of TEK, to ensure appropriate treatment and respect for data sovereignty.

New Water Supply Projects

- **Comment:** Comments supported or opposed the applicability of WSAs and the VA pathway for new water supply projects.
- **Response:** To maintain consistency with scientific basis report and Staff Report analyses and the proposed HRL commitments, applicability of WSAs or the VA pathway for any new water supply projects would need to be considered separately with any necessary supporting scientific and environmental documentation.
- **Revisions:** The regulatory pathway was revised to allow WSAs to be considered through the water right process. Several non-substantive clarifying edits were also made in response to comments.

Redirected Impacts

- **Comment**: Comments expressed concern about the potential for redirected impacts caused by non-compliance by other water users, or the manner in which regulatory pathway or HRL flows are provided.
- **Response**: The Plan includes provisions to address possible issues during implementation, including provisions in the implementation methodology that will be developed through a public process and provisions for removing HRL participants.

Base Flow Balancing Provision

- **Comment:** Comments supported or opposed the base flow balancing provision. Concerns included lack of a public process, alleged inconsistency with the HRL proposal or best available science, and lack of clarity.
- **Response:** This provision is included to maintain consistency with scientific basis and Staff Report analyses and the proposed additive nature of the HRL commitments.
- **Revisions:** The provision was revised to create a separate process for changes already made to Project operations, include more details on judicial review and petitions for reconsideration, and make other minor changes. In addition, a commitment was added to publicly post documents related to compliance with the Plan.

Withdrawal of HRL Participants

- **Comment:** Comments alleged that the State Water Board changed the terms of the HRL proposal. For this and other reasons, Reclamation and Westlands Water District commented that they may withdraw from the VA pathway.
- **Response:** The VA pathway is largely consistent with the HRL MOU. However, it does not include all of the HRL documents as those documents include non-regulatory and other provisions not appropriate for inclusion in the Plan.
- **Revisions:** The provisions for voluntarily withdrawing from the VA pathway has been revised to provide for a process to consider how commitments and accounting would need to change.

HRL Water Rights

- **Comment**: HRL participants objected to the identification of the water rights that would be dedicated instream for HRL flows and proposed 2,600 new water rights for inclusion in the VA pathway.
- **Response**: The identification of water rights dedicated instream is necessary to ensure HRL flows are provided consistent with water right priority and thus can be protected. The proposed addition of water rights was received too late to incorporate prior to adoption but can be considered after adoption through the processes described in the Plan amendments.
- **Revisions:** The process for identifying water rights dedicated instream was revised to simplify the process.

Additional Comments on Board Meeting Agenda Item

- 16 comment letters received on Board Meeting Agenda Item
- Commenters requested additional edits to the final draft Plan on several topics (new water supply projects, base flow balancing provision, withdrawal of HRL participants, HRL water rights, permanent state water purchases)
- Several commenters requested that the Plan require HRL participants to affirmatively commit to the VA pathway to be included
- Two commenters requested reversion of a change previously requested by DWR that would allow for them to make up permanent state water purchases with flows from other HRL sources
- Multiple commenters reiterated previous comments on the final draft Plan and Staff Report

Change Sheet #2

- In response to the additional comments, the Board released change sheet #2 on October 27 making additional changes, including:
  - Requirement for HRL participants to confirm participating water rights
  - Reversion of DWR's requested edit to water purchases
  - Modifications to red light process for terminating the VA pathway
  - Other minor changes
- Any additional changes proposed during this meeting would be included in a change sheet #3

Board Consideration and Next Steps



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Board Action

- Consideration of approval of final Staff Report and adoption of Bay-Delta Plan amendments and associated Resolution, including change sheets

Next Steps After Adoption

- Submit to Office of Administrative Law for approval
- Notice of Decision
- Submit to U.S. Environmental Protection Agency for review

Resources and Contact Information

- Sacramento/Delta Update to Bay-Delta Plan: waterboards.ca.gov/bay_delta/comp_review.html
- Email questions to: SacDeltaComments@waterboards.ca.gov

Visit our webpage and subscribe to receive future email notifications:

