Chapter 12
Public Participation

12.1 Introduction

This chapter summarizes the public participation activities that occurred during the environmental review and water quality control planning processes for the Sacramento/Delta update to the Bay-Delta Plan. The State Water Board provided many opportunities for interested parties to provide input on the Sacramento/Delta updates to the Bay-Delta Plan, and that valuable input was carefully considered and informed the revised proposed Plan amendments and this Staff Report.

The State Water Board held multiple comment periods to solicit input from interested parties that informed the Sacramento/Delta updates to the Bay-Delta Plan. As described in this chapter, the State Water Board received comments on the *Scientific Basis Report in Support of Possible New and Modified Requirements for Inflows from the Sacramento River and Its Tributaries and Eastside Tributaries to the Delta, Delta Outflows, Cold Water Habitat, and Interior Delta Flows* (Scientific Basis Report); draft *Scientific Basis Report Supplement in Support of Proposed Voluntary Agreements for the Sacramento River, Delta, and Tributaries Update to the San Francisco Bay/Sacramento-San Joaquin Delta Water Quality Control Plan* (Scientific Basis Report Supplement); and the notices of preparation of environmental documentation that were prepared for this project. The State Water Board also received input from interested parties during several informational workshops and associated comment periods, including a series of workshops regarding the scientific and technical basis for potential changes to the Bay-Delta Plan and a Sacramento Water Allocation Model (SacWAM) workshop. State Water Board staff presented multiple informational items related to the Bay-Delta Plan update and implementation processes at State Water Board public meetings and held public listening sessions focused on the Bay-Delta Plan update and implementation process. The subsequent sections describe these and other public participation activities and summarize the input provided by interested parties.

This chapter also summarizes the public participation process for this Staff Report and the draft Sacramento/Delta updates to the Bay-Delta Plan. The State Water Board received input from interested parties during several comment periods, including a series of technical working meetings, multiple workshops, and two multi-day public hearings that informed this Staff Report and the revised proposed Plan amendments. The State Water Board will also provide an additional opportunity for public comment on the final draft Bay-Delta Plan before it is considered for adoption at a public State Water Board meeting.

In addition to the public participation activities described in this chapter, State Water Board staff engaged with California Native American Tribes on the Sacramento/Delta update to the Bay-Delta Plan and remains committed to continuing to engage with tribes on Bay-Delta Plan update and implementation processes. Chapter 11, *Tribal Engagement, Traditional Ecological Knowledge, and Tribal Beneficial Uses*, summarizes tribal engagement activities related to the Sacramento/Delta updates to the Bay-Delta Plan, including how State Water Board staff responded to requests from California Native American Tribes to incorporate Traditional Ecological Knowledge (TEK) and consider the addition of Tribal Beneficial Uses to the Bay-Delta Plan.

12.1 CEQA Scoping

In accordance with CEQA, the State Water Board issued a *Notice of Preparation and of Scoping Meeting for Environmental Documentation for the Update and Implementation of the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary* on February 13, 2009 (SWRCB 2009a), indicating that the State Water Board would be the lead agency and would prepare environmental documentation for the potential update and changes to implementation of the Bay-Delta Plan. The Notice of Preparation (NOP) stated that (1) the environmental documentation would identify and evaluate the significant environmental impacts associated with potential changes to the Bay-Delta Plan and potential changes to water rights and other measures implementing the Plan that may be needed to ensure the reasonable protection of beneficial uses in the Bay-Delta watershed; and (2) the State Water Board would consult with responsible and trustee agencies and interested persons on all aspects of the update and implementation of the Bay-Delta Plan. A scoping meeting focused on potential changes to the southern Delta salinity and San Joaquin River flow objectives and their implementation, with opportunity to provide comments, was held on March 30, 2009. The associated scoping period extended between February 13 and March 19, 2009, and 13 comment letters were received (SWRCB 2009b).

A *Supplemental Notice of Preparation and Notice of Scoping Meeting for Environmental Documentation for the Update and Implementation of the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary* (Supplemental NOP) was issued on January 24, 2012 (^SWRCB 2012a). The purpose of the Supplemental NOP was to provide additional information regarding the State Water Board's review of the Bay-Delta Plan. Specifically, the purpose of the Supplemental NOP was to: (1) advise responsible and trustee agencies and interested persons that the State Water Board intends to prepare environmental documentation for the Sacramento/Delta update to the Bay-Delta Plan; and (2) seek input on significant environmental issues, reasonable alternatives, and mitigation measures that should be addressed in the environmental document. In particular, the State Water Board sought input and information to support whether Delta outflows, Delta inflows, and water project operational constraints should increase, decrease, or remain the same. A scoping meeting with an opportunity for public agencies and interested parties to provide oral comments to the State Water Board was held on May 16, 2012. The associated scoping period for the Supplemental NOP extended between January 24 and April 15, 2012, and a total of 38 public comment letters were received (SWRCB 2012a).

The State Water Board considered all comments submitted by agencies and other stakeholders in response to the 2009 NOP and 2012 Supplemental NOP. Following these CEQA scoping activities, the State Water Board provided several additional opportunities for interested parties to provide input related to the Sacramento/Delta update to the Bay-Delta Plan, as described in the following section.

12.2 Informational Workshops Regarding Scientific and Technical Basis for Potential Changes to the Bay-Delta Plan

The State Water Board held a series of three informational workshops in 2012 to receive additional information and conduct discussions regarding the scientific and technical basis for potential changes to the Bay-Delta Plan. The information provided during the workshops augmented the

information developed through earlier reviews and informed the State Water Board members and staff on potential changes to the Bay-Delta Plan. The workshop dates and topics were as follows.

1. September 5–6, 2012: Ecosystem Changes and Low Salinity Zone, including the effects of the low salinity zone on various estuarine species, the interaction of salinity with non-flow-related factors, and the identification of modeling or other tools that can be used to measure and reasonably protect estuarine habitat.
2. October 1–2, 2012: Bay-Delta Fishery Resources, including flow, cold water pool, habitat, and water project operational constraints needed to reasonably protect Central Valley steelhead, Sacramento River winter-run Chinook salmon, Central Valley late fall-run Chinook salmon, and pelagic species (including Delta smelt and longfin smelt) and the interaction of these issues with non-flow-related factors.
3. November 13–14, 2012: Analytical Tools for Evaluating the Water Supply, Hydrodynamic, and Hydropower Effects of the Bay-Delta Plan, including the CalSim II water supply model, Delta Simulation Model II (DSM2), and RMA2 hydrodynamic models, Plexus hydropower model, and others as applicable, together with results from applying these models to various scenarios.

Each workshop included a presentation by an independent expert panel organized by the Delta Stewardship Council's Delta Science Program (DSP), technical presentations by interest panels representing stakeholders, opportunities for public comment, and questions directed to panelists and stakeholders by the State Water Board and staff. As part of the planning for these workshops, State Water Board staff presented an informational item at the June 19, 2012, Board meeting, including the proposed format for the workshops, potential key technical questions, and potential panel format. The State Water Board received numerous suggestions for workshop questions, including written comments. The State Water Board also requested that interested persons submit information that they believed the State Water Board should consider in the Sacramento/Delta update to the Bay-Delta Plan in advance of the workshops. The State Water Board received 16 comment letters regarding the first workshop, 17 comment letters regarding the second workshop, and 29 comment letters regarding the third workshop.

Following the workshops, a summary report on the workshops' key points, including areas of agreement and disagreement, sources of disagreement, and degree of certainty was developed (SWRCB 2013a). At the April 9, 2013, Board meeting, an informational item was presented on next steps related to the summary report. The State Water Board requested input on what, if any, areas of disagreement or uncertainty identified in the summary report should be resolved during the Sacramento/Delta update to the Bay-Delta Plan and what process should be used to resolve those issues. The Board meeting included an opportunity for the public to provide comments on the informational item. The State Water Board received 11 public comment letters regarding the informational item (SWRCB 2013b).

At the April 9, 2013 Board meeting, the DSP Lead Scientist recommended that DSP hold a series of technical workshops to provide input on the best available scientific information to inform the Sacramento/Delta update to the Bay-Delta Plan. DSP convened independent panels of science experts and held two independent science workshops on areas of scientific disagreement or uncertainty to inform the Sacramento/Delta update to the Bay-Delta Plan, including Delta Outflows and Related Stressors (February 2014; ^Reed et al. 2014) and Interior Delta Flows and Related Stressors (April 2014; ^Monismith et al. 2014). The expert panels evaluated and synthesized information in DSP workshop panel summary reports (DSC DSP 2014a; DSC DSP 2014b). An

additional independent science workshop was held by the California Department of Fish and Wildlife (CDFW), DSP, and the National Marine Fisheries Service to address fish predation on Central Valley salmonids in the Bay-Delta watershed (July 2013; ^Grossman et al. 2013).

State Water Board staff appreciates the valuable input provided by numerous parties during these workshops and associated comment periods. State Water Board staff considered the scientific information presented by stakeholders at each of these workshops and in associated comment letters, which informed development of the Scientific Basis Report (see Section 12.5, *Scientific Basis Report*).

12.3 SacWAM Development

SacWAM is a hydrologic and system operations model developed by the Stockholm Environmental Institute and State Water Board to assess potential revisions to instream flow and other requirements in the Bay-Delta watershed, including the current Sacramento/Delta updates to the Bay-Delta Plan. SacWAM was developed using the Water Evaluation and Planning (WEAP) software platform and is intended to be user-friendly and usable for efficient comparison of multiple scenarios. (Refer to Appendix A1, *Sacramento Water Allocation Model Methods and Results*, for SacWAM methods and results.)

The State Water Board provided several opportunities for interested parties to provide input related to the development of SacWAM. State Water Board staff appreciates the valuable input received, which has informed SacWAM refinement. In fall 2016, the State Water Board released an early version of SacWAM for public review and for review by an independent science review (ISR) panel convened by the DSC's DSP to ensure transparency and confirm the adequacy of SacWAM to simulate flows to inform the Sacramento/Delta updates to the Bay-Delta Plan. On October 4, 2016, State Water Board staff held a public workshop, "Public Introduction to SacWAM," that provided a general and technical overview of SacWAM (version 0.20) and hands-on instruction on how to navigate the model and the model documentation. Video recordings and presentation slides from the public workshop are available on the State Water Board's website. On October 19, 2016, a public meeting was held in which the ISR panel presented initial findings, asked additional questions, and engaged in a dialogue with the model development team and State Water Board staff and interested persons. The ISR panel provided a review report to the State Water Board on December 19, 2016, titled *Independent Peer Review of the Sacramento Water Allocation Model (SacWAM)* (Fleenor et al. 2016). The report contained detailed recommendations for model improvements and suggestions for meeting with other agencies to obtain information to improve SacWAM's representation of the system as intended.

In response to the panel's observations and recommendations, the SacWAM development team met with several agencies, such as East Bay Municipal Utility District, Solano County Water Agency, Contra Costa Water District, and the U.S. Bureau of Reclamation (Reclamation), and undertook additional model refinement to improve the representation of hydrology, water control facilities, and water management in SacWAM. For example, the simulation period was extended from October 2009 through September 2015, additional climate data were incorporated, and the groundwater representation was modified. This model refinement was undertaken from January 2017 through March 2017. In April 2017, an updated version of SacWAM and its documentation that included the changes were completed (version 1.05) for use in the State Water Board's Scientific Basis Report (described in Section 12.5, *Scientific Basis Report*) (SWRCB 2020). State Water Board staff provided

responses to the ISR's report in *Response to 2016 Independent Peer Review of the Sacramento Water Allocation Model (SacWAM)*, dated October 4, 2017 (SWRCB 2017a).

SacWAM development that continued in 2018 and 2019 incorporated updates to upper watershed hydrology and operations, and updates to CVP and SWP operations based on updates related to development of the CalSim 3 model by the California Department of Water Resources (DWR), Reclamation, and their consultants. SacWAM version 1.2 was released in April 2019 and incorporated these updates (SWRCB 2020). In November 2019, SacWAM version 2019.11.22 was released, followed by a public presentation in December 2019. Since 2019, SacWAM updates have occurred to reflect changes to regulations that affect reservoir operations, streamflow requirements, and Delta operations and to refine model logic to support simulation of the proposed voluntary agreements (VAs). More information on these regulatory assumptions can be found in Chapter 6, *Changes in Hydrology and Water Supply*.

Since the release of SacWAM version 2023.06.12 to support the 2023 draft Staff Report, minor refinements were made to SacWAM as described in Section 13.4.2.1, *Sacramento Water Allocation Model (SacWAM)_General Updates*.

12.4 Scientific Basis Report

In October 2017, the State Water Board finalized the Scientific Basis Report that documents the science supporting possible Sacramento/Delta updates to the Bay-Delta Plan that were under consideration at that time.

A working draft version of the Scientific Basis Report was released on October 19, 2016, to receive early scientific and public input on the science related to the Sacramento/Delta update to the Bay-Delta Plan prior to submittal of a final Scientific Basis Report for external peer review. A public workshop on the draft Scientific Basis Report was held on December 7, 2016. At the workshop, the State Water Board received comments from the public and other agencies regarding additional scientific information that should be considered during development of the final draft Scientific Basis Report. The public workshop included a State Water Board staff presentation, which provided an introduction and overview of the draft Scientific Basis Report and an overview of how science was used to develop the Scientific Basis Report. The workshop also included an opportunity for public comments and presentations by representatives from five federal, state, and local agencies and four special-interest groups. An associated comment period was held, and 35 comment letters regarding the draft Scientific Basis Report were received (SWRCB 2018). In addition, the Delta Independent Science Board (ISB) conducted a review of the working draft Scientific Basis Report (Delta ISB 2017).

Based on public and agency input, including input received at the December 2016 workshop, associated public comment letters, and the Delta ISB's review, the Scientific Basis Report was refined, and a final draft Scientific Basis Report was prepared for independent peer review. California Health and Safety Code section 57004 requires that all California Environmental Protection Agency organizations submit for external peer review the scientific basis and scientific portion of all proposed policies, plans, and regulations. The final draft Scientific Basis Report was submitted for independent peer review on May 31, 2017, pursuant to requirements of California's Health and Safety Code section 57004. The peer reviews and State Water Board staff's response to the peer reviews are available on the State Water Board's website.

12.5 October 2017 Notice Regarding Information and Future Updates on Sacramento/Delta Update to the Bay-Delta Plan

In October 2017, State Water Board staff provided a *Notice of Opportunity to Provide Input to Inform the Development of the Program of Implementation for the Update of the Bay-Delta Plan* (Notice) (SWRCB 2017b) to water users in the Sacramento/Delta and other interested persons, updating them on the State Water Board's efforts related to the Sacramento/Delta update to the Bay-Delta Plan. An opportunity to provide early constructive input on potential changes to the Plan, particularly focused on implementation measures, also was provided.

Through the Notice, State Water Board staff solicited focused stakeholder input on a series of questions for consideration in development of the program of implementation for the Sacramento/Delta update to the Bay-Delta Plan. In response to the Notice, the State Water Board received valuable input from many interested persons that informed development of proposed changes to the Bay-Delta Plan. The State Water Board received 26 comment letters regarding the Notice (SWRCB 2017c).

12.6 Framework for Possible Sacramento/Delta Updates to the Bay-Delta Plan

Based on the 2017 Scientific Basis Report, in July 2018, State Water Board staff released the *July 2018 Framework for the Sacramento/Delta Update to the Bay-Delta Plan* (2018 Framework) (^SWRCB 2018a) summarizing possible updates to the Bay-Delta Plan that were identified at that time. The 2018 Framework provided the basis for the proposed Plan amendments, including possible objectives and implementation measures for the protection of fish and wildlife.

Additional information regarding the proposed Plan amendments is provided in Chapter 5, *Proposed Changes to the Bay-Delta Plan for the Sacramento/Delta*.

12.7 State Water Board Informational Items

The State Water Board held informational items on upcoming actions to update and implement the Bay-Delta Plan in December 2021, January 2023, and June 2023. These informational items were held during regular Board meetings and included a State Water Board staff presentation followed by an opportunity for interested parties to provide comments to the State Water Board.

In December 2021, the State Water Board held an informational item on upcoming actions to update and implement the Bay-Delta Plan. This included outlining the process and general timeline for implementing the 2018 Bay-Delta Plan amendments for Lower San Joaquin River flows and southern Delta salinity and a timeline for completing the Sacramento/Delta update to the Bay-Delta Plan, including consideration of VAs.

In January 2023, the State Water Board held an additional informational item on upcoming actions to update and implement the Bay-Delta Plan. This included an update on the timeline for completing

the Sacramento/Delta update to the Bay-Delta Plan, including consideration of proposed VAs, and for implementing the 2018 Bay-Delta Plan amendments for Lower San Joaquin River flows and southern Delta salinity, including consideration of a VA proposal for the Tuolumne River.

In June 2023, the State Water Board held an additional informational item on consideration of adding Tribal Beneficial Uses to the Bay-Delta Plan. For a summary of this informational item, see Section 11.5.1, *Incorporation of Tribal Beneficial Uses in the Bay-Delta Plan*.

12.8 Scientific Basis Report Supplement

In March 2022, the State Water Board received a *Memorandum of Understanding Advancing a Term Sheet for the Voluntary Agreements to Update and Implement the Bay-Delta Water Quality Control Plan, and Other Related Actions* (MOU). After the MOU was submitted and during the development of the 2023 draft Staff Report, the voluntary agreements (VA) were renamed Healthy Rivers and Landscapes (HRL) by the VA proponents. In support of the State Water Board's process of evaluating and considering the HRL proposal as an alternate pathway for protection of fish and wildlife as part of the Sacramento/Delta updates to the Bay-Delta Plan, State Water Board staff, in collaboration with staff from DWR and CDFW, drafted a Scientific Basis Report Supplement. In January 2023, the State Water Board released the draft Scientific Basis Report Supplement that documents the science supporting anticipated benefits of the HRL commitments and serves as a supplement to the 2017 Scientific Basis Report.

A public workshop was held on January 19, 2023, to discuss and receive comments on the draft Scientific Basis Report Supplement. At the workshop, staff from the State Water Board, CDFW, and DWR provided a presentation, followed by the opportunity for public comments. An associated public comment period was held, and 53 comment letters were received. Written comments on the draft Scientific Basis Report Supplement were submitted by individuals; nongovernmental organizations; public water agencies; California Native American Tribes; Delta ISB; and federal agencies, including Reclamation and the U.S. Environmental Protection Agency. The topics of comment letters included policy-related comments on the VA proposal; requests to change the descriptions of the VA assets from the VA Term Sheet;[1] requests to include TEK in the report; comments about the benefits of flow vs. habitat to native fish species; requests to analyze the negative effects of harmful algal blooms, drought, climate change, and other stressors on habitat and native fish species; requests to analyze effects of temperature on the benefits of the VA assets for native fish species; and comments about habitat modeling, flow-abundance relationships, flow modeling, and the analysis baseline used in the report. A video recording of the January 19, 2023 workshop is available online, and copies of the comment letters received are available upon request.

Based on input received at the January 19, 2023 public workshop and associated comment letters, the draft Scientific Basis Report Supplement was revised and a final draft Scientific Basis Report Supplement was prepared for independent peer review pursuant to the requirements of California Public Health and Safety Code section 57004, which requires that the scientific basis of any statewide plan, basin plan, plan amendment, guideline, policy, or regulation undergo external scientific peer review before adoption. The final draft Scientific Basis Report Supplement was

[1] The VA Term Sheet is a shortened reference to the Memorandum of Understanding Advancing a Term Sheet for the Voluntary Agreements to Update and Implement the Bay-Delta Water Quality Control Plan, and Other Related Actions (^Voluntary Agreements Parties 2022).

submitted for independent peer review on October 25, 2023, pursuant to requirements of California's Health and Safety Code section 57004. In February 2024, the State Water Board received the peer review responses. State Water Board staff revised the Scientific Basis Report Supplement in collaboration with staff from CDFW and DWR based on peer reviewers' comments. The State Water Board finalized the Scientific Basis Report Supplement in 2026. The final draft Scientific Basis Report Supplement was included with the 2023 draft Staff Report as Appendix G2, and the final Scientific Basis Report Supplement is included as an updated Appendix G2 to this final Staff Report.

Additional information regarding the VA pathway is provided in Chapter 13, *Revised Proposed Plan Amendments.*

12.9 Environmental Justice Focused Listening Sessions

On March 27, 2023, State Water Board staff held a listening session to receive input from environmental interests; representatives of economically disadvantaged communities; and representatives of Black, Indigenous, and people of color (BIPOC) organizations on the State Water Board's current efforts to update and implement the Bay-Delta Plan. The listening session was convened by the State Water Board's Chair Joaquin Esquivel and consisted of opening remarks from Chair Esquivel and a presentation by staff from the State Water Board on its Bay-Delta planning and implementation, with additional information on proposed VAs from CDFW and DWR staff. Over 150 participants registered to attend the listening session. During the listening session, participants had the opportunity to provide input and ask questions.

During the March 27, 2023, listening session, the State Water Board's Chair and staff received numerous questions and comments about the Bay-Delta Plan update and implementation efforts. Questions and comments received during the listening session covered a range of issues, including but not limited to, impacts on subsistence fishing and harmful algal blooms in the Delta and questions related to proposed VAs. In response to those comments, the State Water Board staff organized a second public listening session for June 7, 2023, to receive further input from representatives of disadvantaged communities; BIPOC communities; and environmental justice organizations.

During the June 7, 2023, listening session, State Water Board staff provided an overview of the State Water Board's Bay-Delta planning and implementation efforts. State Water Board staff summarized and responded to questions and comments received during the March 27, 2023, environmental justice focused listening session. CDFW and DWR staff also provided remarks related to proposed VAs.

12.10 2023 Draft Staff Report

On September 28, 2023, the State Water Board released a draft Staff Report that analyzes the potential benefits and impacts associated with possible Sacramento/Delta updates to the Bay-Delta Plan (2023 draft Staff Report).[2] The 2023 draft Staff Report assessed a range of alternatives for updating the Sacramento/Delta portions of the Bay-Delta Plan, including an alternative based on the

[2] The Staff Report is available on the State Water Board's website at: www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/staff_report.html.

2018 Framework identifying a 55 percent of unimpaired flow level (within an adaptive range from 45 to 65 percent) from Sacramento/Delta tributaries and associated Delta outflows. The 2023 draft Staff Report also identified the possible inclusion of a VA pathway for the HRL commitments, as well as other alternatives.

A *Notice of Availability and Opportunity for Public Comment, Hearing, and Staff Workshops on Draft Staff Report in Support of Potential Sacramento/Delta Updates to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary* notifying the public about the availability of the draft Staff Report was sent to all interested parties and public agencies through the State Water Board's email list subscription system. In addition, noticing was completed in compliance with CEQA by submitting the notice of completion to the State Clearinghouse, posting the notice of availability at county clerk offices, and publishing the notice in public newspapers.

State Water Board staff hosted two workshops to provide information and answer questions related to the 2023 draft Staff Report during the public comment period. The first workshop was held on October 19, 2023, and the second workshop was held on November 2, 2023. At the first workshop, State Water Board staff provided an overview of the 2023 draft Staff Report and explained how it is organized. At the second workshop, State Water Board staff described the modeling used to support the 2023 draft Staff Report. Both workshops began with a staff presentation followed by an opportunity for attendees to ask questions. Both workshops were held virtually.

The State Water Board also conducted a public hearing to receive oral comments on the 2023 draft Staff Report. (Cal. Code Regs., tit. 23, § 3779.) The hearing began on November 17, 2023, continued on December 1, 2023, and concluded on December 11, 2023. On each hearing day, State Water Board staff provided an overview presentation followed by public panel presentations and individual public comments. Panels were comprised of speakers representing tribal and environmental justice groups, nongovernmental organizations, fishing organizations, water providers (districts, agencies, utilities), and agricultural interests. The hearing included a physical meeting location at the California Environmental Protection Agency Headquarters Building in Sacramento, and an option to participate remotely via Zoom. During the 3-day hearing, the State Water Board heard oral comments from approximately 17 panels and 133 individual speakers.

The public review period for the 2023 draft Staff Report ended on January 19, 2024, and lasted for 113 days. The State Water Board originally released the document for a 78-day review period (from September 28, 2023, to December 15, 2023). However, in response to several public requests, the original review period was extended to January 19, 2024, to allow for additional review. During the public review period for the 2023 draft Staff Report, the State Water Board received approximately 308 written comment letters (totaling approximately 29,600 pages) from a range of entities, including federal, state, and local agencies; California Native American Tribes and tribal organizations; elected officials; and individuals. The State Water Board received an additional 646 form letters (i.e., the same letter provided by multiple commenters).

12.11 Workshop on Proposed VAs (HRL Proposal)

On March 8, 2024, the State Water Board noticed a multi-day public workshop scheduled for April 24 through 26, 2024, to discuss the proposed VAs (or HRL proposal) being considered in the Sacramento/Delta updates to the Bay-Delta Plan. The purpose of the workshop was for HRL participants to provide a detailed overview of the HRL proposal and receive input and answer

questions from State Water Board members. The workshop also served as an opportunity for California Native American Tribes, representatives of economically disadvantaged communities, and the general public to ask questions and provide input on the HRL proposal. Prior to the workshop, HRL participants submitted additional and revised documents in support of the HRL to the State Water Board in March and April 2024. These included a Cover Memo; Global, Implementing, and Enforcement Agreements; Flow Accounting; and Non-Flow Measure Accounting documents. The State Water Board provided notice of these new documents, which were made available to the public on the State Water Board's website.

The 3-day workshop included introductory presentations; six detailed sessions on specific key components of the HRL proposal; and opportunities for public comment. The workshop dates and topics were as follows.

1. April 24, 2024: Integration of Flow and Non-flow Measures, and Flow Measure Accounting, which included discussions of: (1) how HRL flow and non-flow commitments were developed and intended to be integrated to benefit native fish; and (2) proposed adaptive measures for implementing HRL flows and proposed accounting for flow commitments.
2. April 25, 2024: Non-flow Measure Accounting and Science Plan, which included discussions of: (1) the proposed HRL accounting protocols for non-flow measures, including spawning, rearing, floodplain, bypass, and tidal wetland non-flow measures; and (2) the proposed HRL Science Plan, including the proposed approaches for evaluating outcomes of the flow and non-flow measures.
3. April 26, 2024: Governance and Participation, and Enforcement, Accountability, Transparency, and Implementation, which included discussions of: (1) proposed HRL governance structure for decision making, coordination of HRL efforts, and engagement with other interested participants; and (2) proposed HRL legal instruments for enforcement, accountability, transparency, and next steps for implementation of the HRL proposal.

Each session included a presentation from HRL participants, followed by public panel presentations and discussion with State Water Board members. The workshop also provided an opportunity for individual public comments. All three workshop days included a physical meeting location at the California Environmental Protection Agency Headquarters Building in Sacramento, and an option to participate remotely via Zoom. During the 3-day workshop, the State Water Board heard oral comments from approximately 18 panels and 43 individual speakers.

12.12 2024 Draft Bay-Delta Plan

On October 25, 2024, the State Water Board released for public review and comment a draft of possible updates to the Sacramento River watershed and Delta components of the Bay-Delta Plan, as well as other minor updates and edits to improve clarity and readability (2024 draft Plan). The 2024 draft Plan was informed by public comments on the 2023 draft Staff Report and associated multi-day public hearing, as well as the multi-day public workshop on the VAs.

The 2024 draft Plan identified several options under consideration that the State Water Board was seeking input on for updating the Bay-Delta Plan. The 2024 draft Plan identified possible provisions under the regulatory pathway, including new Sacramento/Delta tributary inflow and cold water provisions and inflow-based Delta outflows, as well as other provisions described in the 2023 draft

Staff Report. The 2024 draft Plan also identified the possible inclusion of a VA pathway that would allow for implementation of the HRL flow and non-flow commitments as an alternative pathway to implement certain water quality objectives for fish and wildlife beneficial uses.

The public review and comment period on the 2024 draft Plan ended on January 10, 2025, with the exception that written comments specific to workshop topics scheduled for January 23, 2025 (Alternative 5a and Alternative 6a) were due on January 30, 2025. The State Water Board originally released the document for a 55-day comment period from October 25, 2024, to December 19, 2024. However, in response to public requests, the comment period was extended until January 10, 2025, for a total duration of 77 days. Written comments specific to Alternative 5a and Alternative 6a continued to be due by the original deadline on January 30, 2025.

During the public comment period on the 2024 draft Plan, the State Water Board received approximately 142 written comment letters (totaling approximately 9,200 pages) from a range of entities, including federal, state, and local agencies; California Native American Tribes and tribal organizations; elected officials; and individuals. The State Water Board received an additional 297 form letters (i.e., the same letter provided by multiple commenters).

12.12.1 Workshop on 2024 Draft Bay-Delta Plan

Between November 2024 and January 2025, the State Water Board held 5 days of a multi-day public workshop to receive public input on the 2024 draft Plan. Each day of the workshop was dedicated to a specific topic and included introductory remarks from the State Water Board, a staff presentation, and topic specific panel presentations and individual public comments. The workshop dates and topics were as follows.

1. November 20, 2024: Draft Sacramento/Delta Regulatory Provisions in the Bay-Delta Plan
2. November 22, 2024: Draft Sacramento/Delta VA Provisions in the Bay-Delta Plan
3. December 3, 2024: VA Habitat Accounting and Tribal Focused Topics
4. December 12, 2024: VA Flow Accounting and General Comments
5. January 23, 2025: Potential Provision to Protect Base Delta Outflows During Drought Periods (Alternative 5a) and Potential Provision to Protect VA Flows and the Base They Are Added to From New Projects (Alternative 6a), and General Comments

All five workshop days included a physical meeting location at the California Environmental Protection Agency Headquarters Building in Sacramento, and an option to participate remotely via Zoom. During the 5-day workshop, the State Water Board heard oral comments from approximately 17 panels and 115 individual speakers.

12.12.2 Working Meetings on 2024 Draft Bay-Delta Plan

On January 3, 2025, the State Water Board notified potentially interested persons that staff would be holding a series of technical working meetings to receive further input from the water community, including water users, environmental groups, and California Native American Tribes, on the 2024 draft Plan. The letter notifying interested persons of the working meetings was distributed via the State Water Board's email subscription list and posted on the State Water Board's website. The working meeting dates and topics were as follows.

1. January 16, 2025: Purpose and Overall Approach to Working Meetings
2. January 28, 2025: Inflow Objective and Program of Implementation
3. January 29, 2025: Cold Water Habitat Objective and Program of Implementation
4. January 30, 2025: Inflow-Based Delta Outflow Objective and Program of Implementation
5. February 4, 2025: Methodology to Determine Water Unavailability and Implement the Bay-Delta Plan in Conformance with Water Right Priorities
6. February 5, 2025: Monitoring and Evaluation for Regulatory Provisions
7. February 13, 2025: Provisions for Continuation, Modification, or Termination of the VAs
8. February 19, 2025: VA Habitat Commitments and Accounting Provisions
9. February 20, 2025: Monitoring and Evaluation for VA Provisions
10. February 27, 2025: VA Flow Commitments and Accounting
11. March 4, 2025: Tribal Provisions

The eleven working meetings were scheduled for 2 hours each and were conducted virtually via Zoom. Each meeting included a brief introduction from State Water Board staff on the topics that would be covered that day, followed by discussions with meeting participants on those specific topics. Prior to the meetings, the State Water Board provided a list of questions intended to help guide the discussions of input on specific provisions of the draft Bay-Delta Plan. The guiding questions were emailed to interested persons via the State Water Board's email subscription list and posted on its website. Although some State Water Board members were in attendance, a quorum of the State Water Board was not present and no State Water Board action occurred during any of the working meetings.

The working meetings allowed for technical dialogue between the State Water Board's Executive Director, State Water Board staff, and meeting participants to discuss the 2024 draft Plan. The input received during the working meetings helped to inform a revised draft of proposed updates to the Bay-Delta Plan for additional public comment.

12.13 July 2025 Revised Draft Bay-Delta Plan

On July 24, 2025, the State Water Board released a revised draft of updates to the Bay-Delta Plan for public review (July 2025 revised draft Plan). The July 2025 revised draft Plan incorporated changes responding to public comments received on the 2023 draft Staff Report and the 2024 draft Plan, updated information submitted by the HRL participants, and continued coordination with the HRL participants.

The July 2025 revised draft Plan included the VA pathway as an alternative for implementation of HRL commitments that would apply for HRL water rights in lieu of implementing other provisions for tributary inflow, cold water habitat, and inflow-based Delta outflows, and a regulatory pathway that would apply to water rights not included in the VA pathway and would also apply to HRL water rights in the event the VA pathway is discontinued. Both pathways would have regulatory effect upon adoption of Plan amendments. The July 2025 revised draft Plan included additional HRL commitments from Nevada Irrigation District and South Sutter Water District on the Bear River,

Yuba River, and Auburn Ravine. In addition, the July 2025 revised draft Plan introduced provisions in response to public comments to include adjustments to the required percent of unimpaired flow based on hydrologic conditions during initial implementation of the Plan that would reduce water supply impacts and allow more water to be stored in reservoirs.

On August 22, 2025, the State Water Board provided public notice of the availability of supplemental modeling results for the regulatory pathway described in the July 2025 revised draft Plan. The models and results were posted publicly on the State Water Board's file transfer protocol (FTP) site. At the same time, the State Water Board notified the public that it had received term sheets for the additional HRL commitments that were included in the July 2025 revised draft Plan.

On September 16, 2025, the State Water Board rescinded the notice associated with the July 2025 revised draft Plan and delayed the associated written public comment period and hearing. The State Water Board delayed the public comment period on the July 2025 revised draft Plan to make refinements and to coordinate the public process with the planned limited recirculation of the draft Staff Report. In the September 16, 2025, rescinded notice, the State Water Board notified the public that the limited recirculation of the draft Staff Report and release of a revised draft Plan was anticipated in December 2025.

The State Water Board received approximately 19 written comment letters (totaling approximately 118 pages) on the July 2025 revised draft Plan. Those comments were considered in the development of revisions to the Bay-Delta Plan and Staff Report.

12.14 December 2025 Revised Draft Bay-Delta Plan and Partially Recirculated Draft Staff Report

On December 12, 2025, the State Water Board released a revised draft of updates to the Bay-Delta Plan for public review and comment (December 2025 revised draft Plan). The December 2025 revised draft Plan included refinements but the overall content and approach remained largely unchanged from the July 2025 revised draft Plan. The December 2025 revised draft Plan also included an additional HRL proposal from Yolo County Flood Control and Water Conservation District that the State Water Board received in November 2025.

In December 2025, the State Water Board released Chapter 13, *Revised Proposed Plan Amendments*, as a limited recirculation of the 2023 draft Staff Report (2025 partially recirculated draft Staff Report) together with the December 2025 revised draft Plan for public review and comment. These documents reflect the updated proposed project, referred to as the revised proposed Plan amendments, which brings together in the Bay-Delta Plan program of implementation a VA pathway that incorporates commitments identified in the HRL proposal and would apply to specified HRL water rights, and a regulatory pathway based on the proposed Plan amendments that would apply to other water rights and to any HRL water rights no longer covered under the VA pathway

A *Notice of Limited Recirculation and Notice of Availability and Opportunity for Public Comment and Hearing on Revised Draft Updates to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Watershed and Supporting Draft Staff Report* was sent to all interested parties and public agencies through the State Water Board's email subscription list. In addition, noticing was completed in compliance with CEQA by submitting the notice of completion to

the State Clearinghouse, posting the notice of availability at county clerk offices, and publishing the notice in public newspapers.

The portion of the draft Staff Report that was subject to recirculation and further public comment was limited to Chapter 13, *Revised Proposed Plan Amendments*. Comments on the 2023 draft Staff Report were considered when developing Chapter 13, *Revised Proposed Plan Amendments.*

The State Water Board conducted a multi-day public hearing on January 28 through 30, 2026, to receive oral comments on the December 2025 revised draft Plan and Chapter 13, *Revised Proposed Plan Amendments.* On each hearing day, State Water Board staff provided an overview presentation followed by public panel presentations and individual public comments. Panels were comprised of speakers representing tribal and environmental justice groups, nongovernmental organizations, fishing organizations, water providers (districts, agencies, utilities), and agricultural interests. The hearing included a physical meeting location at the California Environmental Protection Agency Headquarters Building in Sacramento, and an option to participate remotely via Zoom. During the 3-day public hearing, the State Water Board heard oral comments from approximately 11 panels and 188 individual speakers.

The public review and comment period on the December 2025 revised draft Plan and Chapter 13, *Revised Proposed Plan Amendments,* ended on February 2, 2026 for a total duration of 52 days. During the public comment period, the State Water Board received approximately 151 written comment letters (totaling approximately 7,500 pages) from a range of entities, including federal, state, and local agencies; California Native American Tribes and tribal organizations; elected officials; and individuals.

12.15 2026 Final Draft Bay-Delta Plan and Final Staff Report

In August 2026, the State Water Board released a final draft Bay-Delta Plan for public review and comment that included refinements to the revised proposed Plan amendments based on public comments received on the December 2025 revised draft Plan. At the same time, the State Water Board released this final Staff Report, including responses to comments previously received on the draft Staff Report. The final Staff Report informs the State Water Board's consideration of adoption of the Sacramento/Delta updates to the Bay-Delta Plan.

12.16 Additional Activities

In addition to the activities described in the preceding sections, State Water Board staff participated in various meetings with state and federal resource agencies, nongovernmental organizations, water users, and other stakeholders to discuss various topics of interest related to the Sacramento/Delta updates to the Bay-Delta Plan.

State Water Board staff received various general public comments related to the Sacramento/Delta update to the Bay-Delta Plan (SWRCB 2018).

State Water Board staff appreciates the input provided by stakeholders through these discussions and in general comments and encourages interested parties to remain engaged in the process to

update and implement the Bay-Delta Plan. The State Water Board will provide information on implementation of the Bay-Delta Plan, including notice of annual and periodic reviews and future opportunities for public comment, via the State Water Board's email subscription list. To receive future email notifications about the Bay-Delta Plan processes, subscribe to the "Bay Delta Notices" topic (listed under Water Rights).[3]

12.17 References Cited

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