Common Response 10.1
Economically Disadvantaged Communities

Introduction

This introduction provides important context to this common response. A similar introduction is provided in each common response to ensure that the reader has the appropriate context when reviewing common responses. For ease of reference, a table of contents is included after this introduction to guide readers to specific subject areas.

Protecting the San Francisco Bay/Sacramento-San Joaquin Delta (Bay-Delta) watershed and its many beneficial uses of water is one of the State Water Resources Control Board's (State Water Board) primary responsibilities and top priorities. In response to declines of several native aquatic species since the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Watershed (Bay-Delta Plan or Plan) was last comprehensively updated, the State Water Board commenced a process to update the Bay-Delta Plan for the Sacramento River and its tributaries, Delta eastside tributaries (including the Calaveras, Cosumnes, and Mokelumne Rivers), and Delta for the reasonable protection of fish and wildlife beneficial uses, referred to as the Sacramento/Delta Update to the Bay-Delta Plan. The Bay-Delta Plan identifies beneficial uses of water to be protected in the Bay-Delta watershed, water quality objectives and program of implementation to achieve the reasonable protection of those beneficial uses, monitoring, evaluation, and special study provisions. The State Water Board's proposed action to update the Bay-Delta Plan is supported by a Staff Report/Substitute Environmental Document (Staff Report), which provides an evaluation of the environmental impacts and economic effects in support of consideration of different alternatives to update the Bay-Delta Plan to achieve reasonable protection of fish and wildlife beneficial uses in the Sacramento/Delta. The Staff Report is functionally equivalent to an Environmental Impact Report under the California Environmental Quality Act (CEQA) but also provides the additional analyses that support the State Water Board's consideration of the action under the Clean Water Act and Porter-Cologne Water Quality Control Act.

Development of the final Staff Report and final draft Bay-Delta Plan were informed by several opportunities for public comment over multiple years. This common response may address issues that were raised during any of those public comment periods. In September 2023, the State Water Board released the 2023 draft Staff Report evaluating different alternatives for the Sacramento/Delta Update to the Bay-Delta Plan for public review and comment. Following release of the 2023 draft Staff Report, the State Water Board released draft amendments to the Bay-Delta Plan in October 2024 (2024 draft Plan) for public review and comment that incorporated alternatives identified in the 2023 draft Staff Report with revisions based on public comments. The State Water Board released revised draft Plan updates in July 2025 (July 2025 revised draft Plan), but delayed public comment on that version of the Plan pending further updates, though some parties did submit public comments on the July 2025 draft that are part of the State Water Board's response to comments. 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 voluntary agreement (VA) pathway that incorporates commitments identified in the Healthy Rivers and Landscapes (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. In August 2026, the State Water Board released a final draft Bay-Delta Plan 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.

With respect to the CEQA impact conclusions, it is important that they be understood in the context of the overall nature of the proposed project, which is intended to be an environmental restoration action. CEQA only considers changes that could negatively impact the existing environment and does not recognize or offset negative changes with improvements that could result from an environmentally beneficial project. Here, the impacts that could potentially result from implementation of the restoration action occur in a system that has been highly altered, and the project would be expected to improve conditions for native fish and wildlife in the Sacramento/Delta watershed over time. However, the project will also result in changes in hydrology and changes in water supply that could result in some potentially significant adverse environmental impacts at certain times and locations that must be analyzed under CEQA. These potentially significant environmental impacts should be viewed in light of the overall purpose and goals of the Sacramento/Delta update to the Bay-Delta Plan.

The State Water Board reviewed and considered all comments on the 2023 draft Staff Report and 2025 recirculated draft Staff Report for the proposed Sacramento/Delta update to the Bay-Delta Plan and developed this common response to address recurring comments and common themes related to economically disadvantaged communities (DACs). In particular, this common response addresses the following topics.

- Existing environmental conditions and CEQA analysis
- Benefits of increased flows and DACs
- Water provider comments and DACs
- Small drinking water systems in the Delta
- State Water Board Racial Equity Resolution and Racial Equity Action Plan
- Comments on the voluntary agreements

This common response references related common responses, as appropriate, where recurring comments and common content themes overlap with other subject matter areas. For responses to comments concerning the Staff Report's economic analysis, including comments related to municipal water supply economic effects, please see Common Response 8.1, *Economic Analysis and Other Considerations*. Please also see Common Response 4.1, *Harmful Algal Blooms*, for comments related to harmful algal blooms (HABs) and DACs. See also Common Response 11.1, *Tribal Engagement and Tribal Beneficial Uses,* for more information on tribal reserved water rights, tribal beneficial uses, and tribal outreach and engagement.

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Existing Environmental Conditions and CEQA Analysis

The State Water Board received numerous comments advocating for increased flows to improve environmental conditions and support DACs in the Delta for recreation, fishing, and other benefits. Commenters discussed that environmental degradation affects both physical and mental health. Commenters described that community members' views of themselves can be negatively affected by observing polluted and degraded landscapes. Several commenters stated that degradation of waterways is creating a cultural change in nearby communities and that youths are becoming increasingly disconnected from the natural environment. Multiple commenters stated that DACs such as Stockton are disproportionally affected by existing environmental stressors.

As explained in Chapter 10, *Economically Disadvantaged Communities*, in California, DACs, also sometimes referred to as environmental justice communities or vulnerable communities, are formally defined by a variety of factors including pollution burdens and population characteristics. While the focus of the environmental analyses in the Staff Report is safe and affordable water supplies, the concerns of DAC communities, many of them black, indigenous, and people of color (BIPOC), extends beyond drinking water. The roots of disadvantage in these communities are often deep and include elements of racism, discrimination, and segregation. The legacy of that history is that DACs experience disproportionate and adverse human health and environmental burdens that arise from a number of causes. These include, but are not limited to, inequitable access to clean water, clean air, natural places, and resources for other basic human health and environmental needs; higher exposure to pollutants, hazardous waste, and toxics; and underinvestment in affordable housing that is safe and healthy, including basic infrastructure and services to support such housing, such as clean, affordable drinking water and effective sewage management.

Redlining, forced migration, and economic segregation are also policies and forces that have created barriers to and distance from remaining natural areas for BIPOC people. Tribal peoples have been displaced from their ancestral homelands; and the nation's public lands, beaches, and other natural areas have at times been sites of exclusion or, when visited, places of alienation or intimidation for BIPOC individuals. This has led in some cases to unequal access to nature. In addition, patterns of development and resource extraction have meant that Black, Latino, Asian, Native American, and low-income families are far more likely to live in a place that is deprived of nature's benefits, including spaces that allow community members to get outside safely and access clean water, clean air, and a diversity of wildlife. This deprivation has serious consequences for both physical and mental health. California's 30x30 initiative recognizes that preserving 30 percent of land—that encompasses inland rivers and wetlands—as well as coastal waters, is vital for biodiversity, enhancement of drought resilience, maintenance of cultural and recreational activities, and equity.

Many environmental stressors to DACs, such as localized air pollution, are outside of the State Water Board's jurisdiction. For many other CEQA projects, such as projects that would build new facilities, the environmental analyses identify impacts that could occur to the communities located near the project site. This differs from the State Water Board's proposed project, which is intended to be a restoration action. The impacts that could potentially result from implementation of the Sacramento/Delta updates to the Bay-Delta Plan occur in a system that has been highly altered, and the project would be expected to improve conditions for native fish and wildlife in the Sacramento/Delta watershed over time. However, changes in hydrology and changes in water supply could result in some environmental impacts at certain times and locations that must be

analyzed under CEQA. These potential environmental impacts should be viewed in light of the overall purpose and goals of the Sacramento/Delta update to the Bay-Delta Plan.

Some commenters asserted that there is a connection between environmentally toxic communities and incarceration, and referenced a 2021 Yale Environment Review article by Ashia Ajani titled "Reframing environmental racism as a form of criminalization: Actualizing Critical Environmental Justice" (Ajani 2021) that discusses a 2019 article by Dr. David Pellow that focuses on environmental justice and U.S. prisons and jails. The 2021 Yale Environment Review article highlights ongoing research and recent efforts to break the cycle of infrastructure projects burdening vulnerable populations. It does not investigate the causal link between pollution in communities leading to incarceration but rather emphasizes that the health and well-being of incarcerated people is generally not considered in the context of proposals to build new facilities (e.g., coal plants) near prisons. The State Water Board appreciates the information provided by these commenters related to recent literature in the environmental justice field. The 2021 Yale Environment Review article provides additional context and information concerning environmental justice issues; however, this article does not change the conclusions of the Staff Report's analyses.

Multiple commenters asserted that the Staff Report's analysis of impacts relevant to DACs is inadequate and does not sufficiently consider racial equity and environmental justice. Many commenters expressed concerns related to existing water quality impairments in the Delta and elsewhere in plan area, and advocated for the needs of DACs. The State Water Board acknowledges that existing water quality impairments and other issues of concern can affect DACs under existing conditions, including water quality impairments described in Section 7.12.1, *Hydrology and Water Quality – Surface Water,* and other issues of concern for DACs summarized in Section 10.4, *Issues of Concern for DACs*. Comments on existing water quality impairments and other issues of concern for DACs are relevant to the purpose and goals of the Sacramento/Delta update to the Bay-Delta Plan; however, as explained below, the Staff Report's CEQA analysis evaluates the impacts of the proposed project as compared to the existing condition baseline.

The State Water Board is responsible for orderly and efficient administration of the state's water resources, including the coordinated consideration of water rights, water quality, and drinking water. (Wat. Code, § 174.) The revised proposed Plan amendments were developed to improve flow and water quality conditions over a large geographic area, and particularly for fish and wildlife beneficial uses in the Sacramento/Delta watershed. Implementation of the revised proposed Plan amendments is expected to improve watershed functions and to provide associated benefits to the aquatic ecosystem and biological resources within the tributaries, the Delta, and the Bay. In general, the project would establish water quality objectives, a program of implementation, and monitoring and special study measures for the reasonable protection of fish and wildlife beneficial uses in the Sacramento/Delta. The project would be expected to provide for the frequency, timing, magnitude, and duration of flows that supports functions and processes for the protection of native fishes. The project would also provide for local cooperative solutions that can provide for better outcomes with lower water supply costs and for monitoring and special studies measures to inform decision-making.

The revised proposed Plan amendments would be expected to improve water quality conditions throughout the watershed but would not be expected to address all existing water quality impairments at all times and locations. For example, numerous commenters expressed concerns with the effects of HABs that occur at varying levels throughout the Delta under existing conditions. Changes in hydrology due to implementation of the revised proposed Plan amendments, including

changes in Delta channel flows, may affect HABs and invasive aquatic plants in the Delta. While there is some evidence that increased Delta outflow in the winter and spring could lead to reduced HAB formation, reduced Delta inflows in summer and fall and reduced exports could lead to an incremental increase in the production of HABs in some Delta channels at some times, particularly in the southern Delta. It is unknown what the overall effect of the revised proposed Plan amendments may be on HABs in the Delta and additional research is needed to understand how flow may interact with other controlling environmental variables to influence HAB dynamics. Please see Common Response 4.1, *Harmful Algal Blooms*, for more information on instream flows and HABs.

Numerous commenters stated that the revised proposed Plan amendments would result in disparate impacts on tribal and environmental justice communities. These comments misconstrue the existing condition with the proposed project. A traditional environmental justice analysis would consider the citing polluting infrastructure and how that infrastructure might disproportionally impact DACs. However, the Sacramento/Delta update to the Bay-Delta Plan is to provide for the reasonable protection of fish and wildlife beneficial uses, which could benefit DACs. An alleged failure to improve the baseline is not an impact under CEQA. In addition, under CEQA, a project's social and economic impacts are not to be treated as significant effects on the environment. (Cal. Code Regs., tit. 14, § 15131.) Rather, the focus of an environmental impact report is on physical changes to the environment. (Id. subd. (a); see also Cal. Code Regs., tit. 14, § 15382.). In contrast, the National Environmental Policy Act (NEPA) requires evaluating whether a project would cause disproportionately high and adverse human health or environmental effects on minority and low-income populations (e.g., environmental justice effects). The Staff Report, therefore, does not include impact assessments specifically related to how the update to the Bay-Delta Plan may impact a particular DAC within the plan area. Instead, it focuses on the impacts of the revised proposed Plan amendments compared to baseline conditions, on CEQA identified resource areas such as Agriculture Resources, Hydrology and Water Quality, and Biological Resources. In short, the Staff Report is not intended to assess the impacts of existing conditions on communities.

The Staff Report's focus on evaluating environmental impacts is not a function of a bias towards one group of interested parties or another, but rather a result of the overall purpose and function of CEQA and a Substitute Environmental Document. However, the State Water Board recognizes that DACs and tribal communities often disproportionately experience impacts on drinking water supplies and water quality. Commenters have raised concerns about reductions in recreational opportunities for DACs, specifically related to HABs in the Delta. The 2023 draft Staff Report identified less-than-significant impacts on recreation from increased HABs production in reservoirs and Delta channels. While increased HABs can cause temporary closures to recreation in some waterbodies, the potential increased frequency of closures is not expected to result in physical deterioration at alternate recreational locations due to increased use. In response to a substantial number of public comments received from tribal and environmental justice communities stating that HABs cause significant impacts to recreational users of water, the impact conclusion in Section 13.7.18*, Recreation*, was revised to potentially significant and mitigation measures identified. Please see Common Response 4.1, *Harmful Algal Blooms*, for further discussion on HABs, DACs, and CEQA impact thresholds. Chapter 10, *Economically Disadvantaged Communities*, details other portions of the environmental analysis that are relevant to DACs, including water supply and water quality, and includes a discussion of assistance programs.

The State Water Board appreciates input from environmental interests, representatives of DACs, and BIPOC organizations related to the Sacramento/Delta update to the Bay-Delta Plan. Chapter 12,

Public Participation, 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, including a discussion of environmental justice focused listening sessions on the State Water Board's planning and implementation efforts that were held in March and June 2023. Many participants from California Native American Tribes, environmental justice organizations, and individual speakers provided comments during the public hearing on the 2023 draft Staff Report and during the public hearing on the 2025 partially recirculated draft Staff Report that advocated for the interests of tribal communities and DACs. The State Water Board and staff are moved by testimonials provided by these many speakers, including youth advocates, and appreciate the quality of their comments and presentations. The State Water Board encourages continued input and participation from tribal, DAC, and BIPOC communities for consideration in implementation of the Sacramento/Delta update to the Bay-Delta Plan.

Benefits of Increased Flows and DACs

Several commenters expressed the importance of increased flows to help restore waterways to a more natural state. Many commenters requested that the State Water Board adopt a flow requirement of at least 65 percent of unimpaired flow to support the recovery of native fish species and to mitigate existing HAB conditions. As explained above, the implementation of Sacramento/Delta update to the Bay-Delta Plan is expected to provide reasonable protection of fish and wildlife beneficial uses and improve water quality conditions but would not be expected to remedy all existing water quality concerns in the watershed. See Common Response 4.1, *Harmful Algal Blooms*, for additional discussion on instream flow and HABs.

The State Water Board acknowledges that many DAC communities want to see greater environmental flow protections in the Delta. These concerns factor into the State Water Board's decision-making and add to the importance of meaningful improvements within the Bay-Delta watershed moving forward. Protecting the Bay-Delta watershed and its many beneficial uses is one of the State Water Board's primary responsibilities and top priorities. The Bay-Delta watershed serves as a critical resource for the State. It provides drinking water to millions of Californians, provides much of the water supply for farmland throughout the state, and is vital to tribes whose cultures are deeply entwined with the watershed and the ecosystem. Providing balanced protection of all beneficial uses of water requires careful consideration.

Fisheries Economic Analysis

Multiple commenters asserted that Chapter 8, *Economic Analysis and Other Considerations*, of the 2023 draft Staff Report lacks sufficient detail and does not adequately describe the beneficial fisheries and ecosystem related economic effects that could occur as a result of the Sacramento/Delta update to the Bay-Delta Plan. Some commenters asserted that the Staff Report's economic analysis does not reflect the full economic value of salmon fishing. Other commenters asserted that the Staff Report's economic analysis should quantify the beneficial environmental effects of restored flows and ecosystems.

The Staff Report contains information on beneficial fisheries and ecosystem-related economic effects in several locations. Section 8.6, *Other Economic Effects*, in the 2023 draft Staff Report considers other economic effects that could occur as a result of the Sacramento/Delta update to the Bay-Delta Plan, including effects on commercial and recreational fisheries, ecosystem services,

wildlife refuges, and energy (hydropower) production. Section 13.8.4, *Fisheries Economic Effects*, provides supplemental economic information relevant to recreational and commercial fisheries and discusses fisheries economic effects under the revised proposed Plan amendments. In addition, in response to comments received on the economic analysis presented in the Staff Report, Chapter 8, *Economic Analysis and Other Considerations*, has been updated to include a new Section 8.6, *Fisheries Economic Analysis*, that addresses potential economic benefits from implementation of the flow scenarios and subsequent aquatic ecosystem improvements and benefits for native fish species. This new section provides additional context and information concerning beneficial fisheries and ecosystem economic effects but does not change the conclusions of the Staff Report's economic analysis.

The assessment of potential fishery-related economic benefits from implementation of flow scenarios presented in Section 8.6, *Fisheries Economic Analysis*, of the final Staff Report builds upon Chapter 3, *Scientific Knowledge to Inform Fish and Wildlife Flow Recommendations*, which summarizes the best available science on flow needs for the protection of fish and wildlife beneficial uses in the Bay-Delta watershed. More natural flow conditions in the Bay-Delta watershed can be expected to benefit many native fishes. As discussed further in Chapter 3, there has been a substantial decline in population abundance of salmonids, sturgeon, splittail, starry flounder, and California bay shrimp over the past 50 years. Several factors have contributed to these declines, including but not limited to loss of flow and physical habitat (e.g., habitat blockage from dams), changes in water temperature, and water quality decline.

Section 8.6, *Fisheries Economic Analysis*, in the final Staff Report discusses potential economic benefits of flow scenarios in the Bay-Delta watershed. Assessed benefit categories include commercial fisheries (Section 8.6.2), recreational fishing (Section 8.6.3), non-use benefits (Section 8.6.4), subsistence fishing and tribal uses of fish (Section 8.6.5), effects on threatened and endangered fish species (Section 8.6.6), and effects on fish-dependent species (Section 8.6.7). Each section includes (1) a discussion of current and historical conditions to provide background information on the state of the affected resource and its current value and (2) an assessment of anticipated benefits of the flow scenarios. Much of Section 8.6 focuses on Chinook salmon, a key fish species expected to benefit substantially from the flow scenarios, to examine potential economic benefits associated with the Sacramento/Delta update to the Bay-Delta Plan. Historical population and harvest information for Chinook salmon provides some insight into potential monetary values associated with a more natural flow regime in the Bay-Delta watershed. Potential benefits of the flow scenarios are expected to extend beyond the Bay-Delta watershed, such as improving population resiliency and stability for the Pacific Ocean salmon fishery. The analysis also considers other fish species native to the Bay-Delta watershed, with minimal discussion of nonnative species.

Among other topics, Section 8.6, *Fisheries Economic Analysis*, in the final Staff Report discusses subsistence fishing and tribal uses of fish. As discussed in Section 8.6, numerous cultural and other uses of water by the tribes within California are built on vital and healthy fisheries. Historically, Northwestern California tribes such as the Karuk, Yurok, Hoopa, Shasta, and Tolowa were most dependent on salmon as a food source, while salmon was a food source of equal importance to plants or game animals for groups in other areas such as the Plains and Central Miwok, Maidu, Yokuts, Western Mono, Achomawi, Sinkyone, and Kato (Swezey and Heizer 1977). Native fish represent not only a major traditional food source for local tribes, but also a matter of cultural sovereignty and survival (Salter 2003). In addition, many California communities engage in sport and subsistence fishing, many of whom fish in the Delta. Specific groups include Hmong, Cambodian, Vietnamese, Mexican, and Russian communities. Fishing is a culturally and economically important

practice among many of these populations. 90% of participants in a recent community survey conducted in the Delta indicated that they eat fish 4 or more times a week (DWR 2021).

While Section 8.6, *Fisheries Economic Analysis*, in the final Staff Report discusses the importance of subsistence fishing to communities within the plan area, the Staff Report also discusses that multiple waterbodies are on the 303(d) list for mercury in fish tissue, including the lower American, Sacramento, and Bear Rivers; Big Chico, Clear, Cache, and Putah Creeks; the Colusa Basin Drain; and Sacramento Slough. Multiple fish species sampling results indicate mercury bioaccumulation, with elevated mercury in fish found throughout the Sacramento River watershed. The Office of Environmental Health Hazard Assessment (OEHHA) has issued health advisories that recommend limiting consumption of fish taken from Clear Lake, Lake Berryessa, Black Butte Lake, and Marsh Creek Reservoir. Similarly, eating fish from the Delta regularly may not be safe to eat due to high levels of methylmercury and other contaminants. OEHHA health advisories and notifications posted next to waterbodies should be followed when subsistence fishing.

In addition to the information on tribal uses of fish presented in Section 8.6, *Fisheries Economic Analysis*, in the final Staff Report, in response to significant feedback received throughout the Sacramento/Delta Update process from tribal representatives, leaders, and tribal organizations (see Chapter 11, *Tribal Engagement, Traditional Ecological Knowledge and Tribal Beneficial Uses*, of the final Staff Report), the revised proposed Plan amendments incorporate Tribal Beneficial Uses (TBUs) and designate the Tribal Tradition and Culture (CUL) beneficial use for the Bay-Delta watershed, and include provisions for tribal outreach and engagement and incorporation of tribal feedback and Traditional Ecological Knowledge into the Bay-Delta Plan update and implementation processes. Please see Section 13.7.2, *Environmental Analysis of CUL Tribal Beneficial Use Designation,* for additional information on TBUs and the CUL designation. Also see Common Response 11.1, *Tribal Engagement and Tribal Beneficial Uses,* for additional discussion of TBUs.

Many individuals and communities value healthy fisheries and aquatic ecosystems. As discussed in more detail in Section 8.6.4, *Non-Use Benefits*, in the final Staff Report, both users and non-users of the fishery resources may value healthy aquatic ecosystems and fish populations. Therefore, non-users may derive value from the maintenance and improvement of fish species resulting from the following scenarios. Individuals may derive non-use values from healthy salmon and other native species populations without directly using or interacting with these resources. Non-use values may be held by both users (e.g., recreational anglers) and non-users of a resource (e.g., people who reside outside of the Plan area but place value on maintaining and improving fish species in the Bay-Delta watershed). Non-use values may be more difficult to assess than use values because these values are not associated with easily observable behavior. Economic studies that assess the public's willingness to pay (WTP) for environmental restoration programs typically capture both use and non-use values held by the general population. Efforts to disaggregate total WTP into its use and non-use components have proved challenging (Carson et al. 1999). Table 8.6-4 in Section 8.6, *Fisheries Economic Analysis*, identifies nine studies conducted to help estimate use and non-use values associated with anadromous fish restoration programs. The included studies estimate the monetary value that the public places on restoring anadromous fish populations and habitats (including instream flow), with annual per household WTP values ranging from $35 to $696 depending on the fish species, geographic location, and population improvement specified.

Water Provider Comments and DACs

The Staff Report evaluates the environmental impacts of several alternatives for the Sacramento/Delta update to the Bay-Delta Plan, including issues of concern relevant to DACs, which are summarized in Section 10.4, *Issues of Concern for DACs*. For example, Section 7.12.1, *Hydrology and Water Quality – Surface Water*, discusses several surface water quality issues relevant to DACs, such as HABs, and potential environmental impacts related to changes in municipal water supplies. Section 7.12.1 discusses several mitigation measures relevant to DACs, such as mitigation to protect municipal water quality. Section 7.12.2, *Hydrology and Water Quality – Groundwater*, discusses that communities that rely on groundwater for drinking water supply face challenges from declining groundwater levels, with dry wells occurring in some areas during prolonged drought periods. Numerous DACs are wholly reliant on groundwater for their water supply. Communities that rely on groundwater for drinking water supplies in the San Joaquin Valley region have been facing challenges from declining groundwater levels under baseline conditions, with critical shortages or dry wells occurring in some areas during prolonged drought periods. Section 7.12.2 discusses mitigation measures relevant to DACs for drinking water impacts from lowered groundwater levels that may address some of the supply issues faced by DACs. In addition, Section 7.20, *Utilities and Service Systems*, discusses that DACs that rely solely on groundwater often disproportionately experience impacts on their drinking water supplies. Their groundwater wells are often shallower and thus are more susceptible to water quality issues or the risk of going dry if the groundwater level is lowered. Section 7.20 discusses relevant mitigation measures and that the State Water Board will continue its commitment to the human right to water through financial assistance, technical assistance, consolidations, and other means, including for communities that may be affected by reduced groundwater supplies or groundwater quality concerns.

The Staff Report's economic analysis also considers several topics that may be relevant to DACs. Sections 8.4.4, *Agricultural Economic Effects on Economically Disadvantaged Communities*, and 13.8.2.6, *Agricultural Economic Effects on Economically Disadvantaged Communities*, acknowledge that changes in Sacramento/Delta supply to agriculture could result in changes in agriculture employment that could affect farm laborers and communities. Section 8.4.5, *Financial Assistance for Agricultural Water Conservation*, discusses that current and past financial assistance programs have been used to support agricultural water conservation efforts, including federal and state funded assistance programs, and discusses and provides examples of financial assistance programs that support agricultural water conservation related efforts. Section 8.5.9, *Economically Disadvantaged Communities and Drinking Water*, acknowledges that DACs may be more vulnerable than other municipalities and cities to impacts on surface water and groundwater supplies. Section 8.5.10, *Potential Sources of Funding for Municipal Water Conservation*, discusses potential sources of funding for municipal water conservation, which may be relevant to DACs in California.

Many water providers, including cities, water agencies and water districts expressed concerns related to Sacramento/Delta water supply impacts and economic effects of the Sacramento/Delta update to the Bay-Delta Plan on DACs. The Plan amendments were developed to improve flow and water quality conditions over a large geographic area, and particularly for fish and wildlife beneficial uses in the Sacramento River watershed, Delta eastside tributaries, and Delta regions, but could also result in water supply impacts and economic effects that are evaluated and disclosed in the Staff Report. The impact analyses are necessarily broad to cover the wide range of foreseeable compliance measures, responses, and associated efforts that may result from the Plan amendments. The environmental analysis often considers a range of potential outcomes, including the most

conservative for evaluating potentially significant effects on the physical environment. In many cases, there may be no impact. For each resource area, the analysis assumes a worst-case scenario. Some impacts are inversely proportional, and it is not possible for a worst-case scenario to occur for every environmental resource area.

In addition, provisions in the Plan would enable tailoring implementation and would address human health and safety needs. While the revised proposed Plan amendments would require a percent of unimpaired flow under the regulatory pathway, the revised proposed Plan amendments would also include adaptive implementation and local cooperative solutions provisions that enable tailoring implementation of the flow requirements to individual tributaries, including the ability for watersheds to self-organize, propose habitat restoration and other non-flow measures for compliance with the inflow and cold water habitat requirements, and manage flow requirements and habitat restoration in concert to maximize benefits. These provisions could be implemented to optimize flows to benefit native fish and wildlife while also minimizing water supply impacts. In addition, the revised proposed Plan amendments include human health and safety and other appropriate provisions to address human health and safety needs and other possible reasons for short-term and long-term exceptions to curtailments associated with implementation of the Bay-Delta Plan for specific purposes. Those purposes include provisions to allow continued diversions for minimum human health and safety water supplies where alternate supplies are not available.

In addition, the project has been revised as described in Chapter 13, *Revised Proposed Plan Amendments*, and Common Response 1.3, *Revised Proposed Plan Amendments*. As discussed in Chapter 13 and Common Response 1.3, the regulatory pathway under the revised proposed Plan amendments includes new water supply adjustments that reduce water supply impacts and allow more water to be stored in reservoirs at the outset of Plan implementation.

Some commenters expressed concern that DACs may incur costs to develop or obtain alternate water supplies. Section 10.5, *Assistance Programs*, discusses various financial and technical assistance programs available to assist public water systems serving DACs. These programs are designed to ensure access to safe, clean, and affordable water supplies and maintain compliance with all applicable water laws and regulations. The State Water Board is at the forefront of assisting DACs with obtaining clean, safe, and reliable water supplies. In doing so, the State Water Board is making its commitment to the human right to water through financial assistance, technical assistance, consolidations, Sustainable Groundwater Management Act oversight, and other means. Also see Common Response 8.1, *Economic Analysis and Other Considerations*, for additional information on potential sources of funding for municipal water conservation and alternative sources of water.

Some commenters asserted that the proposed Plan amendments would cause municipal water providers to increase water rates paid by their customers, which they assert would result in water affordability challenges for DACs. As discussed in more detail in Common Response 8.1, *Economic Analysis and Other Considerations*, reductions in Sacramento/Delta surface water supplies could lead to cost adjustments for some municipal water providers. However, water rates depend on a range of factors unique to each provider, and there is no direct relationship between reduced surface water supply and the water rates paid by customers. Because there are many aspects of municipal water service that factor into determining the water rates that are charged to customers by municipal water providers, a change in water supply does not necessarily result in changes to water rates. With respect to municipal water providers that serve DACs, many larger providers have flexibility or options in the way they charge their customers for water service so as to minimize the economic

effects to the DACs in their service areas. The rate structure used by the water provider can influence how DACs are affected, and rate structures can be designed to avoid disproportionately affecting lower-income households. Most water providers, such as East Bay Municipal Utility District, apply a fixed fee plus a volumetric cost as an increasing block rate structure with lower prices for initial consumption blocks designed to cover basic needs, and higher prices for larger consumption volumes, often based on meter sizes, aiming to make water more affordable for low-income households. Additionally, alternative pricing structures, such as adopting "budget-based rates" could be explored to further protect low-income households. In addition, there are a number of funding sources available to assist municipalities in developing alternative water supply projects as well as financial and technical assistance programs available to assist public water systems serving DACs.

Some commenters, such as Yuba Water Agency (YWA), argued that the proposed Plan amendments would reduce YWA's revenue from hydropower production and water sales, thereby jeopardizing YWA's ability to fund water infrastructure projects such as flood risk reduction and watershed improvement initiatives that benefit local communities, including DACs. Some commenters, such as the City of Wheatland and Linda County Water District, assert that YWA is the only significant local funding source for flood risk reduction projects and other water-related projects, including those that benefit DACs.

As discussed in Common Response 8.1, *Economic Analysis and Other Considerations*, it is not possible to estimate the specific changes that could occur to YWA's total revenues under the flow scenarios or to determine how YWA allocates its budget among flood risk reduction, other expenses, and contribution to reserves. However, based on the information presented in Common Response 8.1 regarding YWA's revenues and expenses, it is reasonable to conclude that changes in hydrology and water supply would not result in substantial reduction or the elimination of major revenue sources for YWA. Accordingly, YWA would be expected to retain the ability to continue funding flood risk reduction projects following implementation of the Sacramento/Delta update to the Bay-Delta Plan. Please see Common Response 8.1 for more information regarding YWA's financial capability to fund their flood risk reduction projects and watershed improvement projects.

In addition, YWA is not the sole source of funding for flood risk reduction projects and other water-related projects for communities including DACs in Yuba County. Other funding sources may also be available to support flood risk reduction projects and other water-related projects, such as federal and state grant and loan funding sources and other funding for Integrated Regional Water Management Plan (IRWMP) projects, as discussed further below.

The Integrated Regional Water Management Planning Act of 2002 authorizes local public agencies to prepare and adopt a regional plan that encourages voluntary regional water management strategies. An IRWMP describes the major water-related programs or projects over which participating local public agencies have authority to undertake. An IRWMP identifies disadvantaged communities in the region and takes the water-related needs of those communities into consideration (Water Code § 10534).

The Yuba County Integrated Regional Water Management Plan 2018 Update describes the Yuba County Integrated Regional Water Management (IRWM) planning effort that supports water management in Yuba County (Yuba County RWMG 2018). The Yuba County IRWMP 2018 Update aims to identify and address water-related challenges within the YWA's district boundaries. Among other objectives, the Yuba County IRWMP 2018 Update identifies the need to protect public safety

through emergency and drought preparedness and integrated flood management, and to promote equitable distribution of resources to disadvantaged communities and tribes across the region. The Yuba County IRWMP 2018 Update identifies six communities as DACs, including Dobbins, Camptonville, Beale, Marysville, Olivehurst, and Linda, based on California Department of Water Resources (DWR) census data.

Various types of financial programs are available to support implementation of IRWM related projects. As discussed in the Yuba County IRWMP 2018 Update, funding options could include revenue bonds, property tax assessments, user fees, special districts, state grants, federal funding, and private foundations; within the Yuba County IRWMP 2018 Update, Table 15-1 provides a general list of options for project-specific implementation funding sources for IRWMP projects (Yuba County RWMG 2018) and Table 15-2 provides a list of IRWMP projects and prospective and secured funding for each specific IRWMP project (Yuba County RWMG 2018). While YWA is listed as a source of funding for some of these projects, various other prospective and secured sources of funding may be available for many projects identified in the Yuba County IRWMP 2018 Update, such as federal and state grant and loan funding sources. In addition, DWR's IRWM webpage identifies that various types of DWR and State Water Board grant programs have been administered since 2002 to deliver bond funding for IRWM projects, including IRWM DAC and tribal involvement grants that have supported projects benefitting these communities (DWR 2026).

In conclusion, while YWA is a local source of funding for flood risk reduction projects and other water-related projects in Yuba County, other potential sources of funding may also be available for these types of projects, including those that benefit DACs. Funding for flood risk reduction projects and other water-related projects for the benefit of DACs in Yuba County will continue to be available following implementation of the Sacramento/Delta update to the Bay-Delta Plan. In addition, funding for flood risk reduction projects and other water-related projects for the benefit of DACs in other counties in the study area will continue to be available following implementation of the Sacramento/Delta update to the Bay-Delta Plan.

Small Drinking Water Systems in the Delta

As discussed in Staff Report Section 2.8.3, *Delta*, and Section 7.20, *Utilities and Service Systems*, there are several communities in the Delta, including Tracy, Antioch, Rio Vista, Bethel Island, Clarksburg, Courtland, Freeport, Hood, Isleton, Knightsen, Ryde, Locke, and Walnut Grove. The 2016 population estimate of the Delta region was approximately 774,000 people. Tracy has supplies that include Sacramento/Delta water, purchases of Stanislaus River water from South San Joaquin Irrigation District, and groundwater. Antioch diverts Sacramento/Delta water from the Delta and receives water from Contra Costa Water District. The other small communities in the Delta primarily divert directly from neighboring Delta channels and pump groundwater.

Several commenters asserted that the Staff Report's analysis is inadequate and does not evaluate the impacts to drinking water systems in the Delta, including those that serve DACs. Several commenters asserted that the Staff Report should analyze the effects of flooding and drought on water quality and groundwater on drinking water systems in the Delta.

The Staff Report adequately evaluates environmental impacts relevant to municipal water supplies, DACs, and drinking water quality in the study area, including the Delta. The analysis of impacts related to municipal water supplies and water quality is provided in multiple resource sections,

including Section 7.12.1, *Hydrology and Water Quality – Surface Water*, Section 7.12.2, *Hydrology and Water Quality – Groundwater*, and Section 7.20, *Utilities and Services Systems*. The Staff Report also identifies mitigation measures that could avoid or reduce potentially significant impacts.

Staff Report Section 7.12.2, *Hydrology and Water Quality – Groundwater,* concludes that impacts to groundwater levels and groundwater quality are unlikely within the Delta. Section 7.12.2 acknowledges that water users may choose to increase groundwater pumping to replace reduced Sacramento/Delta surface water supplies, which could affect groundwater levels in some locations. However, impacts on groundwater levels in the Delta are unlikely because groundwater levels in the Delta are continually managed through groundwater pumping in order to keep levels below the surface to prevent flooding of interior islands and fields. In addition, much of the variability of surface water elevations is due to tidal influences and would be independent of the effects of the proposed Plan amendments. Therefore, interactions between surface water and groundwater in the Delta would not change substantially as a result of the Plan amendments, and there would be no impact on groundwater levels in this region.

As discussed in Section 7.12.2, *Hydrology and Water Quality – Groundwater,* concludes, increased groundwater pumping would not directly affect the concentration of groundwater contaminants. At the local scale, however, increased groundwater pumping has the potential to cause a change in the groundwater flow gradient, which could affect groundwater quality through exacerbating the migration of natural and anthropogenic groundwater contaminants. However, interactions between surface water and groundwater in the Delta would not change substantially as a result of the Plan amendments, and any changes that do occur would not negatively affect groundwater levels. As a result, increased groundwater pumping from shallow levels in the Delta would not likely result in a change in the groundwater flow direction and gradient, leading to the spread of groundwater contaminant plumes, especially at shallower depths. Increased groundwater pumping from deeper levels could result in seawater intrusion; however, little groundwater pumping occurs in the Delta, and groundwater pumping that does occur is assumed to be from shallower levels.

In addition, the analysis provided in the Staff Report is appropriately detailed for the scope of the project. Due to the size and complexity of Sacramento/Delta water supply and use, the environmental analyses are necessarily broad to cover the wide range of foreseeable compliance measures and responses that may result from the Sacramento/Delta update to the Bay-Delta Plan. A wide range of responses and associated environmental effects could occur as a result of the project due to the degree of flexibility included in the revised proposed Plan amendments and the scope and complexity of Sacramento/Delta water use. The impact analyses are necessarily broad to cover the wide range of foreseeable compliance measures, responses, and associated efforts that may result from the proposed Plan amendments. The environmental analyses use the thresholds of significance that the State Water Board adopted in 2011 as Appendix A to the CEQA regulations. (Cal. Code. Regs., tit. 23, sections 3720 et seq.) Please see Common Response 7.1, *General CEQA and Approach to the Analysis*, for additional discussion of the level and scope of the analysis.

Finally, the Staff Report incorporates broader assessments of climate change and multi-year droughts, as discussed in more detail in Common Response 4.2, *Drought and Climate Change*.

Overall, the Staff Report's environmental analysis adequately evaluates the impacts of changes in municipal water supplies and water quality within the Delta and other regions in the study area, and the information provided by these commenters related to small drinking water systems in the Delta does not change the conclusions of the Staff Report's environmental analysis.

State Water Board Racial Equity Resolution and Racial Equity Action Plan

Several commenters asserted that the State Water Board's process to update the Sacramento/Delta portions of the Bay-Delta Plan and the Staff Report's analyses do not align with the State Water Board's Racial Equity Resolution and Racial Equity Action Plan. Several commenters referred to the State Water Board's Racial Equity Resolution and Racial Equity Action Plan to emphasize the State Water Board's commitment to work toward a future where we equitably preserve, enhance, and restore California's water resources and drinking water for all California regardless of race. (^SWRCB 2023b). One commenter cited Goal 1b of the Racial Equity Action Plan specifically, which provides for State Water Board programs and policies to be evaluated and realigned to address racial injustices. This commenter asked that the State Water Board prioritize the concerns of environmental justice communities and tribes by adopting an equitable regulatory process.

Between 2020 and 2023, the State Water Board engaged with its employees, the public, and with California Native American Tribes to develop a Racial Equity Resolution and associated Racial Equity Action Plan. In 2021, the State Water Board adopted Resolution No. 2021-0050, Condemning Racism, Xenophobia, Bigotry, and Racial Injustice and Strengthening Commitment to Racial Equity, Diversity, Inclusion, Access, and Anti-Racism (Racial Equity Resolution). The Racial Equity Resolution acknowledges that historically, decision makers representing government agencies used race to establish structures and systems that continue to deliver disparate outcomes, including wealth, health, educational, and environmental inequities. The Racial Equity Resolution acknowledges racism and racial inequities, and advances racial equity and environmental justice through multiple commitments and directives. Among other directives, the Racial Equity Resolution directed State Water Board staff to develop a plan of action to advance racial equity within the Water Boards.

Beginning in spring 2022, State Water Board staff engaged in action plan scoping, visioning and strategizing. In April 2022, State Water Board staff notified tribal governments of the opportunity to consult with the State Water Board on the draft Racial Equity Action Plan. State Water Board staff also solicited feedback at public workshops held in summer 2022 and during the public comment period in fall 2022. After reviewing feedback from the public and staff, the Water Boards' Racial Equity Team released the 2023-2025 Racial Equity Action Plan, which was presented to the State Water Board as an informational item on January 18, 2023. The Racial Equity Action Plan establishes three strategic directions the State Water Board will take to approach the work of advancing racial equity:

1. Integrating racial equity and measuring impact by infusing considerations throughout policies, programs, and practices; and monitoring progress.
2. Creating and maintaining inclusive spaces by addressing representation within the Water Boards and elevating understanding of racial equity.
3. Activating community wisdom and sharing power by removing barriers for participation and incorporating input.

The Racial Equity Action Plan does not expand or modify the Water Boards' existing authorities, but rather it is a compilation of actions intended to advance the State Water Board's efforts to create a future where we equitably preserve, enhance, and restore California's water resources and drinking

water for all Californians, regardless of race, and where race is not a predictor of professional outcomes for Water Boards employees.

The Racial Equity Action Plan sets goals for the State Water Board to address racial inequities and identifies metrics to measure progress. Applying a "racial equity lens" means the Water Boards will consider a set of questions throughout its decision-making processes. The racial equity lens questions interrupt the impact of unintended consequences by taking into consideration the lived experiences and perspectives of the racially diverse communities the Water Boards intend to serve.

The Water Boards have been working hard to implement the State Water Board's 2023–2025 Racial Equity Action Plan, aiming to bring about significant and permanent organizational changes. The first year of implementation was dedicated to improving coordination and alignment, building internal capacity, expanding engagement, and using racial equity tools to embed a racial equity lens throughout all programs and projects. The second year of implementation continued to build on these efforts and maximize new opportunities to advance racial equity through the Water Boards' work. The third year of implementation has made additional progress towards racial equity actions, with more actions completed than in the previous year. The Racial Equity Action Plan 2025 Annual Update, available for review on the State Water Board's website, highlights progress on the 53 actions prioritized for 2023-2025 (SWRCB 2025). The State Water Board discussed the annual update as an informational item at its meeting on May 19, 2026.

Multiple commenters asserted that the Sacramento/Delta update to the Bay-Delta Plan conflicts with the directives of the State Water Board's Racial Equity Resolution and Racial Equity Action Plan. However, the Racial Equity Action Plan sets goals for the State Water Board to address racial inequities and identifies metrics to measure progress, as described above, and the State Water Board's current efforts to update and implement the Bay-Delta Plan are not inconsistent with the goals of the Racial Equity Action Plan. Pursuant to the State Water Board's Racial Equity Resolution and Racial Equity Action Plan, racial equity issues and environmental impacts and economic effects relevant to DACs are discussed in multiple sections and chapters of the Staff Report, as summarized in Chapter 10, *Economically Disadvantaged Communities*. In addition, Chapter 11, *Tribal Engagement, Traditional Ecological Knowledge and Tribal Beneficial Uses*, in the final Staff Report summarizes tribal engagement activities and input received related to the Sacramento/Delta update to the Bay-Delta Plan, provisions for tribal outreach and engagement, and provides a summary of tribal feedback from tribes in the Bay-Delta watershed.

In addition, Action 21 of the Racial Equity Action Plan specifically directs the State Water Board's Division of Water Rights to establish a single point of contact in the Division of Water Rights to serve as a coordinator on Bay-Delta tribal and BIPOC engagement to improve communication and outreach, and conduct tribal outreach under Assembly Bill (AB) 52 and Executive Order (EO) B-10-11 for the Bay-Delta Plan implementation regulation for Lower San Joaquin River flows and Southern Delta Salinity. As described in the Racial Equity Action Plan 2025 Annual Update, this task has been completed. A single point of contact has been appointed, and the coordination is ongoing. The Division of Water Rights held a series of technical working meetings from January through March 2025 to receive further input from the water community, including water users, environmental groups, and California Native American Tribes, on draft updates to the Bay-Delta Plan following a multi-day public workshop held in late 2024. Additionally, staff have proposed incorporating the CUL Tribal Beneficial Use into the Bay-Delta Plan. Information on tribal consultation under AB 52 and B-10-11 and TBUs can be found in Common Response 11.1, *Tribal*

Engagement and Tribal Beneficial Uses, and Chapter 11, *Tribal Engagement, Traditional Ecological Knowledge and Tribal Beneficial Uses*, of the final Staff Report.

The State Water Board is committed to achieving the goals of the Racial Equity Resolution and Action Plan and will continue to support projects and actions in the interest of racial equity and environmental justice.

Comments on the Voluntary Agreements

Multiple commenters expressed concerns related to the VA development process, which is also referred to as the Healthy Rivers and Landscapes proposal. Several commenters asserted that the development process was exclusionary, and left out tribes, environmental justice organizations, and DACs.

The State Water Board identified the need to update the Bay-Delta Plan and its implementation many years ago. The process for updating the Sacramento/Delta portions of the Bay-Delta Plan has been ongoing since 2012, when a supplemental Notice of Preparation was issued for the Sacramento/Delta updates to the Bay-Delta Plan. The State Water Board has consistently encouraged voluntary actions that are consistent with provisions included in the updated Bay-Delta Plan for their potential to provide large-scale benefits that will amplify the ecological benefit of new and existing flows beyond what may be provided by flow and water project operations alone. Successful voluntary measures to implement the Bay-Delta Plan could provide comprehensive, enduring, and timely benefits to the ecosystem. On December 12, 2018, the State Water Board adopted Resolution No. 2018-0059 to update the 2006 Bay-Delta Plan for the protection of fish and wildlife beneficial uses in the Lower San Joaquin River and its three eastside tributaries, the Stanislaus, Tuolumne, and Merced Rivers, and agricultural beneficial uses in the southern Delta. Staff were directed to provide appropriate technical and regulatory information to assist the California Natural Resources Agency and others in developing a VA proposal as an alternative for a Bay-Delta Plan update to present to the State Water Board for consideration as early as possible after December 1, 2019.

Although the State Water Board was not involved with the development of the proposal, the State Water Board has provided multiple opportunities for public review and comment on the VA proposal as an alternative implementation pathway for the Sacramento/Delta update to the Bay-Delta Plan. On March 29, 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 VAs were renamed Healthy Rivers and Landscapes or HRL by the VA proponents. The March 2022 MOU and other VA documents submitted to the State Water Board related to updates to the Bay-Delta Plan and other information are available on the State Water Board's website, including a link to the California Natural Resources Agency website for additional information on the proposal, to ensure the public had the opportunity to access those documents. In addition, documents available at the time of the release of the 2023 draft Staff Report were included in Appendix G1, *Voluntary Agreement Proposal*, of the 2023 draft Staff Report. Chapter 9, *Proposed Voluntary Agreements*, describes and evaluates the proposal as a possible option for the Sacramento/Delta update to the Bay Delta Plan. This chapter was included in the 2023 draft Staff Report and reflects that proposal at the time that the 2023 draft Staff Report was released for public review and comment.

The State Water Board provided several opportunities for the public to provide comments related to the VA proposal, which has informed the development of the revised proposed Plan amendments and final draft Bay-Delta Plan. Staff Report Chapter 12, *Public Participation*, summarizes the public participation activities that have been held related to the Sacramento/Delta update to the Bay-Delta Plan. For example, in April 2024, the State Water Board held a multi-day public workshop to discuss the HRL proposal. The purpose of the workshop was for VA parties 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 DACs, and the general public to ask questions and provide input on the proposal. Comments on the 2023 draft Staff Report informed development of the revised proposed Plan amendments, which include both a regulatory pathway and a VA pathway that would provide a pathway for implementation of HRL flow and non-flow habitat commitments. The State Water Board considered the VA documents and other comments received and exercised its independent judgement as it developed the VA pathway described in the 2024, 2025, and final drafts of the Bay-Delta Plan (including the flow and non-flow accounting provisions included in Appendix B).

In addition, the revised proposed Plan amendments includes several provisions for California Native American Tribes and other interested parties including environmental justice communities to participate in activities related to Bay-Delta Plan implementation, monitoring, and periodic review. Please see Common Response 1.3, *Revised Proposed Plan Amendments*, for a description of the revised proposed Plan amendments, and Common Response 11.1, *Tribal Engagement and Tribal Beneficial Uses*, for information on tribal outreach and engagement provisions.

The State Water Board received numerous comments from tribes, environmental justice organizations, environmental non-governmental organizations, representatives of DACs, and others expressing general opposition to the proposed VAs, including comments expressing uncertainty about whether the commitments will be met and result in sufficient improvements for the reasonable protection of fish and wildlife. Because of the size and complexity of the Bay-Delta watershed and the time it takes to complete the process to update and implement the Bay-Delta Plan, it is imperative that the Plan can adjust to changing circumstances and future conditions. The revised proposed Plan amendments provide for the VA pathway to remain in effect for a term of eight years after the effective date, unless the VA pathway is terminated before eight years or extended beyond eight years as discussed in Staff Report Section 13.3.4.10, *Continuation, Modification, or Termination of the VA Pathway.* The revised proposed Plan amendments provide for possible modification or termination of the VA pathway as part of annual and periodic review processes, including before year eight, due to the VA parties' failure or inability to implement VA commitments as described for the VA pathway in the Bay-Delta Plan, or significant evidence that continuing implementation of the VA pathway will not provide reasonable protection of beneficial uses or will jeopardize the continued survival of native fishes. The revised proposed Plan amendments also include a regulatory pathway that would apply for water rights not included as part of the approved VA pathway and would also apply to VA water rights in the event the VA pathway is discontinued. Common Response 1.1, *General Comments*, provides additional responses to comments expressing general support and opposition of the VA pathway.

Some commenters also expressed concerns with aspects related to monitoring and evaluation provisions under the VA pathway. For additional discussion on the VA pathway and responses to these comments, please see Common Response 1.3, *Revised Proposed Plan Amendments*.

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