
State Water Resources Control Board

NOTICE OF OPPORTUNITY FOR PUBLIC COMMENT AND HEARING ON REVISED DRAFT SACRAMENTO/DELTA UPDATES TO THE WATER QUALITY CONTROL PLAN FOR THE SAN FRANCISCO BAY/SACRAMENTO-SAN JOAQUIN DELTA WATERSHED

NOTICE IS HEREBY GIVEN that State Water Resources Control Board (State Water Board or Board) staff has released for public review and comment a revised draft of updates to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Watershed (Bay-Delta Plan or Plan).¹ The changes are focused on the portions of the plan relevant to the Sacramento River watershed, Delta eastside tributaries (including the Calaveras, Cosumnes, and Mokelumne Rivers), and Delta (Sacramento/Delta) for the reasonable protection of fish and wildlife beneficial uses.

NOTICE IS ADDITIONALLY HEREBY GIVEN that the State Water Board will receive public comments on the July 2025 revised draft updates to the Bay-Delta Plan, both in writing and orally at a Board hearing, in accordance with this notice.

NOTICE IS ADDITIONALLY HEREBY GIVEN that the State Water Board will hold a public hearing to receive public comments on the revised draft updates to the Bay-Delta Plan beginning September 8 and continuing September 9 at the following locations:

September 8, 2025, beginning at 9:00 am

Joe Serna Jr. CalEPA Building
Coastal Hearing Room
1001 I Street, Second Floor
Sacramento, CA 95814

September 9, 2025, beginning at 9:00 am

Joe Serna Jr. CalEPA Building
Coastal Hearing Room
1001 I Street, Second Floor
Sacramento, CA 95814

And via Video and Teleconference

¹ The Bay-Delta Plan was last amended in 2018 when the State Water Board adopted updates relevant to Lower San Joaquin River flows for the reasonable protection of fish and wildlife and southern Delta salinity for the reasonable protection of agriculture.

BACKGROUND

State law requires that the State Water Board adopt water quality control plans to reasonably protect beneficial uses of water. The Board is required to periodically review its water quality control plans and to update those plans as needed through a public process. The Board protects water quality that affects beneficial uses of water in the Bay-Delta, in part, through its Bay-Delta Plan. The Bay-Delta Plan identifies (1) beneficial uses of water in the Bay-Delta, which currently include municipal, industrial, agricultural, and fish and wildlife uses; (2) largely flow-based water quality objectives to reasonably protect the beneficial uses; and (3) a program of implementation to achieve the objectives, including monitoring and reporting requirements.

The July 2025 revised draft Bay-Delta Plan (2025 revised draft) includes proposed changes to the draft Bay-Delta Plan released in October 2024 (2024 draft) based on public input and comments received throughout the planning process, including comments on several options for possible changes to the plan identified in the 2024 draft. Specifically, the 2024 draft identified the possible inclusion of flow, cold water habitat and related provisions that were based on the proposed Plan amendments and alternatives identified in the 2023 draft Staff Report in support of updates to the Bay-Delta Plan, as well as options for these provisions. The 2024 draft also identified the possible inclusion of Voluntary Agreements (VAs) to provide flows and non-flow habitat proposed by state and federal agencies and water users referred to as the Healthy Rivers and Landscapes proposal, as well as options associated with inclusions of VAs. The regulatory provisions would apply to all water right holders if the Board did not move forward with VAs, or in the event the Board moved forward with VAs would apply to water rights not participating in approved VAs. The 2025 revised draft proposes to move forward with the inclusion of VAs in the Bay-Delta Plan for water rights included in approved VAs (VA pathway) and the regulatory provisions for water rights not included as part of approved VAs (regulatory pathway). The 2025 revised draft also includes proposals for addressing other options identified in the 2024 draft. The 2025 revised draft also proposes the designation of Tribal Tradition and Culture (CUL) beneficial use as part of the current Bay-Delta Plan update. Additional information on the revised draft updates to the Bay-Delta Plan can be found in Attachment A, Summary of Revised Draft Sacramento/Delta Update to the Water Quality Control Plan for the San Francisco Bay/Sacramento/San Joaquin Delta Watershed.

The State Water Board is seeking public input on the 2025 revised draft updates to the Bay-Delta Plan. Comments on this revised draft will inform development of a final draft of the Plan for Board consideration in the future.

DOCUMENT AVAILABILITY

State Water Board staff has released a complete revised draft of updates to the Bay-Delta Plan, including Sacramento/Delta updates and other minor updates and edits.

The revised draft updates to the Bay-Delta Plan are available for review on the [Board's website](#). If you need assistance accessing the document, please email staff at SacDeltaComments@waterboards.ca.gov.

WRITTEN PUBLIC COMMENTS

Written comments on the revised draft updates to the Bay-Delta Plan must be received no later than **September 10, 2025**, as specified below. The Board is not accepting further comments on the draft Staff Report that was previously released for public comment.

Comments should be submitted via email to SacDeltaComments@waterboards.ca.gov with the subject “**Comment Letter – Revised Draft Sacramento/Delta Bay-Delta Plan Updates.**” If comments exceed email file size limitations, please send an email to the above address at least 24 hours in advance of the comment deadline for assistance with submitting documents via the Board’s File Transfer Protocol (FTP) site.

HEARING AGENDA

Although a quorum of the Board is expected to be present at the hearing, the State Water Board will not take any formal action. The hearing will include both a physical meeting location and an option to participate remotely as described below.

The purpose of the public hearing is to receive public input on the July 2025 revised draft updates to the Bay-Delta Plan. The hearing days will include: (1) introductory remarks from the Board Chair and Board members; (2) a staff presentation; and (3) individual comments, with the possibility for combined comments through panel presentations.

PROCEDURAL INFORMATION

For those who only wish to watch the meeting, a webcast will be available at youtube.com/user/BoardWebSupport/ and video.calepa.ca.gov/ (closed captioning available) and should be used unless you intend to comment.

The State Water Board will conduct the public hearing on the revised draft updates to the Bay-Delta Plan in accordance with California Code of Regulations, title 23, section 649 et seq. There will be no sworn testimony or cross-examination of participants. Speakers will have an opportunity to provide oral comments during the hearing. Individual comments will be limited to 3 minutes. If you wish to make an individual comment, please fill out a [virtual speaker card](#) by the deadlines identified below. For those who plan to participate virtually, the Clerk to the Board will respond to your form one business day before the hearing with the information needed to join the meeting. Adoption of the revised draft updates to the Bay-Delta Plan will take place at a future Board meeting.

For those who wish to provide a panel presentation, please email SacDeltaComments@waterboards.ca.gov by the deadlines identified below with the following information: (1) the date of the hearing the panel is requesting to present at; (2) the names, affiliations, and email addresses of each member of the panel; (3) and whether each panel member will present in person or remotely. Panel presentations will be limited to 20 minutes (depending on the number of panel requests) unless otherwise directed. Panels that would like to make a PowerPoint presentation must submit their PowerPoint presentation to SacDeltaComments@waterboards.ca.gov by the deadlines identified below.

To ensure a well-organized and efficient hearing, please adhere to the following deadlines:

Hearing Day	Deadline	Date
September 8, 2025	Panel presentation requests	August 29
	PowerPoint presentations	September 3
	Virtual Speaker cards	September 4
September 9, 2025	Panel presentation requests	September 2
	PowerPoint presentations	September 4
	Virtual Speaker cards	September 5

FUTURE NOTIFICATIONS

To receive future email notifications about the Bay-Delta Plan processes, [subscribe](#) to the “Bay Delta Notices” topic (listed under Water Rights). Any change in the date, time, and place of the public meetings described above will be noticed via the email subscription list.

AVAILABILITY OF LANGUAGE SERVICES

To request oral interpretation or sign language services, please submit your request at least 10 business days before the meeting by contacting the Office of Public Engagement, Equity, and Tribal Affairs at (916) 341-5254 or OPP-LanguageServices@waterboards.ca.gov.

Telecommunications device for the deaf (TDD) users may contact the California Relay Service at: TTY (800) 735-2929 or voice line at (800) 735-2922.

VISITING THE CALEPA BUILDING

All visitors to the CalEPA Building are required to sign in at the security guard station located just inside the main entrance. Visit the [CalEPA website](#) for additional information on traveling to the CalEPA Building.

CONTACT INFORMATION

For questions regarding this notice, email SacDeltaComments@waterboards.ca.gov.

July 24, 2025
Date



Courtney Tyler
Clerk to the Board



State Water Resources Control Board

ATTACHMENT A

SUMMARY OF REVISED DRAFT SACRAMENTO/DELTA UPDATES TO THE WATER QUALITY CONTROL PLAN FOR THE SAN FRANCISCO BAY/SACRAMENTO-SAN JOAQUIN DELTA WATERSHED (BAY-DELTA PLAN)

To request a translation of this appendix, please email
OPP-LanguageServices@waterboards.ca.gov.

E. JOAQUIN ESQUIVEL, CHAIR | ERIC OPPENHEIMER, EXECUTIVE DIRECTOR

ATTACHMENT A

SUMMARY OF REVISED DRAFT SACRAMENTO/DELTA UPDATES TO THE WATER QUALITY CONTROL PLAN FOR THE SAN FRANCISCO BAY/SACRAMENTO-SAN JOAQUIN DELTA WATERSHED (BAY-DELTA PLAN)

INTRODUCTION

On July 24, 2025, a revised draft of potential updates to the Bay-Delta Plan was released for public review and comment. The July 2025 revised draft Plan (2025 revised draft) includes changes to the draft Bay-Delta Plan released in October 2024 (2024 draft) based on public input and comments received throughout the planning process. Specifically, the 2024 draft identified several options under consideration that the Board was seeking input on for updating the Bay-Delta Plan. The 2025 revised draft Plan identifies specific provisions based on these options, as well as other refinements. A summary of the major provisions is included in this introduction, followed by a summary of the background for the 2025 revised draft and a more detailed summary of the changes.

The 2024 draft identified the inclusion of flow and cold water habitat related provisions that were based on the proposed Plan amendments and alternatives identified in the 2023 draft Staff Report in support of updates to the Bay-Delta Plan, as well as options for these provisions.

The 2024 draft also identified the possible inclusion of Voluntary Agreements (VAs) to provide flow and non-flow habitat improvements proposed by state and federal agencies, public water agencies, and other water users referred to as the Healthy Rivers and Landscapes proposal, as well as options associated with inclusion of VAs. The 2025 revised draft includes a pathway for water rights included in approved VAs (VA pathway) and regulatory provisions for water rights not included as part of approved VAs (regulatory pathway), with both pathways having regulatory effect.

The 2024 draft also identified that the Board was considering modifications to the inflow, cold water habitat, inflow-based Delta outflow, and interior Delta flow objectives identified in that version of the Plan. The 2025 revised draft Plan retains the narrative portions of the new objectives described in the 2024 draft with modifications, and incorporates the numeric portion of the inflow objective in the program of implementation. The 2025 revised draft also retains the VA proposed fish protection objective. Under the regulatory pathway, these objectives would be implemented by flow, cold water habitat, and related requirements included in the program of implementation. Under the VA pathway, the objectives would be implemented by required and enforceable flow, habitat, and related VA commitments.

The 2023 draft Staff Report identified inflows under the proposed Plan amendments of 55 percent of unimpaired flow, within an adaptive range of 45 to 65 percent based on

the 2017 Scientific Basis Report in Support of Sacramento/Delta Updates to the Bay-Delta Plan. The 2024 draft Plan identified that the Board was considering changes to these flow levels and solicited comments on possible changes. In response to concerns that the proposed flow levels would have significant water supply impacts and could result in drawing down reservoir storage (with associated temperature impacts) under existing water rights that water users need time to plan for and adjust to, modifications to the starting point for the inflows under the regulatory pathway have been incorporated in the 2025 revised draft that reduce water supply impacts and allow more water to be stored in reservoirs. These modifications are referred to as water supply adjustments or WSAs that allow for lowering the percent of unimpaired flow requirements during all but the wettest hydrologic conditions down to 45 or 35 percent of unimpaired flow, with additional tributary specific WSAs for certain tributaries where appropriate.

Changes to the VA pathway described in the 2024 draft Plan were also incorporated in the 2025 revised draft, including refinements to: the description of the VA flow commitments; the provisions for continuation, modification, or termination of the VAs; the provisions for addressing new water supply projects; the VA habitat accounting provisions; and other provisions. In addition, two new VAs on the Bear River/Auburn Ravine from Nevada Irrigation District and South Sutter Water District were submitted to the Board after the 2024 draft Plan was released and have been added in the 2025 revised draft. A draft of the VA flow accounting appendix is also now included in Appendix B.1. The appendix contains draft accounting for each VA tributary, the Delta, export reduction commitments, and water purchases with notes to reader on accounting issues that are still under development.

In response to significant feedback from tribal representatives, the 2025 revised draft also incorporates Tribal Beneficial Uses (TBUs) and the designation of the Tribal Tradition and Culture (CUL) beneficial use for the Bay-Delta watershed, as well as provisions for a Tribal Advisory Group and other provisions to facilitate tribal participation and feedback in the Board's Bay-Delta planning and implementation efforts. The revised draft also includes updates to monitoring provisions and other provisions from the 2024 draft.

Below is a summary of the background on the 2025 revised draft Plan as well as a more detailed description of the provisions included in the 2025 revised draft.

BACKGROUND

The Bay-Delta Plan, like other water quality control plans, identifies beneficial uses of water, water quality objectives to protect those uses, and a program of implementation to achieve the objectives, as well as monitoring and evaluation provisions. These provisions are required to be reviewed and updated periodically to provide for the reasonable protection of beneficial uses of water. In response to fishery and ecosystem declines in the Bay-Delta Watershed and its tributaries, the State Water Board has been

in the process of updating the Bay-Delta Plan to provide for the reasonable protection for fish and wildlife beneficial uses. The Bay-Delta Plan is being updated and implemented in separate processes focused on two distinct portions of the Bay-Delta watershed. The first process, known as the Lower San Joaquin/Southern Delta update was completed in 2018 and is in the process of being implemented. The Lower San Joaquin/Southern Delta portion established updated San Joaquin River and tributary flow requirements for the reasonable protection of fish and wildlife beneficial uses and also updated salinity requirements in the southern Delta for the reasonable protection of agricultural beneficial use. The second process, known as the Sacramento/Delta update, is focused on flows and other measures for the reasonable protection of fish and wildlife in the Sacramento River and its tributaries, Delta eastside tributaries, and the Delta.

In 2017, following public comment and peer review, the State Water Board completed a Scientific Basis Report (2017 Scientific Basis Report) for the Sacramento/Delta update that describes the science supporting possible Sacramento/Delta updates to the Bay-Delta Plan that were under consideration at that time. The 2017 Scientific Basis Report supports the need for updates to the Bay-Delta Plan to provide for the protection of native fish and other aquatic species, including the need for updated flows and water project operations that work together in a comprehensive framework with other complementary actions to protect the Bay-Delta ecosystem.

Based on the 2017 Scientific Basis Report, in July 2018, a framework for possible Sacramento/Delta changes to the Bay-Delta Plan was released that identified possible changes to the Bay-Delta Plan including narrative and numeric inflow requirements from the Sacramento River, its tributaries, and Delta eastside tributaries (the Cosumnes, Mokelumne, and Calaveras Rivers); narrative and numeric inflow-based Delta outflows that would require inflows from the Sacramento/Delta tributaries and San Joaquin River and tributaries be provided as Delta outflow; narrative cold water habitat provisions; and narrative and numeric interior Delta flow requirements, as well as associated monitoring, reporting, and evaluation measures and other provisions.

In March 2022, the State Water Board received a Memorandum of Understanding (VA MOU) for proposed Voluntary Agreements to Update and Implement the Bay-Delta Plan from signatories including state and federal agencies, local public water agencies, and other water users. The State Water Board received updates to the VA MOU in August and November of 2022 and in July 2025 to include two additional parties.

In support of the Board's process of evaluating and considering the VAs as part of the Sacramento/Delta Update to the Bay-Delta Plan, State Water Board staff, in collaboration with staff from the Department of Water Resources (DWR) and California Department of Fish and Wildlife (CDFW), drafted a Scientific Basis Report Supplement. The Scientific Basis Report Supplement is an addendum to the 2017 Scientific Basis Report that documents science supporting anticipated benefits of the proposed VAs.

The report builds on the 2017 Scientific Basis Report to evaluate the VA proposed flow and non-flow habitat restoration actions.

The Draft Scientific Basis Report Supplement was released for public comment in January 2023. Following receipt of public comments, the draft was revised and a Final Draft Scientific Basis Report Supplement was submitted for independent peer review. In February 2024, the State Water Board received the peer review responses. State Water Board staff are currently in the process of finalizing the Scientific Basis Report Supplement in collaboration with staff from CDFW and DWR in response to peer reviewers' comments. A Final Scientific Basis Report Supplement will be released with the Final Staff Report in support of the Sacramento/Delta Update to the Bay-Delta Plan.

In September of 2023, the State Water Board released a draft Staff Report/substitute environmental document evaluating the potential environmental and economic effects of different possible alternatives for Sacramento/Delta updates to the Bay-Delta Plan (Staff Report). The draft Staff Report identified and evaluated proposed Plan amendments based on the 2018 Framework and identified the possible inclusion of the VAs as part of the proposed Plan amendments, as well as other alternatives.

In October of 2024, the State Water Board released draft Plan amendments (2024 draft) for a nearly 80-day public review and comment period, that was based on public comments received at that time. Public comment and input on the draft Staff Report and 2024 draft include more than 700 comment letters, three staff workshop days, five Board workshop days, eleven working meetings, and continuing coordination with VA parties. Those public comments informed the development of the 2025 revised draft of the Bay-Delta Plan.

SUMMARY OF REVISED DRAFT UPDATES

The following sections summarize the substantive 2025 revised draft updates to the Bay-Delta Plan, including updates to beneficial uses, water quality objectives for the reasonable protection of fish and wildlife beneficial uses, and updates to the associated program of implementation, including monitoring and reporting requirements. The updates are described in more detail below in the order they appear in the draft Plan.

TRIBAL BENEFICIAL USES

The 2024 draft included the incorporation of Tribal and Subsistence Fishing Beneficial Uses (TBUs) including: Tribal Tradition and Culture (CUL), Tribal Subsistence Fishing (T-SUB), and Subsistence Fishing (SUB) beneficial uses as they relate to the reasonable protection of fish and wildlife. The 2024 draft identified that the Board is considering designation of CUL in the Bay-Delta watershed as part of the current update to the Bay-Delta Plan or through a subsequent appropriate process and specifically solicited public input on that decision. Based on information and input received, the revised draft Plan proposes to move forward with designating CUL in the Bay-Delta Plan. The CUL designation recognizes the centrality that vital fish populations and

aquatic life have for cultural, spiritual, ceremonial, and traditional rights and lifeways. The CUL beneficial use designation is specifically responsive to tribal input expressing the cultural significance of salmon, which also defines the applicable extent of the Bay-Delta Plan, and anadromous fish species to tribal culture through the presence and role of salmon in origin stories, as a staple of traditional tribal diets, including as a centerpiece in traditional ceremonies, and traditional belief systems that revere salmon as beloved ancestors and relations. The reasonable protection of CUL as it relates to salmon and ecological conditions overlaps with the reasonable protection of fish and wildlife. Accordingly, the objectives needed to protect both categories of beneficial uses overlap and are addressed by the proposed updates to the objectives and program of implementation.

Future flow-based water quality objectives or site-specific water right requirements for the protection of cultural uses may be considered through subsequent Regional Board or State Water Board actions. T-SUB and SUB beneficial uses could also be designated for water body segments as appropriate by the Regional Water Quality Control Boards.

WATER QUALITY OBJECTIVES FOR MUNICIPAL, INDUSTRIAL AND AGRICULTURAL USES

There are no substantive changes to the water quality objectives for the protection of municipal and industrial uses (Table 1) or agricultural uses (Table 2) or associated program of implementation provisions from the current (2018) version of the Bay-Delta Plan. From the 2024 draft Plan updates, non-substantive edits were made to Table 1 and Table 2 to move footnotes into the table and improve readability.

WATER QUALITY OBJECTIVES FOR FISH AND WILDLIFE USES

There are no substantive changes to the fish and wildlife objectives and associated program of implementation provisions from the current version of the Bay-Delta Plan for Lower San Joaquin River flows, dissolved oxygen, or San Joaquin River salinity.

In the 2024 draft, the notes to reader explained that the new Sacramento/Delta tributary inflow, cold water habitat, Delta outflow, inflow-based Delta outflow, and interior Delta flow objectives may either remain as objectives in Table 3 or be incorporated in Chapter 4, Program of Implementation. The 2025 revised draft Plan retains, with modifications, the new objectives identified in the 2024 draft in Table 3 for tributary inflows, cold-water habitat, Delta outflows, inflow-based Delta outflows, and interior Delta flows and incorporates the numeric portion of the Sacramento/Delta inflow objective to the Program of Implementation in Chapter 4. The 2024 draft also included a note to reader explaining that if the VAs proposal was incorporated into the Bay-Delta Plan, a new narrative fish viability objective would be added in the Plan. In the revised draft Plan, the narrative fish viability objective is added to Table 3. Collectively, these objectives would apply to both the regulatory pathway and the VA pathway.

Under the regulatory pathway, these objectives would be implemented by flow, cold water habitat, and related requirements included in the program of implementation.

Under the VA pathway, the objectives would be implemented by the flow, habitat, and other required and enforceable VA commitments as described further below.

PROGRAM OF IMPLEMENTATION

The program of implementation describes actions to implement and achieve the objectives. It also describes accounting, monitoring, reporting, and assessment provisions for compliance and effectiveness; provisions for public safety and drought; and complementary measures to protect fish and wildlife.

Regulatory Pathway Program of Implementation

Sacramento/Delta Tributary Inflows

- **Numeric inflow requirement:** As described above, the previous numeric portion of the inflow objective has been relocated from Table 3 to the program of implementation. In addition, in response to concerns about water supply impacts and reservoir storage impacts that could affect both supplies and temperatures, the revised draft Plan identifies that the starting point for the required percent of unimpaired flow for existing water rights would be subject to water supply adjustments or WSAs to reduce water supply impacts and potential impacts to agriculture, municipal water service, hydropower production, and terrestrial species upon initial implementation. These water supply adjustments replace provisions in the 2024 draft Plan for specified reductions in percent of unimpaired flow required based on reservoir storage levels.
- **Water Supply Adjustments:** At the outset of implementation, the inflow requirements would be lower than 55 percent of unimpaired flow watershed-wide except during the wetter third of conditions when water supply and reservoir storage concerns would be lower. During the intermediate third of conditions, inflow would be reduced to 45 percent and under the drier third of conditions, inflows would be reduced to 35 percent. In addition to these watershed-wide WSAs, additional WSAs are included for rainfall dominated tributaries and tributaries with majority municipal demands (including Putah Creek and the Mokelumne and Calaveras Rivers) that would allow reducing the flow requirements further and off-ramping the inflow requirements in the driest conditions based on reservoir storage conditions. The revised draft Plan identifies that the WSAs could be modified as part of the periodic review process after initial implementation, as appropriate, in combination with the adaptive implementation provisions described below.
- **Adaptive implementation:** The 2025 revised draft Plan retains the adaptive implementation provisions, including provisions for local cooperative solutions, identified in the 2024 draft Plan that would allow for shaping of flows and for flows to move within a range of 45-65 percent of unimpaired flow in tandem with the WSAs. The 2025 revised draft identifies that any adaptive implementation could not result in flows that would be lower during the January through June time period than allowed under the starting point for the inflows with the WSAs.

- Flood flow exceptions: A provision is included to clarify that the required percentage of unimpaired flow does not apply to an individual tributary during periods when flows from that tributary could cause or contribute to flooding or other related public safety concerns.
- Compliance Points: In the 2024 draft, certain tributary branches on specific tributaries were included as compliance locations for the inflow requirement. In response to public comments that all tributaries, forks and branches should be treated similarly, the 2025 revised draft includes compliance points for the inflow requirement at the confluence of every major fork, branch, and tributary unless determined through the implementation process that they are not needed or appropriate.

Cold Water Habitat and Carryover Storage

The 2024 draft Plan included specific carryover storage requirements that reservoir owner/operators would be required to meet unless they propose an alternative carryover storage requirement through an approved long-term temperature management strategy. In response to comments that the initial carryover storage requirements were too restrictive, the revised draft Plan allows reservoir owner/operators to propose their own carryover storage levels for Board approval as part of their development of a long-term temperature management strategy. The revised draft plan identifies a range carryover storage levels should fall within, with a lower range identified for drought years for most reservoirs. The revised draft identifies that if reservoir owners do not develop carryover storage levels, the Board would do so through a public process.

Delta Outflow-Lands Below Sea Level

The 2024 draft Plan included a note to reader identifying consideration of an initial exemption to the inflow-based Delta outflow requirements for water rights that divert and use water to irrigate lands below sea level in the Legal Delta. The Board received comments identifying that additional analysis should be conducted before any such exemption is considered. In response to these comments, the revised draft Plan proposes that the Board conduct additional analyses to further evaluate this possible exemption during development of the implementation methodology for the updates to the Plan instead of considering an initial exemption during this update process.

Implementation Methodology

In response to comments that there may be other ways to implement the regulatory pathway inflow and inflow-based Delta outflow requirements, the 2025 revised draft Plan identifies that the Board may consider implementation procedures other than, or in addition to curtailment regulations, that are designed to achieve comparable protections.

- The 2024 draft Plan identified the possible inclusion of curtailments provision to protect minimum base Delta outflows during declared drought emergencies in order to avoid the need for Temporary Urgency Change Petitions (TUCP) and cold water pool impacts during future droughts. Based on comments that such a provision required further consideration, instead of including specific curtailment provisions at this time, the 2025 revised draft Plan identifies that the Board will consider the need for additional actions to address drought conditions and associated TUCPs during its periodic review processes.

VA Pathway Program of Implementation

The 2024 draft Plan included possible program of implementation provisions developed by VA parties in Box 3. This box has been removed and input from VA parties and others has been incorporated into the specific VA pathway program of implementation. As such, the 2025 revised draft Plan now explicitly proposes incorporation of VAs in the Plan update.

VA Parties

- The water rights and right holders that are subject to the VAs have been relocated to Appendix B.
- A new provision is included to allow minor modifications to the list of VA water rights with Executive Director approval after a 45-day public comment period for water rights less than 100 acre-feet on the same tributary as the VA. Other modifications to the list of VA water rights, including water rights larger than 100 acre-feet, would need to be considered for approval by the Board as part of the annual or periodic review process.
- As discussed above, two new VA parties and associated flow commitments have been added to the VA pathway for Nevada Irrigation District (NID) and South Sutter Water District (SSWD) on the Bear River and Auburn Ravine.

Protection of the VA Flows Base Applicable to New Water Supply Projects

The 2024 draft identified three possible options for bypass flow provisions (identified in Box 4) for preventing new water supply projects, including new water right applications and water right change petitions involving increased diversion of water, from reducing the additive effect of VA flows. These options have been transformed to a new proposed narrative provision in the 2025 revised draft identifying that in processing new water right applications or change petitions involving expanded use of water, the State Water Board would consider needed measures to protect the base flows and additive flows provided pursuant to the provisions of the plan update (i.e., VA flows or unimpaired flows).

Flow Commitments

- To ensure the State Water Board has the ability to protect flows provided to meet VA flow commitments consistent with water right priorities, including water

purchases, the 2025 revised draft includes provisions requiring that VA parties provide a list of water rights that could be dedicated instream to meet the VA flow commitments within 6 months of adoption of updates to the Plan in order to provide time to evaluate the rights and possible effects on other legal users of water. Modification to the water right lists could also be made provided those updates are submitted at least 6 months before the planned use of any new water rights.

- The 2024 draft Plan would have required Executive Director approval of default VA flow schedules that fall outside of the January through June time period. To accommodate default VA flow schedules that include some flows outside the January through June time period, the approval process for VA flows outside the flexibility brackets of January through June has been altered to only require Executive Director approval for proposals to release VA flows outside the flexibility brackets or in a manner that would result in less VA flows during January through June than the default schedule.
- The requirement that Reclamation submit reports that demonstrate implementation of the VAs does not result in redirected impacts to fish and wildlife resources in the Trinity River watershed has been relocated to general provisions.

Additive Flows Above the Base

- Descriptions of the VA flow commitments to inflow and Delta outflows have been updated consistent with the VA flow accounting measures.
- The flow flexibility brackets for the Feather River have been updated based on input from DWR.
- New flow commitments for the Bear River and Auburn Ravine have been added to incorporate new VAs from NID and SSWD.
- The 2024 draft Plan included a note to reader that more information was expected about New Water Projects Water Purchases identified in the VA MOU. These projects have been removed from the revised draft Plan based on input from DWR. These projects are still proceeding as part of the Water Storage Investment Program process and could possibly be integrated into the VAs in the future as appropriate.
- The Yuba River flow commitment has been changed from 60 to 50 thousand acre-feet (TAF). The original 60 TAF included 10 TAF of assumed contributions from NID and SSWD, which are now being provided through separate agreements on the Yuba River, Bear River and Auburn Ravine.

Flow accounting

- The requirement that reservoir refill provisions avoid reductions in flows during the January through June time period except during wet years has been removed. Instead, reservoir refill provisions are addressed individually for each VA tributary involving reservoir reoperations.

- The requirement that groundwater substitution have no redirected impacts on stream flows has been replaced with a provision requiring that any reduction in streamflow be deducted from the VA flow contribution.
- Appendix B.1 now includes draft of accounting protocols for most VA flow commitments based on accounting documents received from VA parties with further refinements. The Appendix includes notes to reader identifying certain accounting provisions that are still under development. Accounting will be conducted within each tributary, water purchases, and within the Delta to quantify net-Delta inflows and outflows. The Appendix includes provisions for coordinating with stakeholders and the State Water Board and reporting information to ensure additive flows are released from tributary sources and protected through the Delta as applicable. The Appendix also contains general provisions related to groundwater substitution and land following.

Non-Flow Habitat Restoration Actions and Accounting

- The “Sutter Bypass, Butte Sink, and Colusa Basin” habitat category from the 2024 draft has been renamed “Valley Floor” habitat and expanded to include floodplain rearing habitat in the Yolo Bypass, Tisdale Bypass, Sacramento River, and the Delta. Additional detail has been added to clarify the accounting criteria that would apply to this habitat category to account for the expanded definition. Tributary floodplain projects accounted for under the Valley Floor habitat category would be subject to the same criteria as tributary floodplain projects accounted for under the Yuba, Feather, and Mokelumne River habitat categories.
- The accounting requirement that projects restore habitat that was previously unsuitable has been revised for clarity.
- Cover criteria: The 2024 draft cover criteria required 20 percent areal coverage, excluding cobble, with no buffer applied. Based on information from CDFW,² the revised draft allows 5 percent of the habitat area (out of the total 20% required to be cover) to include cobble or a 2-foot buffer applied to larger cover features.
- Floodplain inundation criteria: Based in part on information from CDFW², floodplain inundation criteria have been revised and include new Suitable Inundation Event Credits based on the duration and inundation of modeled inundation events allowing for partial crediting of habitat acreage.
- A 30-day deadline has been added to the Executive Director and CDFW approval of VA Parties’ requests for modifications to habitat design criteria.
- The habitat accounting protocol in Appendix B.2 has been revised to increase clarity, match changes to the accounting requirements, and add more detail for tidal wetland and bypass floodplain projects.

² Charlton H. Bonham. 2025. Healthy Rivers and Landscapes Habitat Restoration Design Criteria. Available at: https://www.waterboards.ca.gov/bay_delta/bay_delta_plan/docs/cdfw-va-memorandum-20250430.pdf

Supplemental Science and Monitoring

- Text has been added to clarify that VA supplemental science and monitoring would be incorporated within the Bay-Delta Monitoring and Evaluation Program (BDMEP).
- The deadline for VA targets has been extended to 6 months after Plan adoption, with the possibility for extension to 9 months. A new requirement was added for VA parties to solicit input from California Native American Tribes, non-governmental organizations, and other interested parties in the development of the targets.
- The pesticide monitoring requirements have been updated for clarity and an additional requirement was added for methylmercury.
- Requirements for tributary Harmful Algal Bloom monitoring have been revised to clarify they should follow a tiered monitoring approach and are only required May through October.
- New provisions were added to require that VA monitoring coordinate with and maintain consistent methods to the extent practicable with other monitoring surveys.
- Text has been added to acknowledge the VA Science Committee, which would include participation from VA parties and the State Water Board as well as environmental NGOs, California Native American Tribes, and any other interested parties.

Reporting

- The VA reporting deadline has been extended to March 1 of each year.
- The requirement for reporting on expected VA flows in the next year has been clarified to specify that those expectations should be based on the 10% through 90% exceedance forecasts of the February preliminary water year index.

VA Governance

- Requirements for VA parties to incorporate input from California Native American Tribes have been revised to require that their input be considered in decision-making affecting VA governance.

Continuation, Modification or Termination of the VAs

- A new provision was added to the 2025 revised draft requiring that State Water Board staff produce an addendum to the Scientific Basis Report Supplement synthesizing then-current scientific information concerning flows for the protection of fish and wildlife beneficial uses if termination of VAs is recommended at the end of the 8-year VA term. This addendum would be subject to review and comment and would be used to consider any necessary modifications to the regulatory pathway provisions. If the Board determines no modifications to the regulatory pathway provisions are needed, it will provide a

new determination, that is judicially reviewable under Code of Civil Procedure section 1085, that the non-VA regulatory pathway is legally and scientifically appropriate under the provisions of Water Code section 13241.

- The procedure for terminating the VAs due to the withdrawal of a party or parties from the VAs has been revised to add consideration of whether the withdrawal materially affects the ability of any remaining VA parties to fulfill their VA commitments.

General Provisions

- Text has been added that habitat restoration or other ecosystem benefit actions taken by state, federal, local agencies and other entities, should consider and incorporate as appropriate input from California Native American Tribes.

Monitoring, Evaluation, Reporting, and Special Studies

- The provisions for the Lower San Joaquin River flow and southern Delta salinity updates to the Bay-Delta Plan adopted in 2018 have been integrated into the Bay-Delta Monitoring and Evaluation Program (BDMEP). No substantive changes were made to these provisions.
- A section was added to clarify that the initial BDMEP incorporates VA supplemental science and monitoring.
- Provisions for review and revision of monitoring and special studies have been revised to increase specificity, add coordination with the Delta Stewardship Council's Delta Science Program, and to specify special procedures for the revision of some monitoring surveys for Endangered Species Act (ESA)/ California Endangered Species Act (CESA) purposes. Additional detail on the process for regular review of monitoring surveys has been added to Appendix A.
- The BDMEP reporting deadline has been extended to May 30 of each year.
- Harmful Algal Bloom monitoring provisions have been revised to add additional detail on the required time period and methods for monitoring, and to specify a tiered monitoring approach.
- A new provision was added to Appendix A to clarify that the State Water Project and Central Valley Project share responsibilities for the required monitoring activities equally, except for activities that are required by Decision 1422, which are the full responsibility of the Central Valley Project.
- The provision for the discontinued Striped Bass, Sturgeon, and Spring Kodiak Trawl surveys has been revised to identify a Delta Science Program review of any necessary actions to fill any remaining monitoring gaps.
- Table A-1 has been revised to add and remove monitoring stations based on public comment.
- Monitoring purposes have been identified for each survey listed in Table A-2.
- Some monitoring surveys in Table A-2 may now be revised if required to do so by CDFW, U.S. Fish and Wildlife Service, or National Marine Fisheries Service to comply with CESA or ESA requirements.

- A definition of best available science, based on Appendix 1A of the Delta Plan, has been added to Appendix A.
- The provisions for Lower San Joaquin River biological goals have been integrated with the provisions for the Sacramento/Delta biological goals. No substantive changes were made to these provisions.

Annual and Periodic Review

A new provision was included to evaluate and consider methods to reduce the incidence of temporary urgency change petitions to replace the provision in section 4.4.4.1 of the 2024 draft Plan for the protection of base Delta outflows during drought.