

State Water Resources Control Board

August 28, 2026

Via Email

Joseph Brau
Joseph.brau@ylsclinics.org

Re: Request to Extend the Comment Period on the Final Draft Bay-Delta Plan, Provide Written Comments on the Supporting Final Staff Report and Scientific Basis Report Supplement, and Modify Associated Board Meeting Dates

Dear Mr. Brau:

On August 21, 2026, the State Water Resources Control Board (State Water Board or Board) received a letter from the Delta Tribal Environmental Coalition (DTEC)¹ requesting a 30-day extension of the comment period for the final draft of updates to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Watershed (Bay-Delta Plan or Plan). DTEC also requests the opportunity to provide written comments on the final Staff Report and final Scientific Basis Report Supplement supporting Sacramento/Delta updates to the Bay-Delta Plan. In support of the request, DTEC references the following statement in the State Water Board's January 7, 2026 letter² denying requests to extend the comment period on the partially recirculated draft Staff Report (Chapter 13): "Comments on the revised draft Bay-Delta Plan and Chapter 13 of the draft Staff Report will inform development of a final draft of the Plan and final draft Staff Report. Both the final draft Staff Report and final draft of the Plan will be available for public review before being considered for adoption by the Board at a future Board meeting, where the public will again have the opportunity to provide input." The State Water Board appreciates your comment and provides the following response.

The State Water Board has provided several opportunities for oral and written comment on updates to the Bay-Delta Plan over many years and the supporting Staff Report and scientific basis reports. Since 2023 alone, these have included at least five written

¹ The Delta Tribal Environmental Coalition includes the Shingle Springs Band of Miwok Indians, Winnemem Wintu Tribe, Little Manila Rising, and Restore the Delta.

² Available at:

https://waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/docs/2026/response-ext-req-010726.pdf

public comment periods on the suite of documents now before the Board: the January 2023 draft Scientific Basis Report Supplement, the September 2023 draft Staff Report/Substitute Environmental Document, the October 2024 draft Plan, the December 2025 revised draft Plan and partially recirculated Chapter 13 of the draft Staff Report, and the current comment period on the August 2026 final draft Plan. The State Water Board additionally held a three-day public hearing on January 28-30, 2026, at which oral comment was received, along with numerous public workshops and meetings over the course of the planning process, and has issued formal written Notices to California Native American Tribes at each stage of the process, including on October 25 and November 1, 2024, and on July 24, August 15, and August 25, 2025, each inviting Tribal review and comment. As stated above, those comments have informed development of the final draft Bay-Delta Plan and final Staff Report, which are the titles of the documents that will be considered by the Board at the October 28-29, 2026 Board Meeting described in the Notice. Those documents are not truly final unless and until the Board takes action to approve and adopt. The Board Meeting is the forum referenced in the January 7, 2026 letter where the Board Members will once again hear from the public.

Please note, the written comment period on the Staff Report closed February 2, 2026. However, the Staff Report is available to help inform review of the draft Bay-Delta Plan. With respect to comments on the draft Bay-Delta Plan, the State Water Board is accepting written comments on the changes included in the final draft Plan that were not included in the December 2025 version of the Plan. To facilitate that review, a redline version of the final draft Plan showing the changes from the December 2025 revised draft Plan is posted on the State Water Board's File Transfer Protocol (FTP) site. As identified in the August 19, 2026 Notice of Opportunity for Public Comment and Board Meeting to Consider Adoption of Sacramento/Delta Updates to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Watershed (Notice),³ written comments on the final draft Plan must be received no later than September 18, 2026.

The State Water Board also reiterates that the opportunity for government-to-government consultation remains open. Each of the Notices to Tribes identified above invited consultation on the Sacramento/Delta updates. The Board again extends that invitation here: Tribes may request consultation regarding the final draft Plan, including its Tribal Beneficial Uses provisions and Tribal engagement components, at any time before the October 28-29, 2026 Board Meeting, including after the September 18, 2026 written comment deadline. Requests may be submitted to SacDeltaComments@waterboards.ca.gov.

The State Water Board will be moving forward with the process as planned and will not be extending the comment period on the final draft Bay-Delta Plan or delaying the Board Meeting scheduled for October 28-29, 2026. The Board remains committed to

³ Available at: https://waterboards.ca.gov/board_info/calendar/docs/2026/oct/notice-2026finaldrftbdp.pdf

advancing equity consistent with its Resolution No. 2021-0050, Condemning Racism, Xenophobia, Bigotry, and Racial Injustice and Strengthening Commitment to Racial Equity, Diversity, Inclusion, Access, and Anti-Racism⁴ and Board staff are available to meet with interested parties to answer questions and facilitate Plan review. Requests to meet with Board staff may be submitted to: SacDeltaComments@waterboards.ca.gov.

Sincerely,



Erik Ekdahl for Eric Oppenheimer
Chief Deputy Director

cc:

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⁴ Available at:

https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2021/rs2021_0050.pdf