Table 4-1. Responses to Comments

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1305	1	GIGONE: Hi. Good afternoon, Chair Esquivel and members of the Board. Thank you so much for the opportunity to speak to you today. So I will be discussing my comments related to harmful algal blooms, and then we'll move on to our other panelists here. Can we go to the next slide? One more. So first of all, I'm going to start out with some of the kind of tribal impacts and some specific experiences here. One of the initial impacts related to harmful algal blooms was the cancellation of several tribal events during the summer of 2023 after cyanotoxins were detected at a location on the Sacramento River. Due to the tribe's connection to this waterway back since time immemorial, being able to host events here is especially important. One of these events was a language camp intended to teach tribal youth their ancestral language on their ancestral land, which is what makes this cancellation especially impactful. Although these were just two specific events, I fear the potential future impacts of harmful algal blooms related to things like this, especially given the additional exposure pathways for tribal members, which I will elaborate on in the upcoming slides. Next slide, please. So for the second slide here, I'm going to get into two specific aspects of the Plan update here, which particularly stood out to me in relation to harmful algal blooms. So first is the provision allowing for the flow requirements to be reduced to 35 to 45 percent during low flow years is especially concerning, especially since these low flow periods are the times when we're seeing the highest rates of harmful algal blooms occurring, just putting some additional stress on that system and putting us at additional risk for harmful algal blooms due to lower flows, potentially higher water temperatures, potentially more areas of stagnant water. And secondly, the Harmful Algal Blooms Monitoring section lacks	Please refer to Common Response 4.1, Harmful Algal Blooms, regarding instream flow and Delta cyanobacteria harmful algal blooms (HABs), numeric objectives or criteria for cyanotoxins, California Native American tribes and HABs, and for a discussion of the State Water Board's efforts to address HABs in the Delta, including through coordinated monitoring to help identify effective mitigation and management strategies for addressing Delta HABs. The December 2025 draft Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Watershed identifies six new HAB monitoring locations and adds HABs monitoring requirements to existing monitoring locations in Table A-1 of Appendix A, as part of the Bay-Delta Monitoring and Evaluation Program (BDMEP). Sampling for HABs will occur annually during the bloom season. Specific monitoring requirements and sampling frequency are described in Table A-3 (Appendix A). HABs monitoring requirements do not supersede monitoring requirements listed in other columns of Table A-3. Requirements listed in other columns may be used to satisfy HAB monitoring requirements. Through the periodic review process, the State Water Board will establish and conduct a regular cycle of reviews that rotate through each BDMEP monitoring activity in Table A-2 (Appendix A), including HABs monitoring, with the goal of reviewing each activity at least every 10 years. The State Water Board will conduct the reviews in coordination with the Delta Stewardship Council's Delta Science Program. Proposed changes to monitoring requirements or activities will be subject to public review and comment and must be supported by the best available scientific evidence, including consideration of the need to preserve the integrity of the long-term data record. Proposed changes to monitoring requirements or activities may proceed if approved by the Executive Director. See Common Response 1.3, Revised Proposed Plan Amendments, for further discussion of HAB monitoring requirements. As described in Staff Report Section 7.12.1, Surface Water, dead-end sloughs in the Delta are influenced primarily by tidal movement rather than net flow; therefore,

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		an enforceable numeric standard. While monitoring is mentioned a lot and is quite clearly important, that monitoring is much less impactful unless there is a specific numeric standard to go along with it. So I think that's a key component that's missing there. And one more slide. So for the exposure pathways is something that I touched on and is something that I have concern about related to numeric standards. The exposure pathways for cyanotoxins for tribal members ties in with this lack of a numeric standard because certain activities conducted by tribal members on the waterways for ceremonial or cultural uses can involve greater amounts of contact with the water, greater potential consumption of water, greater contact with riparian vegetation, and all of these things just carry risk that I feel is not properly accounted for. As an environmental scientist with the tribe, with the Shingle Springs Band of Miwok Indians, my job is to help keep tribal members properly informed when water threats are occurring. And just because there is a lack of information about these exposure risks, I always have to be playing it safe as much as possible and telling people to not use the waterways if there is even the slightest amount of risk of harmful algal blooms occurring, which I feel again highlights that lack of an enforceable numeric standard. So thank you so much, Board members, for your time. And I'll pass it along to our next panelist. CORTEZ: The next speaker is Spencer Fern, and he should be on Zoom. FERN: I was going to say, yeah, I'm here on Zoom. I'm just unable to put my camera on. I'm not sure that it matters. But I just want to say thank you, Chair Esquivel and members of the Board, for the opportunity to present today. I'm going to highlight some of my concerns with the harmful algal blooms that were mentioned in the Chapter 13 amendment to the Bay-	changes in Delta inflows and outflows are unlikely to substantially affect the conditions that support HABs in these areas. In contrast, changes in flow through other Delta channels are more likely to experience changes in conditions relevant to HAB formation when flows are altered. Staff Report Sections 7.12.1 and 13.7.12.1, Surface Water, also notes that some of these channels may experience reduced flows during the HAB season under the proposed Plan amendments or the revised proposed Plan amendments; accordingly, HAB-related impacts could occur in some Delta locations.

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		Delta Plan, and it will jump off of some of the comments that Zach has made. Next slide, please. I should be able to get my camera up. There we go. Okay, so as I mentioned, some of the concerns that I have about Chapter 13 of the Bay-Delta Plan and the concerns I have around harmful algal blooms is they have mentioned that -- in the document, there's a mention that there will be six additional hotspots that are going to be added for regular monitoring. And the specific quote is right there. They're going to add on to the additional existing locations that are already there in the Delta and following a tiered monitoring approach. However, the number feels static. It feels like they're predetermined a six locations around the Delta. And I will be the first one to make the point that I believe that more monitoring is a step in the right direction. That is absolutely something we need when it comes to the Delta as its whole. We've had harmful algal blooms here for the last 20-plus years. And with the exacerbating effects of climate change and its impacts on these dead-end areas of the Delta that end up experiencing harmful algal blooms in a more consistent basis, I feel the number of the six sites should be a start. And I know it was mentioned earlier today in one of the previous in the morning presentations that they'll be checked out annually. But this is not mentioned in the Chapter 13 section on harmful algal blooms. Just wanted to point that out. There was no mention of an actionable HAB standard. I'm going to echo what Zach just said a little earlier. I know Board Member Firestone mentioned it in response earlier today about having that in discussions for objectives around harmful algal blooms. But again, we're talking about the Bay-Delta Plan, which is supposed to be a penultimate tool for managing water quality, and it's not mentioned in there as of now. In terms of that, there's also no timeline for when there will be enough monitoring to make decisions on harmful algal bloom management. We could spend eons monitoring and monitoring,	

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		but if there are no meantime solutions to at least putting something in place for guardrails, it feels like we're not managing a threat to water users in the Delta, and other parts of California for that matter, considering the movement of water through California. So next slide, please. Speaking on the movement of water, I wanted to highlight the Voluntary Agreements and the regulatory pathways and their impacts on HABs. Some of the arguments that were made in Chapter 13 was the first argument that I've noticed here, or noted here, is that the reduced storage levels could lead to warmer, stable water conditions, which could lead to higher HABs incidence. And I would make the same argument that removing downstream flow from other parts of the Delta as freshwater flow, cold water to be able to flush the areas out, would be the same impacts at those dead-end areas throughout the Delta. And further on in that argument, they mentioned that cyanobacteria being present in reservoirs might cause a recreation problem as well as a conveyance problem. But I would say that that highlights harmful algal blooms as much more of a pressing issue than the movement of water in general and why we should be prioritizing harmful algal blooms and how we manage those threats, which I do think there could be a little more fine tuning in Chapter 13. As I mentioned, there is also the arguments about dead-end sloughs and how they're likely to be unaffected, remain unaffected by net flow reduction. And I do think that this is a very poor argument because, yes, the areas that are already experiencing harmful algal blooms because of lack of flow would definitely -- it stands to reason that they wouldn't suffer more if more flow is being removed from the system considering we're dealing with issues here. But on the counter side of the argument, we should be arguing about finding new ways to circulate flow through these areas, these dead end areas, so that we can remove HABs from the	

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		Delta ideally in a way that makes sense. Because as of now, the few things we can control, which are your nutrient loads and your flow and monitoring and, you know, and reservoir releases, these seem like arguments that we should be making to manage the problem instead of trying to react to the problem as it comes forward. And next slide, please. Chapter 13, and one of the things that I think is like really much of an afterthought is the immediate public health. I mentioned it a little earlier when I was talking about the harmful algal bloom standard having something in place, some guardrails. I think there's way too much of a focus on just monitoring as a means of HABs management. And again, I want to make it very clear, I believe that there should be much more monitoring throughout the Delta. And I think that helps inform users of the water, people who are nearby, or even just having advisories out in general to make sure that people are recreating safely. But in this chapter, a lot of the focus I've seen, and again, not saying that we shouldn't be focusing on it, but there's more of the impacts on recreation access and looking at it from a blooms may or may not have a problem here. But my concern is that when there are harmful algal blooms present, people are still recreating in these areas with HABs. And part of that is due to lack of information on harmful algal blooms. I can tell you from my own firsthand account, from sampling sites throughout Stockton, where we had blooms this past year, I saw people recreating in boat launches. I saw people jumping into harmful algal bloom-infested water. And I think that highlights the issue, again, about the lack of public awareness, public health, response to public health concerns, and which is why I'm highlighting that we need to get some sort of a harmful algal bloom standard put in place. I'm going to end off with saying that the State Water Board has a duty to oversee water quality and the protection of the Delta. Aside from that harmful algal bloom standard, which I do know, and from previous conversations around this topic, that requires	

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		some time, I'm just going to reiterate that we need to see some meantime solutions to managing HABs so that people can safely recreate. Because at this point, we've had this problem in the Delta for 20-plus years, and I don't see it getting any sooner to something that can possibly help people understand the problems that come from harmful algal blooms. And on that note, I will pass it over to Cintia to talk about the environmental justice impacts. So next slide, please.	
1305	2	CORTEZ: Good afternoon, Chair Esquivel, members of the Board. My name is Cintia Cortez. I'm the policy program manager with Restore the Delta. Next slide, please. As my colleagues elaborated, existing water quality standards have created the ideal conditions for the proliferation of harmful algal blooms throughout the Delta waterways, and that would only worsen with the proposed update. On this slide, you'll see a picture of a HABs outbreak that was -- that took place in downtown Stockton. While HABs are a significant threat affecting public health, ecosystem health, and the local Delta economy, it is not the only threat Delta communities face. Delta communities are burdened by water quality degradation, compounding environmental stressors, and the erosion of a once self-sustained local economy. Poor water policies, such as that being proposed today, disproportionately and disparately impacts Delta environmental justice communities. Increased salinity continues to be a challenge that will worsen with sea level rise due to climate change. Adequate instream flow is necessary to manage salinity. Salinity intrusion threatens the Delta's aging levee infrastructure and the prime agricultural land that it surrounds. Loss of vegetation reduces levee stability, increasing the risk for levee failure. And levee failure in the Delta would result in major irreversible damages to Delta agriculture and result in loss of	The Sacramento/Delta update to the Bay-Delta Plan is intended to be a restoration action. Please see Staff Report Section 7.1.3, Purpose and Goals of the Sacramento/Delta Update to the Bay-Delta Plan, for a discussion of the purpose and goals of the Sacramento/Delta Update to the Bay-Delta Plan. The Staff Report adequately evaluates the environmental impacts and economic effects of the revised proposed Plan amendments, proposed Plan amendments, and other project alternatives. Analysis of factors such as levees, salinity, contaminants, surface water and groundwater is included in Section 7.12, Section 9.7.12, and Section 13.7.12, all titled Hydrology and Water Quality. Chapter 8, Section 9.8, and Section 13.8, all titled Economic Analysis and Other Considerations, adequately analyze the economic effects of changes in hydrology and water supply. See Common Response 4.1, Harmful Algal Blooms, for responses to comments concerning harmful algal blooms in the Delta. See Common Response 10.1, Economically Disadvantaged Communities, for responses to comments on existing environmental conditions and the CEQA analysis. The Bay-Delta Plan in the section on Annual and Periodic Review includes provisions on climate change. The State Water Board will continue to assess current science as it relates to climate change in the Bay-Delta watershed. Based on these assessments, the State Water Board will consider the need for updates to the

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		life. Salinity intrusion alters soil composition, damaging crops grown within the Delta, and altering, once again, the prime agricultural land. Adequate aquifer recharge is crucial for preventing saltwater intrusion and ensuring a sustainable supply of clean groundwater. Increased occurrence of groundwater contamination would result in increased water treatment costs passed down to rate payers. The Board provides no analysis demonstrating that proposed updates will improve salinity management to address the challenges described nor attempt to mitigate worsening conditions for climate change. Reduced instream flows allows for the accumulation of water contaminants, raising public health concerns. Exposure to increased concentration of these contaminants facilitates the bioaccumulation of contaminants in fish. That then exposes people consuming fish to toxins. Ingestion of contaminated fish is a concern among sustenance fishers and anglers. Accumulation of contaminants are a health risk for boaters, fishers, and other recreating in Delta waterways and simply just living around it. Water degradation has historically alienated communities from Delta waterways, only allowing people that have the means and resources to safely recreate. However, conditions are now deterring tourism and collapsing fisheries, impacting industries, contributing to an annual $7 billion Delta economy. Updates to the Bay-Delta Plan will have implications that extend beyond water quality. It is the Board's responsibility to consider and analyze the impacts proposed updates will have on these various factors. The updates being discussed today fails to do so. Next slide, please.	plan or its implementation based on the latest scientific information.
1305	3	The Board continues to consider proposed Voluntary Agreements. The VAs perpetuate California's history of the discriminatory practices that laid the foundation for California's water management system. The VAs were crafted through an exclusionary process that left out communities most vulnerable	Please see Common Response 11.1, Tribal Engagement and Tribal Beneficial Uses, for a discussion on tribal comments on the VAs and tribal reserved water rights. Please also see Common Response 10.1, Economically

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		to changing conditions. The modern water management system was built on historical injustices and systemic exclusionary policies. The same water rights holders that have benefited from California's history of discrimination are authors and parties to the Voluntary Agreements, further placing disparate impacts on Delta tribes and communities. The Board continues to consider the VAs failing to remedy these injustices. The Board, in adopting the Voluntary Agreements, is willfully delegating its authority as the enforcer to the same water users responsible for the existing crisis, disregarding its responsibility to balance all beneficial uses of water. While VA parties have claimed that Voluntary Agreements are ready for implementation since 2018, the existing proposal remains incomplete. It is evident that the Board had no intention of meaningfully integrating feedback or addressing concerns raised, and it has been reinforced by the Board's opening remarks today.	Disadvantaged Communities, for responses to comments on existing environmental conditions and the CEQA analysis.
1305	4	We are only here today because of a failed attempt in the legislature this past summer to exempt all Water Quality Control Plans from CEQA review. That was not the only attempt -- however, that was not the only attempt in the legislature to bypass Water Board authority. Next slide, please. Pending before the Board is the Delta Tribal Environmental Coalition civil rights complaint that was filed over three years ago and accepted for investigation by the US EPA in 2023. Despite months of facilitated negotiations, the Board has failed to take steps towards resolving the complaint. The complaint was noticed for closed session for about a year, and we have received no response or report back. We are watching the dismantling of civil rights laws and the systems that have paved the way for creating an equitable society on the federal stage. That does not relieve this Board from its obligation to respond and resolve claims of discrimination and exclusion brought against you. You cannot claim today that the Board is in compliance with Title VI, the	As expressed in the State Water Board's September 7, 2023, letter to the U.S. Environmental Protection Agency in response to the Title VI civil rights complaint about the Bay-Delta Plan update process, the State Water Board disagrees with the allegations made in the Title VI complaint. See Common Response 10.1, Economically Disadvantaged Communities, for responses to comments on existing environmental conditions and the CEQA analysis.

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		Clean Water Act, and the Porter-Cologne Act that govern California's water quality standards. Delta communities deserve a healthy environment, water for economic prosperity, and strong stewardship of resources for protection with a changing climate. And thank you for the opportunity to present before you in this panel.	
1306	1	BOBKER: Thank you, Mr. Chairman. Eric Buescher, San Francisco Baykeeper is going to be the first presenter for the panel, and he's joining us virtually, so I'll hand it off to him. BUESCHER: Thank you. Good afternoon members of the Board. My name is Eric Buescher. I'm the managing attorney at San Francisco Baykeeper. Before I dive into my presentation, I just have to relay a story, I was reading a book by Katherine Rundell with my kids. They're in second and fourth grade, a couple of nights ago. The main character is a 12-year-old girl. She stands up in town square and tries to rally the people against the bad guy in the novel. She says, "He's taking our future and the future needs our protection. It's a fragile thing. The future needs all the help it can get." And that was a clarifying moment for me about why I do this, why I'm here today, and I'm grateful for the opportunity. I do have to say, I am dismayed at some of the things we've heard so far today from the Board, because it seems like there's been a determination that we're going to conduct an experiment on the Bay-Delta ecosystem through this, through this Plan update. Despite what seems like a predetermined outcome, I think it's important that we talk about the future that we see and the future that you all can avoid and can bring into being. The Draft Plan that was released in July, tweaked in December, and the analysis that accompanies it makes clear that the current proposal will not materially change flows into, through, and out of the Delta. And as a result, the trajectory of decline and crisis	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		that this Board has long recognized is overwhelmingly likely to continue. And I won't spend much time on these first several slides because they are all things that the Board has previously written, most of which I have previously repeated back to you at public meetings last fall. Next slide, please. In 2009, when the Board issued its notice of preparation, it did so because native fish populations were experiencing significant declines. Next slide, please. A year later, pursuant to the Delta Reform Act, the Board analyzed the best available science at the time and concluded that the current actual flows were insufficient to protect public trust resources and that current water policies had been disastrous for native fish. Next slide, please. Seven years later, in compiling the best available science in 2017, the Board repeated that the Bay-Delta ecosystem was in crisis, that fish species had experienced precipitous declines despite 20 years of efforts to reverse them, and that steelhead and salmon specifically were at all-time lows of abundance. Next slide. The Board repeated these findings a year later in 2018, explaining that more flow and more natural flows were needed to halt and reverse the declines that were leading to extinction of native fish and to resolve the crisis conditions that existed throughout the Bay-Delta and its ecosystem. Next slide. Five years later, the Board reiterated the purpose and need for the update, 14 years after it had started. Little had changed about the overall needs of the ecosystem, about the science	

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		supporting the need for more flows, about the overall status of existing conditions. As the Board articulated, current regulatory requirements are minimal. They're insufficient to protect the ecosystem. Next slide, please. And the Board recognized the fundamental problem it had been working for 14 years to resolve. There is too little flow and the regulatory requirements are only about a third of the actual flow that exists. Moreover, those unregulated flows are not mandated by the Board or ESA regulations currently and are likely to be reduced in the future due to climate change and new water infrastructure projects like the Delta Conveyance Project, Sites Reservoir, or new diversions to groundwater storage or recharge.	
1306	2	So with that context, I'd like to go to the next slide and touch on some of the fundamental ways that the current draft fails to match those findings and the Board's own analysis over the prior 16 years. First, the VAs, and to a lesser extent the unimpaired flow approach with the water supply adjustments, do not materially change flow conditions that exist in the ecosystem now. And as a result, there is no evidence or any basis in the best available science to suggest that fish populations, and as a result, the fisheries and communities and people, will materially change or improve. When the status quo is a crisis and is declining toward extinction, small tweaks and little benefits do not move the needle. Second, as staff indicated this morning, and as I think Board Member Firestone echoed, the water supply adjustments to the unimpaired flow approach materially reduce the benefit that the previously proposed and analyzed unimpaired flow scenarios would have provided. And the Voluntary Agreements abandon the Board's goal of mimicking the natural hydrograph, a goal that the Board and the best available science have long recognized is fundamentally necessary to restore the ecosystem and reverse, not just slow, the downward trajectory we're on.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project. Also see Section 13.5, Beneficial Environmental Effects, of the Staff Report for an analysis of the benefits of the revised proposed Plan amendments. The State Water Board considered all comments requesting changes to the revised proposed Plan amendments and incorporated some of the suggested changes. See Common Response 1.3, Revised Proposed Plan Amendments, for a general summary of comments received and responses, as well as a project description and summary of the changes to the project since the December 2025 revised draft Plan.

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		Third, unaccountable paper water and long-term earth moving are not the answer. Instream flow is fish habitat. Fourth, while we recognize that flow and non-flow actions must be taken together, those actions must be based on the needs of the ecosystem. And as you'll hear from my colleagues, the habitat promises and the Voluntary Agreements are untethered from what actually constrains fish populations today. And fifth, the water supply adjustments don't just materially reduce the benefits previously analyzed in the unimpaired flow approach. They also don't guarantee better long-term water supply because they are untethered from reservoir storage or year-over-year requirements. They provide more water for consumptive uses in any given year, but fail to actually ensure long-term reliability of water supply in the face of drought or climate change. Next slide. And last, I want to talk about the problems with existing backstop because I share Chair Esquivel and Board Member Firestone's concerns and desire to have a backstop that worked -- that works. It is a vital step in this process. First, the stoplight process that's described in the current Draft Plan guarantees that no regulatory backstop will take effect until a decade or more from now. If the experiment fails, which the best available science says it will, it is likely to be too late at that point. We've needed urgent action for years. The Board and other agencies have recognized as much, and instead the Board is choosing an experiment that delays the urgent material changes for a decade. The Board should not wait six years to begin to measure and assess if the experiment of the Voluntary Agreements are working. It should implement measurable standards and requirements now, not ones to be set in the future. Second, the best available science is clear and has been for more than a decade and a half. Instead of using that science now, the Board sets it aside to conduct an experiment that -- excuse me, to conduct an experiment. And then, as that experiment goes	

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		forward, it sets up what I count to be at least a seven-step process before the VAs can be abandoned if they are not reasonably protecting beneficial uses. The VAs should have to demonstrate that they can meet water quality objectives and protect beneficial uses before implementation, not afterwards. Third, we know that one goal here is to avoid continued long-term litigation over the Plan and its implementation. The Draft Plan makes unnecessary promises to VA parties of future processes, future decisions, and future review based on extra-legal non-statutory requirements and then gives them the right to sue over it. The Board should delete the laundry list of requirements and new standards on pages 94 and 95 that are a giveaway to the Voluntary Agreement parties. And finally, the green and yellow light standards to continue the VAs are arbitrary. The Draft Plan says the VAs should be allowed to continue if they are meeting their share of contributions to 25 percent of objectives in the hope that maybe they will achieve them by 2050. This is incompatible with Porter-Cologne or with a healthy Bay-Delta. With that, I'll turn it over to my colleagues. Thank you.	
1306	3	PEARSE: Bring up the presentation. There we go. Good afternoon, Board. My name is Devon Pearse, and I'm here as the Lead Scientist of Friends of the River. And I want to follow up on the presentation. PEARSE: Yeah. PEARSE: Can you not hear me? PEARSE: Yeah, green. PEARSE: Okay. PEARSE: I'll speak up. I'm here today to kind of focus on some of the scientific aspects of this Plan and, importantly, our scientific ability to understand the results of the Plan and the outcomes of	Please see the evaluation of the benefits of the VA pathway in the Scientific Basis Report Supplement (Staff Report Appendix G2) and Staff Report Section 13.5, Beneficial Environmental Effects. Also see Common Response 3.1, Fish Protection, regarding the habitat benefit analyses. The Sacramento/Delta VA pathway in the revised proposed Plan amendments does not include commitments for predator removal.

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		this Plan, which has been a major point of discussion today. Next slide, please. These observations I'm going to make come from my review of the Plan documents, as well as a peer-reviewed scientific literature, and a lot of discussions with my scientific colleagues, both recently and over the years. And the strong consensus that everyone agrees on is that flow is the master variable. This is a phrase that I've seen in your own Board's documents, Staff Reports, and elsewhere, because it's true. That statement is the fact that that, that flow, is what influences the success or failure of all the other actions that may be taken under VAs or any other plan. It is really what's driving the health of the system. As you've heard already, the VAs offer very limited additional flows, and they don't have the protections that we would like to see backing those up. This is not because there is not science to show that more flow is important. There's, for example, this paper on ecologically functional flows describing the amount of water that would be necessary flowing through a system to protect not just the health of the ecosystem and the fish, but all the other hydrological processes that maintain that system. That is significantly more water than is offered under the current plans. And, finally, the flow cannot be replaced by these other non-flow habitat modifications, and I will go into that now. And next slide, please. To remind us of where we are in this process, this is about the last 95 years of flow records outflow from the Delta. In the top panel, you can see what the unimpaired flow would be, categorized by these water year types that we use to characterize water years from wet to supercritical. Supercritical would be a very rare thing. About two percent of the years occur at that dryness level, that level of drought, in an unimpaired system. But due to our water extractions, we are imposing the actual in	

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		the lower panel so that, in fact, now many years from the ecosystem's perspective are super-critically dry or dry years. So that is an ongoing drought imposed by our extractions. And you can see that gradual change over the past decades. As more and more water has been removed, the actual flow coming out of the Delta has dropped down to unsustainable levels of unimpaired flow, low percentages. (Clears throat.) Excuse me. Next slide, please. And again, as has been said, the VA has barely moved the needle on that, on increasing flow, providing less than or approximately one percent increased total outflows relative to the current baseline. And again, from that previous slide, that current baseline is much lower than a historical baseline and is really at an unacceptably low level that is imperiling the ecosystem. And under the VA plan, required flows during the springtime period that is most critical would be essentially unchanged from the current baseline, either in minimum year types or across the year types between 1995 and 2021. In contrast, the regulatory flow approaches using percent of unimpaired flows either with water supply adjustments or as a level 55 percent would provide at least double the flows during those periods. Next slide, please. And as a replacement for flow, the VAs are offering these non-flow assets as habitat improvements. And I want to be careful not to criticize individual projects too directly. Of course, habitat is an important thing. A lot of thought has gone into some of these projects to provide habitat where needed. But as a package, it lacks intentional planning. It lacks -- it's a -- there's a haphazard assortment of projects that were created, in some cases opportunistically, in some cases because they were already in plans, but not necessarily in a scientific manner to address limiting factors. As an example here, this is for rearing habitat in the figure. Similar figures exist in the report for spawning habitat. And what you can see is in some cases there are changes to the amount	

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		being offered under the VAs that even when the amount that exists already exceeds the doubling goal objective or this somewhat arbitrary 25 percent of doubling goal objective, which I also don't fully understand based on the report, but that is used as an alternative target. And we would expect no population response to a habitat improvement like that if the carrying capacity of species is low for other reasons, which is the case here, those other reasons being lack of adequate flow. So, well, next slide, please. So again, the nonflow actions in order to provide the response we want need to be addressing limiting factors and, in many cases, they are not. There is a framework in the report to assess meaningful floodplain events, meaning events that inundate floodplain areas appropriately. But if you actually look through the report, under many of the conditions, those events will be met in a very small percentage of the time. Again, flow is what's driving the success of that habitat improvement, not the existence of that physical habitat change. Temperature is another one that may seem separate from flow and that you might imagine there are other ways that you could manage it. But really, temperature is driven by flow. Better flows, you're going to have better managed temperature conditions in all the rivers. Finally, predator removals is another project that is proposed in many places in the VAs. And there's just really not good evidence that that is going to result in population level responses in a sustainable manner, even locally, for fish population or native fish populations. Removing predators is not the solution. The solution is providing sufficient flow that the fish have opportunities to evade those predators and successfully migrate out to the ocean. Next slide, please. So as I have tried to lay out here, what really is a concern that I have is that we're proposing the VAs as an experiment, essentially your project, let's see if this works. But they're a badly	

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		designed experiment. And they're badly designed in a couple of different ways. I mentioned the haphazard nature of the assets. They don't present a cohesive package that you would have designed if you were going out to design the experiment. They're sort of an opportunistic assortment. And I understand why that is. But it still means that they're unlikely to result in the kinds of responses that we want. You guys had asked questions earlier, I believe Board Member Maguire, about the peer reviews and what those might comment -- might suggest about the success. And I did notice a number of places in those peer reviews where it was pointed out that there was a low likelihood that we would be able to detect responses of the VAs, both over the timeframe, also due to the variability within the system. So it's sort of setting up an experiment that we don't really expect to see a result from. The signal-to-noise ratio, meaning that we won't be able to detect it. And then I think a bigger concern for me is that even if we do see signals, there's essentially no way to connect specific VA actions, either in totality or individually to those responses, because those responses are likely to be at least as much due to the particular assortment of wet and dry years that we get over the next eight years and other factors like that. So whatever result at the end of this experiment, we won't be able to know either -- we're unlikely to detect an effect, and we will not know whether it was really due to the responses or the response to the VAs. I just lost a point that I was going to add to that. Okay, we'll have to go for another time or my written comments. I'll just close by saying that I really feel that the science is quite clear, that flow is the variable that we should be concerned about here, and that while well-meaning habitat improvements may have locally positive benefits, they're not a way, a cohesive way to make a plan that will really result in population responses and recovery, not just for target species like salmonids that we've heard a lot about, but for the entire ecosystem. The food base, all those different species that are not carefully monitored, require that ecosystem to be cohesive, and flow is the variable that will do that.	

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		So I'll pass it back to my colleagues.	
1306	4	DR. ROSENFIELD: Good afternoon, members of the Board and Board staff. I'm Jon Rosenfield, Science Director for San Francisco Baykeeper, and I would like to talk about some of the biological effects that are described in the SED and put those in context of fish and wildlife beneficial uses and the Board's obligations. Next slide, please. As we've discussed at length before, the status quo of fish and wildlife beneficial uses in this ecosystem is decline. We're looking in the upper left at the population trend of winter-run Chinook salmon, which are endangered, and below at the population trend of white sturgeon, which are now a candidate for listing under the California Endangered Species Act. Next slide, please. Those are the big fish in the ecosystem, but let's look at the tiny fish that everyone is concerned about. In the upper right, I'm showing the time trend, two different survey -- two different surveys and their indices for longfin smelt. The y-axis is logged transformed, so that's a big decline that you're looking at. And Fish and Wildlife Service very recently determined that longfin smelt are very likely to go extinct in the near future if current conditions prevail. Below, we see the time trend for Delta smelt. I think you all know what that looks like. We can't find Delta smelt in the sampling programs that used to produce them in abundance. These trends show that fish and wildlife beneficial uses are not being protected and that fish populations are not viable. These trends are the result of the Water Board's refusal to act on the best available science and predatory delay by the VA parties. Next slide, please.	Please refer to Staff Report Chapter 3, Scientific Knowledge to Inform Fish and Wildlife Flow Recommendations, Section 3.14.1 Summary of Flow Thresholds for Species Protection, for a description of the frequency with which flow scenarios achieve flows protective of the specific species identified in this chapter and the potential for increasing native fish abundance under the flow scenarios. Please refer to the description of beneficial environmental effects for each alternative in Staff Report Section 7.24, Environmental Analysis, for a description of beneficial environmental effects on native aquatic and aquatic-dependent species, aquatic and riparian habitats and natural communities, and ecosystem functions in the Sacramento/Delta watershed. Beneficial environmental effects are also identified in Table F-2 in Appendix F, Impact Summary Tables for Alternatives 1, 2, and 3. Please see Staff Report Section 13.5, Beneficial Environmental Effects, for the expected benefits of the regulatory pathway (55 w/WSAs) and VA pathway compared to Baseline conditions. Please see Common Response 3.1, Fish Protection for a discussion of the flow-benefit analyses and longfin smelt and Delta smelt. See also Common Response 1.2, Water Quality Control Planning Process for a discussion on reasonable protection of fish and wildlife beneficial uses. Please see Staff Report Section 7.1.3, Purpose and Goals of the Sacramento/Delta Update to the Bay-Delta Plan, for a discussion of the purpose and goals of the Sacramento/Delta Update to the Bay-Delta Plan. Please see Common Response 3.1, Fish Protection, on use of best available science and updates to the literature, flow thresholds, and the benefits analyses in the Staff Report.

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		As we've heard also today, other fish and -- other beneficial uses related to fish and wildlife beneficial uses, but not the same as fish and wildlife beneficial uses, are severely impacted by the status quo conditions of flow and diversion of flow. Next slide, please. The HRL, or the Voluntary Agreements, are an extinction plan. There's no evidence in the record that the Voluntary Agreement will move the needle off that status quo, which is decline. For example, here's a table that I put together that's adopted from a similar table, two tables, in the SED and tables that the Board has produced in scientific basis reports before. The rows show flows associated with beneficial outcomes for various species and attributes of the estuarine ecosystem. There's species and resources that are involved. The next column is the flow magnitude. The next column is the season in which that flow occurs. And then the remaining columns are the frequency with which those critical flows are exceeded under various alternatives, including the baseline, but including the VA, the proposed WSA, and then the 35 through 65 percent unimpaired flow alternatives that you all have studied in the past. I've highlighted in gray critical flow thresholds where the VA is projected to be identical to the baseline, no change. I've also highlighted in yellow two critical flow thresholds where the VA will produce the necessary flows less frequently than the baseline. In the other cases, the VA has a higher frequency by one percent or two percent. This is not evidence that the flows of the VA will achieve the Plan's objectives for viability or reasonably protect beneficial uses. Next slide, please. For four populations of fish and wildlife in the Bay-Delta, the SED estimates population level effects by water year type, but it doesn't aggregate those effects into a series of water years or a time series to show like what is the actual impact on the population from these year-at-a-time snapshots.	

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		So I attempted to look at this in two different ways. First is to take the average of historic and recent abundance indices for two species, longfin smelt and starry flounder, neither of which is likely to be impacted by any habitat proposed in the VA. These are estuarine species. They live in pelagic waters. For both species, the far left column is the historic average of abundance indices as measured by the sampling program from 1980 to 1994. The next column is the actual average over the last 15 years or so. You can see that there's been a huge decline. The next three columns are what would happen if you applied the percentage change implied in the SED for each water year type over the time series of the last 15 years, what would happen to the average population. You can see that the increases are meager, perhaps invisible, undetectable. No evidence that this is going to produce viability or reasonably protect beneficial uses. Next slide, please. That last slide was just taking the increase of the population and assuming no compounding effect of benefits produced by the VA or the WSA. But here, I wanted to take a more charitable view, in fact, an aggressively charitable view, and assume complete compounding, like an interest rate; right? If you have a benefit in one year and a benefit in the next year and a benefit in the next year, they're adding upon each other; right? So that's the assumption that I made. And also, I'm assuming that the benefits projected for the VA actually occur, which I have extreme doubts about, but just taking them out their word. Now, I'm looking at what is the likely change to the long-term population growth rate for the same two species, longfin smelt and starry flounder. On the left bar for each one of them is the historic actual population change turned into a value called R, the population growth rate. It's very negative for both species because both species have declined a lot over the long term. If we assume that the VA improvements, air quotes, change the population growth rate, then you see the second bar. It's an improvement, but it still leads to extinction and loss of beneficial	

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		uses. Similarly, if we took the WSA, which is more water, so it's more of an improvement, population will continue to decline. That is not reasonable protection. Declining to extinction is not reasonable protection. And finally, I looked at the WSA plus the addition of San Joaquin River flows, which is not an alternative being considered here, but just to show that as you add more water, things do get better. And if you add enough water, things might actually achieve viability, but still, you have negative population growth rates.	
1306	4.1	If you adopt the Voluntary Agreements, this is your legacy: extinction of native fish species; loss of beneficial uses associated with commercial and recreational fishing; tribal cultural uses; recreation, et cetera. You have another choice, which is to implement a flow standards, flow objectives that would actually have some chance of achieving viability and reasonable protection of beneficial uses, but the Voluntary Agreement and the water supply adjustments as proposed are not those alternatives. I'll pass it on to Mr. Bobker.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project. Also see Common Response 1.2, Water Quality Control Planning Process, for information on the consideration of beneficial uses.
1306	5	BOBKER: Members of the Board, you're all eyeglass wearers. You've all been to the eye doctor for an examination, so this will be familiar to you. Next slide, please. Okay, which is better, number one or -- next slide, next slide, please, okay, it there -- or number two? Let's go back a slide. Which slide is better, number one, where fisheries are at -- native fish are at record low levels, salmon fishery is collapsing, toxic algal blooms are occurring more frequently and with greater duration, or number two -- let's go, thank you -- where, just to	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		use examples, tree crop acreage has nearly doubled in the last decade agricultural revenues are following a steady upward trend? Let's go to the next slide. Now, okay, that's a crude comparison, but the point is that we see that all the risk -- well, actually, let me take a step back. We are not here in this room, we have not been in this proceeding for how many years, because California agriculture is drying up and blowing away. We're not in this room because people are dying of thirst in cities. We're here because one of the world's great ecosystems is in danger, where species are going extinct as we speak, where we are going to lose ecosystem services for people. That's not hyperbole. We all know this. We all know that there are existential threats to the Bay-Delta ecosystem. But the path that the Board is taking is putting all the risk on the ecosystem and none of the risk on the consumptive uses that are driving the decline of that ecosystem, and that's sad. The great Roman historian Titus Livius, 2,000 years ago when Rome was transitioning from a republic to an empire, said, "We are in those fateful last days when we can endure neither our vices nor their cure." And boy, does that resonate with me beyond this room, but also in this room. We have spent the better part of two decades documenting. And I'm sorry, but it's a complex system, but what we know isn't that complex. We know that flows are the driver of ecological condition. We know that habitat is great but it can't substitute for flow improvements. We know that, in fact, flow and habitat are intimately integrated, that flow is actually very often what creates adequate habitat, deals with predation and invasives, and addresses other threats to the system. We also know that implementing important flow improvements will have impacts, and there are outlier impacts that we need to deal with. And my community and many others have been willing to work with the Board to try and identify sophisticated system-specific tools to try and do that.	

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		You know, it's complicated. Yes, there are trade-offs. There's balancing that you have to do. But in the end, as I say, actually, what we know about the system isn't that complex, and there are trade-offs that we can make that actually balance. I'm going to tell you a little short story here, which is that in December 2018, I was in this room when this Board adopted the Phase 1 amendments to the Bay-Delta Water Quality Control Plan. At that time, I was working with the Bay Institute, as you guys all know. What did we do in reaction to that December 2018 amendment of the Plan by the Board? Well, we did two things. The Bay Institute sued you. We sued you because we thought that your decision hadn't met the legal standard for protection of the Bay-Delta estuary, and that the scientific record was strong to support what was needed to do that. What was the second thing we did? We gave our annual award to your Board Chair, Felicia Marcus. Why did we do that? We did it because we recognized that the Board had done something important. It had made a substantial change to the flow requirements for the Bay-Delta. It had brought in water users beyond the two projects. So while it may not have been sufficient in our view, it was substantial. There was a change. I thought that's where we'd be at the end of Phase 2. And I have to say that I continually am stunned that we are not. It's almost, you know, it's almost I'm almost speechless, to tell you the truth, which is a rare occurrence for me. I don't think we're at a place where, boy, they're just trade-offs we're making, and, you know, okay, you make the best of it. I think we're at a place where you haven't balanced at all. I think you've abdicated your responsibilities. And I like you all. I know most of you pretty well. I don't cast any aspersions of what your motivations are, but we're in a place where you are making a big bet that I don't think you have the luxury to make. I don't think you have the luxury of betting on a VA approach that won't move the needle, for which there is no	

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		real scientific basis that is going to work, and for which, even if it is implemented, you might not know the difference in terms of the effects on the estuary ecosystem. I don't think you have the luxury of assuming that members of the State Water Board, eight or ten or twelve years from now, will be more clear-eyed or resolute than you are willing to be today. And most importantly, I don't think you have the luxury of assuming that the fish and wildlife beneficial uses won't be irreparably damaged, and that species won't be extinct at that time. That is not anything any of us wants, I know you don't want it, but that's the road you're going down if you adopt the VAs and you adopt the water supply adjustments, and I beg you, don't go down that path. Don't let that be your legacy. You know, again, this is not hyperbolic. We know these existential threats exist for the system, and the last opportunities are going to slip through our fingers. Now is the time to make some hard decisions. Thank you.	
1306	6	DR. ROSENFIELD: It's the final slide in my presentation, I think. DR. ROSENFIELD: I think that's my presentation. PEARSE: While you're doing that, I wonder if we could – PEARSE: While we're maybe looking for the slide, I wonder if we could briefly respond to the question that you asked about the peer review? PEARSE: Yeah, I will say I brought that up, and then at that moment, I forgot a point that I wanted to make that's not necessarily directly about the peer review but is quite related to that, and that is this issue of our ability to understand and detect differences at the end of that. And I want to highlight that I think	The quote provided by the commenter "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" is from the section of the revised proposed Plan amendments defining procedures for modifying or terminating the VAs as part of annual or periodic review, before or after the end of the initial 8-year term of the VAs. Different procedures and considerations are provided for the yellow (modification) or red (termination) light decisions at the end of the initial 8-year term of the VA pathway. Please see Common Response 1.3, Revised Proposed Plan Amendments, for more information on the procedures for continuation, modification, or termination of the VA pathway. Also see Common Response 1.2, Water Quality Control Planning Process, regarding the consideration of beneficial uses.

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		that the way that -- essentially the hypothesis of this experiment, the null hypothesis should be that there's no effect, that if we continue essentially the same flow conditions that we have currently under baseline and we do these VA habitat modifications, the null is that there's no effect, and our ability to detect an effect should be the alternative hypothesis in this experiment. But that is exactly the opposite of how it is set up. And I'll just quote, the VA pathway would be extended at the end of the eight years unless there is, quote, "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." And that's an opposite way of setting up an experiment, such that you're putting the burden of proof on finding evidence and assuming that if you find no evidence, you just keep going as is. So that, to me, is a big weakness in the way the entire thing has been set up. And that point, specifically, is coming from the Bay-Delta Plan, but there were multiple places throughout the peer review, and under my reading of the peer review, where those various reviewers that you noted did highlight positive things about the Plan, but that their overall review of it found these kinds of weaknesses and many more. DR. ROSENFIELD: Yeah, I can say that I read the peer review report, and I read it entirely differently than -- I mean, I can -- I think I can understand the confusion, but I read scientists answering a question of, will the VAs make things better? And if they, you know, if they came out the way that it's projected in the SED, sure, but that's not the right question. The question is: Do the VAs or the water supply agreements meet the obligations requirements of the Board? It's a very, very different question; right? And one peer reviewer in particular noted like, well, I can't say whether this contribute -- I mean, sure, it contributes to viability, but I can't say whether it achieves viability because you all haven't defined viability. And I think,	

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		you know, Mr. Bobker and I have been a brokered record on that for 20 years about needing to define what your plan is trying to achieve before you say whether it achieves it or not. In this case, you haven't even said whether it achieves it, and you definitely haven't defined it. And, you know, we're trying to look for like, well, what would we define as viability? Nope, it doesn't achieve that. DR. ROSENFIELD: The salmon doubling goals are better defined quantitatively than the Board has defined viability. I mean, biologists can define viability because it has a meaning in biology of, you know, it has (indiscernible). DR. ROSENFIELD: Well, the definition is pretty – DR. ROSENFIELD: There's definitely a general definition that the Board does not -- that the documents don't acknowledge, which is what is the -- you know, viability is a low chance of extinction over a given timeframe. For the salmonids, it's a low chance of extinction over 100 years, according to the papers by National Marine Fisheries Service; right? But pick your chance of extinction, pick your timeframe, and measure whether your plan is likely to exceed, you know, improve upon the species chances; right? And then there are, you know, ways of -- there are quantitative results in your SED that I'm doing my best to try and interpret in terms of an overall response, rather than just like in above normal years, six percent difference in population growth, that doesn't mean anything in terms of viability; right? That's what I tried to show on the screen, that if you take that in context, that's a very, very small improvement if it occurred relative to the decline that you're trying to reverse. And in fact, it does not reverse the decline; right? It might mean the difference between going extinct in 10 years, instead of going extinct in five years. In both cases, that's no one's definition of viability. It's no one's definition of reasonable protection, because it's not anyone's definition of protection.	

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		DR. ROSENFIELD: Those numbers are, you know, the 55 percent flat unimpaired flow without or -- you know, within an adaptive range that was proposed last time we talked about Phase 2, was not analyzed in this way, or, you know, this is my own analysis; right? DR. ROSENFIELD: But it comes from numbers that are presented in the report that were not produced for the 55 percent. It was produced in the graph Staff Report, I'm trying to remember where, but it was produced as like median changes. But it's very obvious from this pattern, and I believe it says something equivalent in the SED, the current SED, that the WSA approach is less water and therefore – DR. ROSENFIELD: -- less population growth. I mean, these – DR. ROSENFIELD: -- the population change effects, the estimated populations, all of that is based on flow. And it's based on flow for a reason, because there's no other variable that produces a relationship that you can model. And there's a good reason for that, because there's not a relationship that's available, that's modelable, not for lack of time.	
1306	7	DR. ROSENFIELD: Well, it's – DR. ROSENFIELD: -- I mean, just to be clear, like, I know it's called the WSA/55 percent, but as I understand it, that 55 percent is in the wettest part of years, whereas the 55 percent in the previous – DR. ROSENFIELD: -- unimpaired flow thing was the starting point for all years, but, you know, like, it wasn't restricted to the upper one third of years. So those are – DR. ROSENFIELD: Those two 55 percent are not the same thing. BOBKER: Why not make adjustments based on trying to make -- tether it to storage conditions and seeing how your initial implementation works and then make adjustments? I mean, given the earlier discussion about where the, you know, the, almost, the lion -- not the lion's share, almost all the risk lies on	The State Water Board considered all comments requesting changes to the revised proposed Plan amendments and incorporated some of the suggested changes. Please see Common Response 1.3, Revised Proposed Plan Amendments, for a general summary of comments received and responses as well as a project description and a summary of the changes to the project since the December 2025 revised draft Plan.

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		the fish and wildlife beneficial uses, it seems like maybe your starting point is the wrong place. And this comes from somebody who, as I said earlier, we have always acknowledged that there are some outlier conditions and, you know, and each system is going to be operated a little different and that the unimpaired flow approach, which is, you know, a great general approach, you know, will need to be adapted for each system. But it should be done in a much more sophisticated way than a kind of a one-size-fits-all, you know, drop in the percentage and then, you know, maybe you get an improvement later. I think just given the urgency of the situation we're in that you maybe, you have the wrong starting point and you should reconsider it. You know, it sounds like you've got the architecture. Why not start in a different place?	
1307	1	CASEY: Okay, so it's on? CASEY: Okay. Thank you. CASEY: Good afternoon. Good afternoon, Chair Esquivel and members of the Board. My name is Ashlee Casey. I'm the Executive Director of the Sacramento Water Forum. Over the last 25 years, Sacramento -- the Water Forum has served as a diverse coalition of water purveyors, environmentalists, business leaders and public agencies dedicated to the co-equal objectives of reliable water supply and protecting the ecological and recreational values of the lower American River. I'm here today to provide a technical perspective on how habitat restoration, like those described in the Healthy Rivers and Landscapes Program, align with the biological needs of the American River ecosystem. Our decades-long science-based monitoring on the American River demonstrate that while flow is a critical master variable, flow alone cannot recover the native species if the physical landscape remains degraded. The habitat restoration that the Water Forum enlists are designed to address the physical limiting factors, specifically the lack of spawning gravel and rearing side channels that currently prevent salmonids from	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		thriving even when water is abundant. By integrating flow with specific engineered habitat improvements, we maximize the biological benefit of every acre-foot of water that is in the river. Our habitat restoration includes significant gravel augmentation. This addresses the sediment starvation caused by Folsom Dam, providing the specific substrate size necessary for Chinook salmon and steelhead to deposit and protect their eggs. Our restoration also includes the creation of side channels and alcoves. These provide slow-water habitat where juvenile fish can grow, find cover from predators, and seek refuge when high-flow events would otherwise wash them downstream prematurely. Finally, integrated science and monitoring is the key to determining the success of any program. The Water Forum has demonstrated its ability to deliver this, resulting in important groundbreaking findings and peer-reviewed publication that has advanced the state of the science. Programs that can effectively collect and synthesize data are best suited to allow for the responsive adaptive management that is needed. The Water Forum history proves that the most durable gains for the river come from sophisticated, collaborative stewardship of the physical landscape. The habitat restoration components of the American River regions portion of the Healthy Rivers and Landscape Program represent a scientifically rigorous approach to addressing the complex needs of the American River's iconic fish species. Thank you for the opportunity to share these technical insights with you as you consider the future of the Bay-Delta Plan.	
1308	1	RAY: Good afternoon, Chairman Esquivel and Board members. My name is Jim Ray, and I'm a businessman in the Sacramento Region working in the housing industry and supporting economic development. I'm also a member of the Business Caucus of the Sacramento Water Forum and we represent the Sacramento Metro Chamber, Association of Realtors, the North State Building Industry, the Associated General Contractors, and	Please see Staff Report Sections 7.12.2 and 13.7.12.2, each titled Groundwater, for relevant information on groundwater impacts and discussion. Also see Common Response 7.12.2, Groundwater and Sustainable Groundwater Management Act, for information on the SacWAM consideration of groundwater and for a discussion of SGMA considerations. The environmental impacts and economic effects of the revised proposed Plan amendments

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		the Sacramento Regional Business Exchange, among others. The Water Forum objectives are to support reliable regional water supply and protection of the natural resource of the American River. And we're currently in a housing crisis in the state and trying to meet the ambitious regional housing needs assessment depend entirely on a reliable and affordable water infrastructure. (Clears throat.) Excuse me. To build housing, we need absolute assurance that local water suppliers have long-term reliability to service new connections. The projected loss of 1 million acre-feet of groundwater storage in our region with the rigid unimpaired flow approach increases the risks and constraints to economic development. The unimpaired flow regulatory would force local water agencies to invest significantly in more expensive alternative supplies if they're available at all. Those costs will be passed on directly to developers and ratepayers. Unlike the rigid regulatory path, the Healthy Rivers and Landscapes approach provides the supply certainty that business and lenders need for important economic development while balancing the ecosystem that Ashlee just described and satisfying the economic needs of this region. By protecting our regional groundwater bank, the aquifer, the Healthy Rivers and Landscapes proposal ensures our region will remain a viable place for investment even as climate change increases and drought becomes more frequent. We urge the Board to adopt the healthy rivers and landscape proposal in 2026. It's the only path for our region that protects both environmental heritage and our region's ability to build the housing our workforce needs. Thank you for considering these comments.	are analyzed in Staff Report Section 13.7, Environmental Analysis, and Section 13.8, Economic Analysis and Other Considerations, respectively.
1309	1	SNYDER: Good afternoon, Chair Esquivel and Board members. Thank you so much for the opportunity to comment today. My name is Morgan Snyder, and I'm the director of policy and programs at Restore the Delta. I'm here today to share concerns with the proposed adoption of this update to the Bay-Delta Plan, and I want to specifically address some of the comments that were made earlier that misconstrued the process and the	Please see Common Response 1.1, General Comments for a discussion of the development of the VA pathway. Please also see Common Response 11.1, Tribal Engagement and Tribal Beneficial Uses for responses to tribal comments on the VAs. The State Water Board has conducted extensive public and tribal related outreach and appreciates the significant input from

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		implications of water quality for communities. Today, Secretary Crowfoot made a statement that HRL was and will continue to be an inclusive process. I want to be clear: Delta communities, environmental justice communities, and tribes were not given a seat at the table from the start. The commitment to better engage with tribes does not appear to extend to community. Engagement at this point, to be frank, feels a little too late. The agreements have already been made without our input. And the historic inequities in the system that have estranged our communities from access to our waterways are compounding reasons why the Delta Tribal Environmental Coalition filed that Title VI complaint you heard about earlier today. Four years have gone by since that complaint was filed, an entire year of which the complaint sat on the Water Board's agenda, yet the Water Board has failed to resolve these inequities highlighted in our complaint and these inequities we see present today in how the Voluntary Agreements were developed, and more broadly in what the Board plans to propose to implement. We urge the Board to reconsider a regulatory pathway that prioritizes unimpaired flow standards through the system.	tribes and environmental justice communities related to the Sacramento/Delta Update to the Bay-Delta Plan. Please refer to Chapter 13 of the Staff Report, Revised Proposed Plan Amendments, for information on the State Water Board's efforts to engage more robustly with California Native American Tribes and integrate tribal and Traditional Ecological Knowledge into the State Water Board's Bay-Delta Plan update and implementation processes since the release of the 2023 draft Staff Report. Additionally, the Bay-Delta Plan has requirements for annual and periodic reviews to receive feedback from tribes on the Bay-Delta Plan and calls for the development of a Bay-Delta Tribal Advisory Group. Please also see Common Response 11.1, Tribal Engagement and Tribal Beneficial Uses, for a discussion on the tribal related provisions within the revised proposed Plan amendments, including the proposed formation of a Bay-Delta Tribal Advisory Group. As expressed in the State Water Board's September 7, 2023 letter to the U.S. Environmental Protection Agency in response to the Title VI civil rights complaint about the Bay-Delta Plan update process, the State Water Board disagrees with the allegations made in the Title VI complaint.
1309	2	I would also like to speak to the comments made by Director Nemeth this morning. First, the presentation appeared to be relatively out of scope about what we're discussing here today. But I do want to note that the proposed changes to the ITP came about in direct response to the Bureau's recent adoption of Action 5. This comes following DWR's original objection to this move by the Bureau, stating that it would reduce the operational ability to move water through the State Water Project. The ITP application paired with DWR's November letter do not align. Director Nemeth also failed to highlight the proposed increase of water through the CVP under Action 5, thereby misattributing	Please see Common Response 1.3, Revised Proposed Plan Amendments, regarding comments about the 2025 ROD and 2025 ITP.

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		operational challenges to ESA constraints. Despite the presentation, water quality implications under this revised ITP and implementation of Action 5 remains unclear, but I appreciate the Board's commitment today to better understand those impacts and implications.	
1309	3	The Water Board has an obligation to uphold the public trust doctrine, yet our communities are regularly excluded from the very waterways that run through our communities due to toxic algae and more broadly declining water quality. This proposal perpetuates the trends that have led to declines in water quality for the benefit of water districts and upstream users. The Delta is our home. The Delta is our economic development, our future, and the heart of our state. This Plan does not prioritize the Delta, it prioritizes profit, and I implore the Board to reconsider the implementation of the VAs and instead prioritize regulatory pathways to ensure healthy flows and waterways throughout the system. Thank you so much.	Informed by the analyses contained with the Staff Report, the State Water Board has formulated revised proposed Plan amendments described in Common Response 1.3, Revised Proposed Plan Amendments. Please also see Common Response 10.1, Economically Disadvantaged Communities, for responses to comments on existing environmental conditions and the CEQA analysis and responses to comments on the VAs.
1310	1	SCHNEIDER: Thank you, Chair Esquivel, Vice Chair D'Adamo, and other Board members. My name is Nicholas Schneider. I am the General Manager for Georgetown Divide Public Utility District. I work in the American River and its tributaries are where we live and work. We care about water supply, the ecosystem, and our communities. We believe that a healthy water supply is a healthy river system and vice versa. Georgetown is a small reservoir operator in the American River region and we have no other water supply available to our community, and we are isolated in the Sierra Nevada mountains. If we lose any of our water supply, our community of 12,000 people could be in jeopardy of not being able to provide water to those people. The unimpaired flow regulatory approach would force local agencies to invest in significantly more expensive alternative supplies, which we don't have. The American River's Healthy Rivers and Landscape proposal is one that was developed with this learned, adapt, and impact-oriented mindset. Water contributions for the American River	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project. The environmental impacts and economic effects of the revised proposed Plan amendments are analyzed in Staff Report Section 13.7, Environmental Analysis, and Section 13.8, Economic Analysis and Other Considerations, respectively.

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		will be provided with an emphasis on ensuring enhanced flows in the driest year types. The dry and critical water years will benefit the American River and points downstream in times when the system needs it most. These flow contributions will be provided in balance with upstream reservoir operations in the consideration of continued groundwater sustainability. I'd like to address a comment that was made earlier by one of the last panel members about aren't going to be thirsty. Unfortunately, if we go with unimpaired flows, there is a potential that we are going to be thirsty in our region. We do not have alternate water supplies to rely on, and this is the only way we can do it. If we can have HRL go through, we'd be very appreciative. Thank you so much.	
1311	1	FIRENZI: Good afternoon, Board members. Thanks for having us here today and hearing us. I'm Tony Firenzi. I represent Placer County Water Agency. And, okay, so PCWA is party to the Water Forum Agreement, which you've already heard about here, on the American River. I would like to state that our -- or I would like to state our accomplishments under this agreement in relation to the HRL alternative. For over 20 years, we have successfully managed between wet years and dry years, between surface water and groundwater. For PCWA as an upstream reservoir operator on the American River, we've had the privilege of contributing 220,000 acre-feet of surface water to groundwater recharge and 210,000 acre-feet of water to instream flows over this 20-year history. We've increased groundwater levels, and results are showing that we are significantly increasing base flows in the American River. The model results in Appendix H to Chapter 13 predict a million acre-foot loss of groundwater storage in the American River basin under the unimpaired inflow scenario. That scenario shows a temperature increase in the river of between two and four degrees. This outcome would reverse a generation of	Please see Staff Report Sections 7.12.2 and 13.7.12.2, each titled Groundwater, for relevant information on groundwater impacts and discussion. Also see Common Response 7.12.2, Groundwater and Sustainable Groundwater Management Act, for information on the SacWAM consideration of groundwater and for a discussion of SGMA considerations. The environmental impacts and economic effects of the revised proposed Plan amendments are analyzed in Staff Report Section 13.7, Environmental Analysis, and Section 13.8, Economic Analysis and Other Considerations, respectively. Please see Common Response 7.6.2, Aquatic Biological Resources and Cold Water Habitat, for more information on temperature impacts and implementation of the cold water habitat objective.

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		investment and be unviable for both the environment and the economy of the American River region. The HRL scenario in the same Appendix H shows an increase of only half a degree in the American River. Our HRL proposal is one that was developed, as Nick had just said, with the learned, adaptive, and impact-oriented mindset gained from the Water Forum. PCWA's contributions to the HRL will be in addition to what we are already doing in the Water Forum. So with this demonstrated success in mind, PCWA urges the Board to adopt the HRL alternative. Thank you very much for hearing us.	
1312	1	BUENROSTRO: Sure. Hello, my name is Vanessa. I am the Policy Analyst for Restore the Delta. I'm here to voice my concerns on the EJ and energy impacts on the Bay-Delta Plan. I'm also speaking from personal experience. As a South Oxnard native, the health and well-being of my community and Delta communities have been sacrificed for industrialization. I want to raise a couple of concerns. First, the proposed Plan updates mandate significant changes to the Central Valley Project and State Water Project export operations. On page 29, Table 3, the Plan establishes export limits ranging from 35 to 45 percent of Delta inflows during February and 35 percent from March through June. The State Water Project is California's largest single electricity consumer, and pumping water from the Delta to Southern California requires massive energy inputs that will create burdens for our communities, especially those of low income. Second, while the Plan acknowledges energy concerns related to wastewater treatment, it fails to meaningfully analyze them. The Board acknowledges treatment is energy intensive and cost prohibitive, but provides no quantification of these energy costs, no evaluation of alternatives, and no analysis of cumulative impacts as salinity conditions worsen under the flow objectives.	Please see the Staff Report, Section 7.8, Energy, for an evaluation of energy impacts associated with changes in hydrology and water supply under the flow scenarios. As described in Section 7.8, reductions in Delta exports would reduce the energy required to convey State Water Project water to southern California. Refer to Section 9.7.8, Energy, for an evaluation of energy impacts associated with the VA pathway. The evaluation considers effects associated with changes in operation in the Sacramento/Delta region. Hydropower effects associated with changes in operation of the Lower San Joaquin River and its tributaries (i.e., Stanislaus, Tuolumne and Merced Rivers) were evaluated in the Substitute Environmental Document for the Lower San Joaquin River portion of the Bay-Delta Plan Updates (SWRCB 2018c) and are outside the scope of the Sacramento/Delta Plan updates. Please see Staff Report Section 13.8, Economic Analysis and Other Considerations, for a discussion of the costs associated with other water management actions (e.g., water recycling, desalination) and new or modified facilities (e.g., drinking water treatment plants, wastewater treatment plants), and the economic effects of the revised proposed Plan amendments on economically disadvantaged communities (DACs) as they relate

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		On page 41, section 4.3.2.1, the Board states, and I quote, "Desalination through reverse osmosis processes can reduce salinity and POTW influence but is energy intensive, may be cost prohibitive to construct and operate," end quote. From an environmental justice perspective, the Plan fails to assess who bears the burden of these overlapping demands. Communities already experiencing grid reliability challenges, air pollution, and economic vulnerability are likely to absorb higher utility costs and increased health impacts. Lastly, while the Plan acknowledges that -- sorry -- hydropower is an important water use, it provides no assessment of actual hydropower impacts. The Plan requires 40 percent unimpaired flows from the Tuolumne to Merced rivers from February through June, yet does not evaluate how this may reduce renewable energy generation, affect grid reliability, or increase reliance on higher carbon electricity sources during peak demand. Without a comprehensive environmental justice and energy analysis, this Plan risks protecting fish while increasing pollution and cost burdens on overburdened communities. We urge the committee [sic] to fully assess these interconnected water energy impacts before moving forward. Thank you.	to drinking water. Also, please see Staff Report Chapter 10, Economically Disadvantaged Communities, for an overview of economically disadvantaged communities and their water supplies, including issues of concern for DACs (Section 10.4, Issues of Concern for DACs). Section 10.4 provides a summary of other sections and chapters in the Staff Report that discuss issues of concern for DACs.
1313	1	WHITTLESEY: Chair Esquivel, Board members, good afternoon. I'm Willie Whittlesey, General Manager of Yuba Water Agency. I appreciate the opportunity to be with you to provide some initial comments on the December draft Bay-Delta Plan updates. We will be providing detailed written comments as well. I'll begin by saying that we appreciate the fact that the Draft Plan incorporates Yuba Water's Healthy Rivers and Landscapes proposal. For the last several years, we have worked with resource agencies, other water agencies, and a diverse set of interested parties to put forward a significant commitment of new flows to	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		be dedicated to increase Delta outflow during times of greatest ecological need and value, advanced habitat enhancement projects that can restore ecological functions for native fish that have been lost across much of the lower Yuba River watershed, which, as you know, was heavily modified by the impacts of hydraulic mining, define a robust framework for science and governance that can help ensure that the flow and habitat assets are deployed effectively and tracked accurately, along with the associated funding requirements. Our comments on Healthy Rivers and Landscapes will focus on ensuring that the program and the specific provisions affecting Yuba Water Agency over the eight years are defined clearly and consistent with the overall program commitments. For example, we appreciate the small but important updates to Appendix B.1 that now better define elements of our operations so they can be used to accurately track and account for our flow commitments. We will be identifying additional conforming edits to incorporation into the Plan. We'll be requesting targeted edits to ensure that the benefits of habitat enhancement projects are accurately accounted for. And we will be requesting additional clarity for new proposed HRL flow contributions in the Yuba watershed to ensure that there are no redirected impacts to Yuba Water Agency consistent with the MOU and term sheet. We will also be providing technical comments on the proposed unimpaired flow-based regulatory approach. Across all of our comments, I'd like to take this opportunity to emphasize that on all issues, we will work hard to ensure that our comments and recommendations are constructive and actionable by the Board as you work to finalize the Plan for adoption. The December Draft Plan, like the July draft, is a product that incorporates important feedback submitted in the many workshops, hearings, meetings, and comment periods held to date. We understand that that iterative process will continue. As we move forward, it's my goal to do everything we can to contribute to the Board's next steps in a constructive, efficient, and reasonable manner. Thanks again to you and the State Board	

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		staff for your consideration of these issues. I look forward to the work to come, and I'd be happy to answer any questions. Thank you.	
1314	1	WICHERT: Good afternoon -- WICHERT: -- Chair Esquivel. My name is Robert Wichert. I'm an elected Board Member of the Sacramento Suburban Water District. Vice Chair D'Adamo, thank you for hearing us, the entire Board, thank you very much. I do appreciate it. I also want to thank Chair Esquivel and Director Crowfoot for making my point. My point was that the Healthy Rivers and Landscapes Program is enforceable, and that was made quite clear this morning. It is enforceable. It requires monitoring. It requires reporting. And to resonate a bit with Board Member Firestone's concern about we don't want to wait eight years to decide if it's working, I've asked one of our staff members, Michelle Banonis, who you might know, to put together in our written comments some near-term signs of success so that we don't wait seven or eight years to find out if things are working. I do want to say very clearly that the Healthy Rivers and Landscapes Program advances the region's flow management standard, which provides protection for coldwater fish by increasing water supply reliability as well as adding spawning and rearing habitat. I say coldwater fish. Everybody in this room knows that hot water kills fish, so it's not just flow. We have to be very, very mindful of the temperatures. And the Board's own data in Appendix H shows clearly, I think Mr. Firenzi mentioned it, that the unimpeded -- the unimpaired flow regime actually makes things worse with regard to temperature, and I certainly don't want to see that happen. I also want to point out that my agency and many others have done what we call conjunctive use, where we use surface water in times of high surface water flow instead of groundwater and then bank that groundwater. We have saved in the groundwater	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project. See also Common Response 7.6.2, Aquatic Biological Resources and Cold Water Habitat, for more information on temperature impacts and implementation of the cold water habitat objective.

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		bank 470,000 acre-feet while we've also increased the American River base flow by 15,000 acre-feet as a result of that storage. Our agency and others have committed 30,000 acre-feet per year to groundwater substitution to enable increased springtime Delta flows in dry and driest years. We think that will help, and we're implementing that along with the Healthy Rivers and Landscapes Program. The Healthy Rivers and Landscapes Program is also consistent with Conservation as a Way of Life. We're all aware of that. And conservation, of course, can result in increased river flows. As pointed out by others, the unimpaired flow regime would require additional groundwater pumping, deplete our groundwater storage, potentially eliminate our ability to meet the Sustainable Groundwater Management Act, and result in increased surface water depletion and possibly return to the chronic groundwater subsidence that we saw prior to our implementation of good groundwater management 25 years ago. For these reasons and others that I don't have time to tell you, I urge the Board to adopt the Healthy Rivers and Landscapes Program, which I feel will be a benefit to the region. Thank you very much.	
1315	1	VALENCIA: Good afternoon. VALENCIA: Oh, thank you. Good afternoon, Chair Esquivel and members of the Board. My name is Artie Valencia. I'm the Flood and Land Restoration Program Manager at Restore the Delta. I'm here to raise concerns with the proposed updates to the Bay-Delta Plan, including the illegitimate Voluntary Agreements proposal. Proposed updates to the Bay-Delta Plan did not supply our waterways with the necessary flow to prevent water quality degradation for Delta communities that have experienced in the past several years much less reverse and restore the system. Instead, the Board is continuing to consider the Voluntary Agreements, delegating its regulatory authority to the same industry responsible for existing degraded conditions.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		While there is a plethora of concerns with the proposed update, I'm going to highlight some here that pose a significant threat to Delta communities, the ecosystem, and the local Delta economy. First, adequate instream flow is crucial for preventing saltwater intrusion in the Delta levee system and groundwater aquifers. Saltwater intrusion is weakening already aging levees in the Delta, increasing the risk of saline flooding resulting from levee failure, and threatening surrounding community, Delta ag land, and permanently altering the ecosystem. Adequate aquifer recharge is crucial for preventing saltwater intrusion and ensuring a sustainable supply of clean groundwater. We also are finding it increasingly difficult to stay grounded in the current state of the waterways due to the fact that for several weeks during June, flow data and river stage data from monitoring stations had disappeared for several of the stations. Next, proposed updates did not provide the flow necessary to support conditions necessary for salmon migration and spawning. Water temperatures have to be cold enough to support egg and fry survival and flows are integral to maintain water levels in the gravel beds of salmon reeds. Proposed Voluntary Agreements substitute crucial instream flows needed for temperature management with habitat, and while we support habitat restoration, we are currently working on a local restoration project ourselves. You know, habitat is not a substitute for robust numeric instream flow standards informed by the best available science. Restore the Delta at the moment for the second year in a row, we are sponsoring a classroom for the California Aquarium Education Program, a program teaching the next generation of environmental stewards about life cycle, aquatic habitats, fish survival needs, and climate change through hatching and raising salmons in the classroom. In order to ensure the success of programs such as these, there are needs to be healthy spawning habitats to support the survival of these salmons once they're released, and sustain	

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		California's watersheds. Proposed updates will further alienate communities for local waterways, worsen the Delta fish crisis, and pose a significant financial burden on Delta communities to remedy the consequences of that result. Thank you for the opportunity to comment.	
1316	1	MENDOZA: Hello, Chair Esquivel and members of the Board. My name is Michalle Mendoza, and I'm the Outreach Coordinator for Restore the Delta. I'm here to provide public comment pertaining to our Sustainable Agriculture Program and the impacts of the Bay-Delta Plan update on Delta agriculture. So Delta agriculture provides $4.6 billion annually in economic value, spanning more than 400,000 acres of farmland, 80 percent of which is considered prime agricultural land by the USDA. The Delta relies upon freshwater flows to sustain generations of farmers. Delta farmers face multiple threats, subsidence from oxidized peat soil, salinity intrusion linked to sea level rise, and an overallocated system, toxic algae indicative of a changing climate and inadequate flows, as well as a complex national and global market. Yet, fundamentally, freshwater flows are critical for maintaining Delta water quality and the tens of thousands of jobs supported by Delta agriculture. But the proposed Voluntary Agreements threaten to adequate -- threaten adequate flows through the system, significantly weakening regulatory oversight of flow standards. Under the proposed update, upstream water users would determine adequate flows, rendering downstream users, including farmers in the South Delta, at a disadvantage. The Voluntary Agreements, inequitable in their very development, will be detrimental to the future of Delta agriculture. The updated Plan also assumes the availability of land for habitat. It remains unclear if, one, the proposed scope and acreage are available, and, two, whether the best available science supports the proposed habitat projects. It seems regulatory oversight has been sacrificed for underdeveloped and unbacked plans for environmental mitigation. The proposed	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		update is not backed by science and puts the future of Delta agriculture directly at risk. We urge the Board to reconsider the adoption of Voluntary Agreements and instead support a regulatory flow standard backed by science and protective of the economic drivers in the Delta. Thank you.	
1317	1	BUTTERWICK: Good afternoon. My name is Mary Butterwick and I'm a resident of San Francisco. As a retired botanist who cares deeply for the environment, I'm here today to oppose the Phase 2 Bay-Delta Plan update draft, which includes fundamentally flawed Voluntary Agreements and inadequate water supply adjustments. The Sacramento River and Bay-Delta are in ecological crisis due mainly to inadequate flow releases. The VAs cannot achieve the goals of the Bay-Delta Plan because it produces very little new protective water that is so desperately needed for the reasonable protection of beneficial uses, including fish and wildlife, recreation, commercial fishing, and tribal needs. The VAs also lack viable enforcement mechanisms and any clear demonstration that this approach will be at all effective in protecting the beneficial uses of concern. In addition, the VAs would leave most of the existing flows subject to further diversions for future projects. This is completely unacceptable. The best available science shows that health of the aquatic ecosystem is strongly linked to the amount and time of freshwater flow. According to the State Water Board's 2010 Flow Criteria Report, 75 percent of unimpaired flow would need to flow to San Francisco Bay to fully protect ecosystems and water quality. Clearly, substantial increases of protected freshwater flows are needed, yet the December 2025 Draft Plan would significantly reduce the instream flow requirements, with water supply adjustments proposing 55 percent of unimpaired flow only in the wettest third of years, 45 percent in the middle third, and 35	Please see Common Response 1.1, General Comments, for information on the Delta Flow Criteria Report and for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project. Also see Common Response 1.2, Water Quality Control Planning Process, regarding the consideration of beneficial uses, and Common Response 1.3, Revised Proposed Plan Amendments, regarding the VA pathway, including enforceability.

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		percent in the driest third of years. I urge the Board to reject the VAs and adopt a science-based update to the Bay-Delta Plan that protects an adequate percentage of the Bay-Delta's unimpaired flows. The Board's time and resources would be better spent developing a legally robust program of implementation and enforcement. Specifically, the water quality objectives need to include numeric instream flow standards up front that require increased flows sufficient for the reasonable protection of beneficial uses. The Board has the legal authority, the scientific expertise, and the responsibility to protect all beneficial uses and public trust resources. With seven native fish species on the brink of extinction and the future of the commercial salmon fishery at stake, the Board is running out of time to act. Thank you very much.	
1318	1	MESSNER: I apologize. I've got to pull my notes together here. Is it possible to come back to me – MESSNER: -- in just one minute?	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
1319	1	CHUANG: Can you guys hear me? CHUANG: Good evening. My name is Wes Chuang. I'm a community member south of the Delta, and I'm voicing my opposition against the VAs, which is kind of, is false advertisement because it's only an agreement between Newsom and people who, like water buffaloes, who want the water for the least beneficial uses, like growing almonds and alfalfa or crops that are very water intensive. And it's not an agreement between people who actually matters, who have the best uses for the waters, like tribes and wildlife and, for example, salmon. And many species are going extinct because of the colonial practices and ideas around how we use water in this state. And I've talked to many farmers' market farmers who I procure my food from, and they've always -- they're small farms, so they	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		always have to compete and pay more for their water when bigger farms are getting a lot of the water for free or at an advantage that's very unfair. And that would also affect many of our migrant workers, many undocumented, who are being terrorized by ICE everywhere in this country. So there's a lot of impacts that VAs are not addressing, and I would like you to consider not supporting VAs or any projects that is necessary of this agreement, like the Delta Tunnels and Sites Reservoir, and focus more on community and ways that we can conserve water. So thank you for this opportunity.	
1320	1	MESSNER: Thank you very much. Hello, Chair and Board members. Thank you for the opportunity to speak. My name is Adam Messner. I'm a lifelong conservationist. I fish, I hunt, and I care deeply about California's natural systems, especially our rivers and salmon. My wife and my teenage kids, one of which is with me in my car right now, are also conservationists. I'm not a radical environmentalist. I believe in sound science, responsible management, and realism about water as a scarce resource on which many of us depend. The collapse of salmon runs is not theoretical to me. It is personal. The shutdown of the salmon fishery has real consequences for fishermen, coastal communities, and people like me with a strong connection to our rivers and our oceans and to the creatures within them. These are not abstract impacts. I understand water is precious. Early in my career, I was a consultant in Sacramento, and our firm facilitated CALFED meetings. I saw good intentions repeatedly overridden by political pressure and short-term compromises that ignored sound science. We are still paying the price for those shortcuts today. The Voluntary Agreements do not reflect sound science and will not support viable conditions for salmon. The unimpaired flow approach is grounded in careful scientific review. Keeping a meaningful percentage of water in stream from January through	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		June, especially increasing flows in wetter years, gives salmon a fighting chance across all year types. A target like 75 percent aligns with how these rivers evolved and how salmon are adapted to survive. This is not about money or one group versus another. It is about making balanced decisions, honoring science, and leaving a legacy for the next generation of Californians who deserve healthy rivers and viable salmon runs. Thank you for your time.	
1321	1	DODSON: Thank you. In the 1970s, '80s, and '90s, I grew up boating on the Delta – DODSON: Hello? Can you hear me? DODSON: I apologize. I grew up basically on the Delta between Antioch and Stockton on the San Joaquin River and up the lot on the Sacramento. I navigated its main channels and explored many miles of sloughs. I hunted for duck and pheasant, fished, and maintained crawdad traps. Currently, I live in Tuolumne County, where I recreate on the Merced, Tuolumne, Stanislaus, Mokelumne, and the American River. I hold degrees in forestry, natural resources, and watershed management, and currently work as a program director of the Central Sierra Environmental Resource Center (indiscernible). I am against the proposed Voluntary Agreements. They fail to provide immediate standards ensuring water quality, and they ignore repeated warnings from state and federal fish and wildlife agencies regarding failing the system standards. The current Water Quality Plan is 30-plus years old, while Voluntary Agreements continue to be used as a stalling tactic. Your own scientific staff has determined that restoring this ecosystem requires at least a 55 percent unimpaired flow. And yet in some water years the Voluntary Agreements offer a fraction of that, often barely moving the needle above the	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project. Also see Common Response 1.3, Revised Proposed Plan Amendments, for information on the VA pathway, including enforceability.

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		disastrous status quo. Chapter 13 provides no proof that Voluntary Agreements would achieve any desired environmental outcomes. The Bay-Delta ecosystem is not is not just in a slow decline, it is in a free fall. The Delta smelt is functionally extinct in the wild, and winter-run Chinook salmon and white sturgeon are teetering on the brink. The unnaturally warm water from highly depleted flows is causing toxic algal blooms that threaten people, pets, and wildlife. And saltwater intrusion harms farmers and delta residents and creates further negative effects to native species by altering spawning habitats and by generally benefiting invasive species. The core premise to Voluntary Agreements is that we can substitute physical habitat restoration for water volume, yet for fish, flow is habitat. Without cold, fast-moving water to flush out toxins and carry salmon to the sea, a restored floodplain is nothing but a graveyard. Another major problem with Voluntary Agreements is their lack of accountability and enforceability. Because these agreements skirt regulatory mandates, they lack the teeth needed for long-term compliance, or any triggers that would force changes if fish populations continue to decline. And I'm concerned that offramps would allow water agencies to walk away from their commitments during severe droughts, exactly when the environment needs the water most. Now, our governor, for various reasons, is leading the charge for Voluntary Agreements. And in doing so, he's clearly putting politics above water quality. I ask the Board, fulfill your mandate to ensure water quality by embracing the science, by rejecting Voluntary Agreements, and by adopting a Phase 2 Bay-Delta Plan with strong science-based and enforceable flow standards retaining the 55 and 65 percent of natural flows. Thank you for this opportunity to comment.	
1322	1	WARNER: Yeah, hi. I'm Dave Warner from the Bay Area and have been following your progress for years.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not

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		My daughters don't know how bad the smog was in the 1970s and '80s in Southern California. I thank Mary Nichols, who was the first appointed to the California Air Resources Board in 1975. Imagine the pushback she had. It stuns me that now I almost always see the mountains that surround the L.A. Basin. You have the same opportunity, maybe for my grandchildren, to see thriving rivers and a thriving Delta. My daughters might have something to say about that. You are in a quagmire. You have an ecosystem in crisis, a weak solution at best, and heavy pressure from the governor to take the weak solution. Quagmire is a pretty good word. The definition is a soft, boggy area of land that gives way underfoot. As you know, your scientific basis report for the Tuolumne River VA highlights significant concerns, including predation and temperature, to name two. When you're weighing public trust choices, please consider that the water isn't needed by these water agencies. I will focus on two major urban agencies, but there is also a basis that others can do with less water, too. A number of BAWSCA directors have spoken at your meetings, all saying they need the water that would otherwise be left in the rivers by the Bay-Delta Plan. Their premise is a pretty soft, boggy area, too. Their latest study shows that lower projected demand in 2050 than their prior study three years earlier, even when it assumes 37 percent population growth in the next 25 years. However, they also have a scenario that says demand will decline substantially. And in that, the SFPUC water system that provides two-thirds of their water has an excessive drought model. You already know about their drought model. Anyway, then BAWSCA representatives start talking about demand hardening, that consumers are tapped out when it comes to conserving water. I know at least one respected scientist who'd roll her eyes at this. Such talk is anecdotal at best.	raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		The SFPUC said that demand hardening was happening in 2007. Uh-oh. I did my own analysis of how the regional water system's demand changed during the last drought, comparing winter and summer demand changes to pre-drought levels. My hypothesis was that if we were starting to see demand hardening, we would see winter demand drop proportionally less than summer demand. It didn't. My point on demand hardening, ask for the data before you give it credibility. But my main point is that it's very unlikely that the water proposed to be left in the rivers by the Bay- Delta Plan is actually needed by these agencies. The long-term trend has been declining demand despite population growth. Now, significant population growth looks far more uncertain. Of course, water managers are going to say that they need the water. It's their low-risk answer. However, the ecosystem is telling us in so many ways that it does need the water. And your scientific basis report for the proposed VA shows to say otherwise is on pretty boggy ground. Thanks so much.	
1323	1	RAYA: Okay. Thank you very much. So my name is Alycia Raya. I'm a third-generation Mexican and Chicano resident of Stockton. While writing this, I was moved to tears trying to figure out how to speak creative and eloquently enough to convince you all, strangers in suits, to value the livelihood of my city and the lives of my neighbors. Let me begin with my elders, and now ancestors, who migrated to Stockton from Mexico to labor in agricultural fields, warehouses, hospitals, schools, you name it, and did so while somehow surviving the violence, racism, and poverty of everyday life in Stockton that have always been looming threats in Stockton still today. In the '60s, my great uncle once landed in the hospital, suffering injuries from receiving a beating from vigilantes for simply	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project. Please see Common Response 4.1, Harmful Algal Blooms, for a discussion on the rising concerns for harmful algal blooms (HABs) and the development of water quality standards for HABs in the Plan amendments. Please see Common Response 10.1, Economically Disadvantaged Communities, for more discussion on the potentially significant impacts to disadvantaged communities (DACs).

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		traveling too north in our city. Then he was welcomed as a Mexican man. Both of my parents survived the brutal war on drugs in the '90s, and my father, although alive, walks around today with a bullet in his chest as a result of gang violence of that time. The bullet was placed too delicately in his body to remove. Somehow, although enduring poverty myself and its repercussions, I managed to graduate from UC San Diego with a BA in political science as a transfer student. I decided to come home to help make Stockton a better place, which led me to the work that I do now with youth in Stockton, ages 14 to 24. Among my many responsibilities, I support a program that aims to reconnect youth from EJ communities like ours to the waterways that they have been severed from due to the historical racist practices and systemic barriers that work together to bar them from stewarding and recreating with the waterways in Stockton. And because of the extreme degradation of our Delta, we have always had to travel outside of Stockton to connect with the waterway that lives among us. Last year, we had to reschedule a planned kayaking trip at the Big Break Regional Shoreline four times due to the presence of harmful algal blooms that created unsafe conditions for our youth to recreate. Can you imagine what it was like to explain that to them? In 2026, not only do our youth still have to worry about the presence of violence in Stockton, which even the most peaceful of people are not safe from, but also the presence of food deserts, food insecurity, asthma rates being in the 99th percentile, low graduation rates, and all of the other social ills that plague our city. And now, if they will be seen as human enough to deserve to have a thriving ecological habitat to grow up in and around, our generational stressors are not being elevated -- alleviated but rather increased. So tell me, have any of you walked home in the south side of Stockton in the scorching heat the way that our youth do, with no tree canopy, a looming threat of violence that surrounds them, both structurally and physically? With what level of ease do you	

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		think that these youth walk with? If you were in their shoes, and I know your decision would be clear, you would do everything to protect them, in which your case, decision makers, to support a plan that won't kill their fish, further toxify their waterways, and snatch jobs from their future. Your legacy decision this year will shape the future of Stockton and other Bay-Delta cities for generations to come. And despite my stories, the scientific analysis is there. Listen to community-based organizations who have the experts. You've waited this long to do something, so take the extra time now, intentionally, for good. Revise the proposed Plan, include local advocacy groups, and may your legacy reflect the commitment to saving lives. Fight for our youth like they are your own. Thank you.	
1324	1	KROLL: Thank you, Board members. My name is Christopher Kroll. I live in Berkeley, at the bottom end almost of the Bay-Delta system. I've lived next to or within a mile of the Bay for most of my life. I recreated there and it's an existential part of my life as a resident of the Bay Area. And I'm very concerned about the health and well-being of the Bay. I have spoken several times through this process in front of you all, but increasingly feel that the concerns of people like me, who live in the Bay Area and are concerned about the health of the Bay, are being ignored. They're not being heard. I don't feel the Water Board hears the people from the Bay Area who are concerned about the health and well-being of the Bay around which we live. The science has been established, and you know it. You've heard it a time again and again today. We know what the science is. We need more flow to maintain the health and well-being of the system, from the rivers in the Sierra to the Bay, I love so much. We need more water to continue this system from the mountains to the Bay to survive, if not thrive. You know that, so why is this even being discussed? I don't understand. Again, what part of the statement I just said is not clear to the State Water Board? I don't understand.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		Governor Newsom is almost gone. Please make a decision that is not dependent on his pressure. The critical decision before you in adopting a revised Bay-Delta Plan should be based on what science tells you the system needs, not Governor Newsom's election needs in 2026. The proposed revised Plan fails in that regard. It ignores what the science tells us the rivers and the Bay need to survive. This winter, we have seen alternating very wet and very dry periods. Right now, we haven't had rain. We had a little bit of rain last night. We've had almost no rain in January. The climate is changing, and less and less what it was 50-plus years ago when the current water delivery system was developed. We all need to change and reduce our water consumption in a drying climate. This includes me as an urban consumer of Sierra Nevada water, as well as almond farmers in the Central Valley. Voluntary Agreements don't get us there. The VA's maintain a failed status quo. The system now is failing. You know it. I know it. Everyone who's spoken today -- well, most people know that. The Bay-Delta is in a steep decline. You have the opportunity here by the actions you take now to stop that or make it worse, and that's what you're going to do, one or the other. Maintaining required flows should be the focus of the revised Plan. Again, the science is clear on this. I know this. You know this. I ask that you reject the Voluntary Agreements and approve a Bay-Delta Plan with at least 55 percent of unimpaired flows at all times. Actually, more is needed. And with that, I urge you to do the right thing. You are the ultimate authorities who are going to decide whether the Bay-Delta dies in our lifetime. Please do the right thing. Thank you very much for your listening to me.	
1325	1	BORCZ: Hi, this is Judy Borcz. I don't know if you -- can you hear me?	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not

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		BORCZ: Okay, great. So I live in Redwood City, and I'm a longtime member of the environmental community with 350 Silicon Valley and now Climate Action California. The proposed Bay-Delta Plan should balance the needs of the water users, but appears to favor the Voluntary Agreements approach rather than explicit regulations on water flows needed by the Bay ecosystem. I ask that the Water Board institute explicit water flow regulations based on scientific analysis to support this most critical and largest aquatic water ecosystem in our state. The Plan has not been substantially updated, as you know, since 1995, and many changes, including climate change and multiple years of extreme drought, have impacted these waterways. Current flow standards are inadequate and has resulted in the collapse of fish populations, including salmon, which have not been open to fishing for the past three years. Listening to Baykeeper's presentation earlier shows that Voluntary Agreements have really failed and we need to do something different. Repeating the old stuff isn't going to work. With climate change and expected sea level rise, one of the foreseen adaptation measures is to use wetlands as a natural barrier to storms and tides, but the current low flows of the Bay ecosystem often result in wetlands not receiving enough silt to sustain them. The low flows also cause more frequent and longer occurrences of toxic algal blooms that harm both people and animals. Our world is experiencing water and drought issues across many countries. We can learn from these other places like Tehran, which is in a massive drought situation for six years now, with lack of water to sustain its population of 10 million, and is now deciding it must relocate the capital to another part of the country at cost of billions. Tehran failed to manage its water resources, which has resulted in major unsustainable groundwater depletion from over pumping and failing infrastructure. The crisis stems from the decades of mismanagement, heavy agricultural use, and abandonment of traditional water systems.	raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		Tehran is further down the road and in more dire straits than us in dealing with water issues, and we must not make the same mistakes. Land subsidence in California's Central Valley is causing the land to sink by up to an inch a year on average since 2006. The irreversible compaction of underground aquifers has caused up to 28 feet of sinking in some areas. The Bay-Delta Plan must fully assess the water needs of its users and develop comprehensive plans to oversee the health of the Bay. I have lived in the Bay Area for over 30 years and want to see our waterways managed scientifically to meet the needs of both the people, commercial needs, and agriculture, but we must also make wise choices, including altering the crops we grow that can be sustained with reasonable amounts of water. Climate change is going to bring more challenges to meeting our water needs, but if we plan now, we can adapt. Please do not continue the policy of Voluntary Agreements, but establish needed flow standards to keep the Bay healthy and strong for future generations. Thank you.	
1326	1	CLARK: Hey, good afternoon. Can you hear me okay? CLARK: Super. So my name is Cindy Clark. I want to thank you quickly for this opportunity to speak today, and also thank Board members for your service to our state. I come here today just representing myself. I'm retired, but I spent eight years recently doing water policy in California, federal regenerative agriculture policy, and I'm a member of the California Bar Association. I was born in California and I've lived here long enough to remember my mother shopping at Safeway for salmon all summer for $3.99 a pound. We also went to the Delta and we swam all day long and hunted and ate crawdads at night, and at the time, we didn't have to plan our day around toxic algae blooms.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		You know, but so much damage has been done since then by climate change and by increasing diversions of our water to investor-owned large-scale industrial agriculture, and the costs have been staggering. To date, it's estimated that only -- that 94 percent of salmon die before they complete their journey to the sea. There's been also the decimation of our billion-dollar fishing industry, which employed thousands of people, and many of those were small businesses and supplied locals with reasonably priced fresh fish. Native tribes have been losing a major food source and a vital cultural icon. And without salmon, a keystone species, entire ecosystems are damaged, and not only on the inland rivers and the wetlands, but also in oceans and forests. Organisms are suffering from the lack of this important food and nutrient source, from whales to other sea mammals, bears, and even eagles. So we need a solution that is science-based and holds people accountable. Voluntary Agreements do neither. They fail all Californians by not including, when they were written, input from vital stakeholders like tribes, fishermen, and citizens on beneficial uses. The Board should quickly adopt and implement a Bay-Delta Water Quality Control Plan that includes strong new science-based protections that require increased flows of at least 55 percent in Central Valley rivers in most years. This would spur innovation to deliver water more efficiently, far more sustainably, and serve all Californians, now and future generations. Thank you very much.	
1327	1	KIRK: I'm Judith Kirk, born and raised in San Francisco on the Bay, which will be an algal-filled pond as the Delta fails. This is my third year testifying before the Water Board about the Delta. And what I've learned is that what I and others have to say about the Delta is not wanted by the Board and has thus far been blatantly ignored.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		The Water Board has broken the law and has not completed the mandated Bay-Delta Water Quality Control Plan that is 30 years overdue. The Board is appointed by the Governor and answers to him and not to us California residents who treasure and depend on this Delta. The reason we have no plan is that in recent history, the governors and their Water Boards don't want a plan. They want to continue the so-called Voluntary Agreements that that big ag control who gets 80 percent of California Delta and river water. And for that, there's always a price that benefits the governors. This current governor wants the money he will get from Big Ag for the presidential campaign he has been determined to achieve since he was mayor of San Francisco. Big Ag needs the governor so they can plant crops in the desert areas of the southern San Joaquin Valley where crops shouldn't be planted. And they will bring a whole lot of money. In recent history, Governors have tried a number of ways to get that water to Big Ag. In my recent history, it was the Peripheral Canal, the two tunnels under the Delta, and now it is one giant tunnel under the Delta. The people of California have said no to all. The legislature has heard from the people, from the science, and from the courts and has refused to give the Governors what they have wanted. Newsom even tried an end run around the legislature after its session ended. And thanks to the legislature hearing from so many of us, it didn't work. He's still trying. To the Board, follow the law. Make a plan based on what the science says is needed, no Voluntary Agreements. Include the great Central Valley residents, farmers, and all tribal people who thus far have been shut out of the discussions. And make sure the Delta has a 65 percent unimpaired flow objective and no harmful updates. Do not take still more water from the Sacramento River before it even gets to the Delta for the unbuilt and unneeded Sites Reservoir. Learn from Southern California how to recycle water as they do so well. I'm speaking today, which means I still have hope that the Board will do its job. If we had a science-based plan, you could be sure	

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		you would get the clarity, timeliness, and results you keep demanding. Again, do your job. You are pathetic. Someone needs to say it. Good afternoon.	
1328	1	MOULTON: Okay. Wait a minute. It says my video is disabled by the host. I'm sorry. MOULTON: I'd like to – MOULTON: Oh there we go. Thank you. MOULTON: Hi. MOULTON: I'm Mark Moulton. I've testified before, and I'd like to do it again. People have made all the points that I want to make probably much better than that I can. But one thing that I bring that I want to mention is that my family has been in the state since the 1880s and civic leaders and involved in finance and politics and business. So I'm a very strong advocate for California's economic success. At the same time, I want to confess to what I consider to be to some degree a failure of vision that we have personally had. And that is represented by my grandfather's work to finance the water system in Los Angeles. He was well regarded as an owner of a municipal bonds company. And one of the things that they did basically was to kill the economy of the farmers in the Owens Valley and steal their water by hostile takeover. And that was pretty well done by the 1930s. But it was further done adding insult to injury when they stole the water further north by piping water out of Mono Lake. And part of what I'm trying to say to you all is everybody's discussed the kind of pressure that you're under and political pressure and economic pressure and all these kinds of considerations. But I think that when there were 3 million Californians in 1914, when my grandfather started his business,	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		they did not have a concept of limits. And we've reached them. And I urge you to conduct your decision making with the backdrop that we here in California do need to figure out what our priorities are and be very careful of our natural resources. Thank you.	
1329	1	HUG: Hello? Hello? HUG: Yes. I'm Kathryn Hug, a California resident who is concerned about the future, about moving forward in a time when protecting the Bay-Delta Watershed and Central Valley rivers cannot be compromised. The State Board knows that the revised Bay-Delta Plan's Voluntary Agreements are a step backward, not forward. I urge the Board not to succumb to the politics, that pressure of politics, but rather to make decisions that will ensure sufficient flows. All of us must think beyond personal and corporate profit to building a sustainable future. Thank you.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
1330	1	FOLGER: Here we go. Sorry. FOLGER: Let me get my notes. Good afternoon. I am Barbara Folger, a San Francisco resident for over 50 years. I've been trying to increase the health of the San Francisco Bay-Delta for the last 11 years actively. I'm both a duck hunter and a conservation photographer. In the previous 25 years, climate change has drastically changed water availability where I hunt near the Sacramento River. Ducks and other migratory shorebirds arrive to find their usual breeding grounds changed. Some years there are floods and some years drought. I have also studied the Greater sandhill cranes which depend on the water in the San Francisco Bay-Delta for their migration. I have photos of these spectacular birds flying across a rising sun as they move from their nightly roosting places to feed in nearby	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		fields. The San Francisco Bay-Delta provides habitat for over 500 species of fish and wildlife. All of these will be adversely affected by less water going through the system. Wildlife cannot change water distribution but we do, and many times we hurt fish and wildlife. In California, water is a public trust resource. It belongs to all of us. Big Ag uses 80 percent. They need to improve their soil health to hold more water and thus decrease water use and runoff. We all need to reuse water, reduce the amount we use as well as fix the millions of pipes that leak unaccountable acres of water. There's a finite amount of water on earth. In fact, there is less fresh water on earth than oil. With the increased need for water to cool huge buildings for AI companies, and the Trump administration's backward policy to increase oil drilling which needs enormous amounts of the purest water for fracking which then cannot be reused, we are looking into a dire future. If we do our best to keep the planet healthy, we might have a better chance to leave it in fairly good shape for our children and grandchildren. The proposed Plan will not do this. Please do not adopt the proposed Voluntary Agreements. There are no accountability measures if water users fail to meet the flow, habitat, pollution and temperature requirements. This Plan has no teeth. I urge the Board to adopt and implement the Bay-Delta Water Quality Control Plan which will require increased flows of at least 55 percent in the Central Valley most years. This is a science-based plan. Now is the time to protect our state. Do not degrade it further. Thank you for letting me take this time.	
1331	1	SHIVA: Okay. I'm trying to start my video and unable to start it. SHIVA: Okay. Yes, I can.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not

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		SHIVA: Yeah, thank you. SHIVA: Thank you, everyone. Thank you, everyone, for taking the time to listen to all of us here. My name is Deepa Shiva. I live with my husband, Harry, and my child, Hermes, in Menlo Park, California. And I'm an investor in health technologies and climate tech. The reason I'm here today is I'm a mom, a mom of a child who cares immensely about this environment. I'm here to support him to speak here, so I'm going to bring him here. SHIVA PARDESH: Hello. My name is Hermes Shiva Pardesh. I live in Menlo Park, California. I am eight. And I am -- and I want to be a paleontologist when I grow up. And I care about nature. So, right now, I'm here to talk. So right now, I am here to talk about salmon. Salmon are very important in two ecosystems, not just one. They are very important in river ecosystems and very important in ocean ecosystems. They go, swim up the river to lay their eggs, then they die. Then they swim down to the -- then once they have, they swim down the river to the ocean where they live for four years. And then the cycle repeats. So I am encouraging the Water Board to reject Voluntary Agreements. And there should be 55 percent every year because the salmon need more water. You can't have them ending up in any field. Thank you for listening. SHIVA: Thank you so much for listening to us.	raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
1332	1	RAEDER: Hi. I'm Jessie Raeder. Thank you for letting me be here. I'm calling in from Chico, California. I'm a volunteer with Friends of Butte Creek, which works to protect Butte Creek as a stronghold for threatened spring-run Chinook salmon. But I want to speak on behalf of several rivers today. I grew up on	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		the Feather River. I vacationed all my life on the Yuba. I spent significant time on the Tuolumne. Fifteen years ago, when this update to the Bay-Delta Water Quality Plan was just getting started, I was part of a boating trip called Paddle to the Sea. It went along the Tuolumne River from Yosemite to the San Francisco Bay. And on this trip, some 200 people wrote handwritten letters to the State Water Board members asking for more water in the river for recreation and fish. Most of those folks were from the Modesto area and had joined in the Big Paddle for a day of canoeing. I had the privilege of making four copies of each of those handwritten letters and assembling them into five binders, which we delivered to the members of the State Water Board, all of whom I believe were your predecessors. So that's why I wanted to mention it here today, so you heard about it too. I have to tell you, there was one day on that trip when all the canoes got stuck on the bottom of the riverbed, and we had to pull them up and walk because the water was so low. There were nearby orchards using flood irrigation, and the water was deeper there than it was in the riverbed that day. I was also around and paying attention to this process when the Voluntary Agreement process started. And I remember a lot of us had high hopes for that at the start. But in the decades since, the Trump administration has shown us all, quite painfully, that rules that are without enforcement mechanisms are basically no good at all. Even if they start with good intentions, unenforceable rules are not up to the task. We heard from panel four today that the current regulatory backstop is an illusion, and it's not fooling anyone. And frankly, the look of these Voluntary Agreements, well, it sort of smacks of Zuckerberg and Bezos sitting front row at the inauguration. Respectfully, I would like to ask the members of the State Water Board to please read the room, read the moment. Cozy side negotiations between wealthy business interests and an	

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		administration that produce agreements without teeth or enforcement, that is not what Californians are clamoring for in this day and age, in this political environment. To Newsom, that's not going to play in 2028. We want government that works for the people, that protects the public trust. This is it. This is the time to be on the right side of history. You five can be the people who saved the salmon, but we heard that the current path is breaking that trust and presiding over extinction. You have a historic opportunity and responsibility to protect California's heritage. Please take it. This past October, I had the privilege of accompanying a group of sixth and seventh graders on a four-day rafting trip on the Sacramento River. These kids had been learning about salmon on the trip and in class beforehand, and the highlight of the trip was finding a handful of salmon skeletons on the riverbank. I wish you could have seen these kids picking up these skeletons and oohing and awing over them, running around with them, saying they looked like dragons. It was so fun watching these kids come alive in this weird encounter with our glorious California megafauna. But there were only a handful of skeletons, and there should have been thousands, and I desperately want our future generations to get to experience them. Please take this historic opportunity to put the water that is needed back into the river through the strongest enforceable regulatory measures. Thank you.	
1333	1	GODES: Good afternoon, Chair and Board members. First, I'd like to clarify that the women in my family pronounce our last name Goddess. I appreciate the opportunity to comment today. My name is Kevin Godes, and I represent Coastside Fishing Club, a group of around 12,000 registered members, and want to express concern	Please see the Scientific Basis Report Supplement (Appendix G2 to the Staff Report) for an analysis of the benefits of the VA pathway and see Common Response 1.3, Revised Proposed Plan Amendments, for information on the VA pathway, including enforceability.

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		about the Voluntary Agreements on behalf of our statewide membership. While the California Healthy Rivers and Landscape Plan and its Voluntary Agreements framework laudably incorporate critical non-flow elements, like habitat restoration, fish passage improvements, and have benefited from modernized hatchery practices, including parental-based tagging for better stock assessment and new release strategies, these measures are rendered insufficient without legally assured science-based water flows. The Water Board's endorsement of Voluntary Agreements relies on promising but unproven scientific monitoring and unenforceable adaptive management policies, a strategy that risks conducting mere post-mortem analysis on salmon populations rather than providing precautionary preventative flows needed for recovery. The data reveals a fundamental mismatch. Proposed voluntary water contributions often fall below half of the scientifically recommended flow volumes, a deficit directly correlated with the collapse of key salmon runs, to mere fractions of their historical abundance. Let me state clearly, the limiting factor for our Central Valley salmon runs are not about lack of spawning and rearing habitat, they're about temperatures too hot to hatch fertilized eggs in the fall and flows too low in the spring to successfully get juvenile salmon to out-migrate from the Central Valley to the ocean. Although advanced hatchery techniques and CDFW monitoring provide better data, they cannot compensate for the absence of water in rivers at critical times. The collapse of the salmon returns and the closing of the fishing seasons has had a profound – had profound consequences, uniting commercial, charter, and recreational fishermen in solidarity as they face devastating fishery closures. The economic toll is quantifiable, with recent full-season closures costing coastal communities many millions in direct loss and thousands of jobs all along the coast and inland waterways. Often underestimated and underreported, the American	

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		Sportfishing Association has estimated that Sportfishing contributes $6 million to $7 billion statewide, and many who fish for salmon also fish for other species as well, but the absence of salmon is enough to keep many at home and off the water. The recreational fishing community recognizes and supports holistic restoration, but understands that habitat projects and new release strategies are secondary to the primary need for wet waterways. True restoration requires moving beyond a framework that merely documents decline via new science to one that legally guarantees the water necessary to make all investments succeed, thereby securing the future of salmon and the fishing heritage that they support. Now, to say that Coastside has skin in the game is an understatement. We have scales in the water. We operate a smolt acclimation net pen project that puts three-quarter million Tuolumne smolt into Pillar Point Harbor every year. This is in partnership with CDFW and the Commercial Salmon Trawlers Advisory Committee. This is an ongoing effort for 17 years, so we are committed and we ask that you make the same commitment to the fish and the people of California. Thank you.	
1334	1	DR. HOFSTRA: Well, can you hear me? D R. HOFSTRA: Good evening, Chair and Board members. My name is Dr. Tom Hofstra, Staff Ecologist for the Central Sierra Environmental Resource Center in Twain Harte. CSERC has worked for decades to protect water resources, particularly in the upstream regions of the Sierra Nevada that are the source of much of the state's water supply. I'm here today to highlight the critical failure of environmental stewardship and public policy reflected in the proposed 2025-2026 Bay-Delta Plan update and Chapter 13 of the Staff Report. This Plan does not represent progress. It represents a dangerous pivot towards political compromise over scientific requirements. We are facing an ecological crisis, yet this Plan offers only weak solutions that guarantee a future of decline for our most precious	The flows expected to result from the VA pathway are presented in Staff Report Section 13.4, Changes in Hydrology and Water Supply. Please see the Scientific Basis Report Supplement (Appendix G2 to the Staff Report) for an analysis of the benefits of the VA pathway and see Common Response 1.3, Revised Proposed Plan Amendments, for information on the VA pathway, including enforceability; and Common Response 3.1, Fish Protection, for information about the use of best available science.

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		natural resources. Current and proposed flow levels are simply inadequate to stop the extinction of native species like Chinook salmon, longfin smelt, and white sturgeon. The Plan ignores repeated urgent warnings from state and federal fish and wildlife agencies. The science is clear, yet the Plan utterly disregards it. Furthermore, this update results in a net increase in water diversions. The Plan leaves the estuary in an even worse condition than it is today. The Delta cannot withstand further delays in implementing enforceable science-based flow standards after decades of failing to meet them. Low flows exacerbate toxic algal blooms in the Delta, creating significant health risks for local communities and wildlife. The Plan fails to provide immediate standards ensuring water quality, which is a mandated requirement of the Water Board. The VAs are illusory and inadequate. They are secretly negotiated deals offering insufficient commitments for regulatory exemptions. They rely on non-binding habitat restoration pledges rather than legally enforceable flow requirements. The backstop itself is too weak, reducing bypass flow requirements in drier years compared to earlier proposals. VAs could cost taxpayers billions while failing to protect wild salmon runs already on the brink of collapse. There is insufficient oversight or meaningful monitoring to ensure these VAs achieve their stated ecological goals. This Plan is a blueprint for environmental failure. We deserve a plan that honors scientific requirements, implements enforceable flow standards now, and protects our ecosystem and communities.	
1335	1	MOREY: Hi there. Can you hear me? MOREY: Great. Thank you, members of the Board. My name is Mark Morey. I serve as a board member for Kayaks Unlimited, a cooperative kayak club located in San Francisco. I kayak in the Bay a couple times a week. Our organization is a dedicated	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		community of dozens of paddlers who use the San Francisco Bay nearly every day of the year for recreation. Beyond our personal paddling, we take pride in our community paddling program that introduces local youth groups and nonprofits to the Bay's waters, often giving young people, many from underserved communities, their very first experience on the water. We have already taken two groups out this year and have a Girl Scouts troop and a historical group on the calendar. This is just one example of beneficial use of Bay waters. Because we operate from a human powered perspective, our members have a unique vantage point on the Bay's health. We are firsthand witnesses to the shifting conditions of our local ecosystem. In recent years, we have become increasingly alarmed by the impact of low freshwater flows in many places that should be vibrant, moving tidal environments. They are frequently reduced to stagnant pools of algae and muck. These conditions are the perfect breeding ground for toxic algae blooms, which pose a direct health risk to our paddlers and the people we introduce to the Bay. I am here today to urge the Board to reject the proposed Voluntary Agreements. These arrangements prioritize political compromise over ecological necessity and do not provide the safeguards required to protect the Bay's water quality. Instead, we ask you fulfill your responsibility under the public trust to protect the environment by mandating unimpaired flows of over 50 percent. Decades have passed since the Bay-Delta Plan was meaningfully updated. The status quo is clearly failing. We need a plan grounded in biological reality, one that ensures the San Francisco Bay remains a safe living resource for wildlife and for the thousands of people like me who recreate on its surface. Please do not favor upstream diversions at the expense of the health of the people who use the water for recreation and education. We all need to make the Bay a place that everyone can enjoy far into the future.	

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		Thank you for your time and for considering the perspective of the San Francisco paddling community.	
1336	1	DR. PFEIFFER: Good evening. DR. PFEIFFER: We're all still here. And I am grateful for the opportunity to address the State Water Resources Board. And I'm also grateful to witness the heartfelt testimony of people who have devoted one, two, three, maybe even four decades of their life to this issue. There are two points I want to make. One is the fact that scientists have been calling for co-equal management, co-equal goals of the Delta for decades, and that means managing for a healthy ecosystem while also managing for water supply to Californians. I don't see this happening in the current plan, and definitely not with Voluntary Agreements. If I was a rancher and I was setting up a farm, I wouldn't set up a fence full of holes. And I have watched the Delta smelt go to functional extinction within my lifetime. I started at UC Davis when it was still in the hundreds of thousands. Now there have been six years and it hasn't been found. The parallels to the smelt and the Clear Lake hitch, which I know the State Water Resources Control Board is very familiar with, are uncanny. Both fish are of cultural significance to tribes. Both fish have been underestimated and neglected. Both fish serve as sentinels for ecological damage. And we all know that even with the best made plans, once we get a hostile federal government in position, scientific research is canceled, restoration projects are defunded, and policy regulations are denied. So I'm asking all of us to do the really hard thing, which is to think about not only water conservation measures, but water conservation enforcement. Thank you.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
1337	1	WAGNER: Thank you. This is Caty Wagner. I'm a resident of Los Angeles County. And thank you all for sticking it out past five.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not

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		This has really been a pivotal week in American history, and the Board has an opportunity now to make history itself, to either preserve the Bay-Delta or to contribute to its end. The decisions you make are your legacy. The Board should reject the proposed Voluntary Agreements and adopt a Bay-Delta Plan that requires increased flows of at least 55 percent in Central Valley rivers in most years. There is no scientific analysis in the Draft Report to show that the VAs will come anywhere close to protecting fish and wildlife beneficial uses or public trust resources. Thank you.	raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
1338	1	BACCETTI: Hi. Can you hear me? BACCETTI: Yes. Good evening, Board members. My name is Ken Baccetti. I'm the President of the California Striped Bass Association, Isleton Delta Chapter. I'm a lifelong fisherman and a previous commercial salmon fisherman who at one time possessed a commercial salmon permit for my boat. I no longer fish commercially, as I now only fish recreationally with family and friends. I am definitely not in favor of the Bay-Delta Plan being discussed due to the harm it will do to salmon and other fisheries. I implore the Board to reject the Voluntary Agreement scam and adopt common sense and stronger protections to ensure sufficient cold water and river flows to restore the Sacramento Basin salmon runs and to also restore the health of the Delta. I thank you for your time.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
1339	1	CLARKE: Good afternoon. CLARKE: Yes. My name is Kathleen Clark. I'm a resident of San Francisco. I've also lived for an extended period of time in the Central Valley, and I have a property in Tuolumne County. I'm also a health care provider. And since I've lived in so many places, I've heard the opinions and arguments from all of the stakeholders. And as I've	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		processed this information, I really can't support the Voluntary Agreements at all. I think the result would be increased water temperature, increased opportunity for toxins and algae blooms to happen, and that would greatly impact all of the people that recreate both on the rivers and in the Bay-Delta, the boaters, the fishermen, the duck hunters, and so on. The other thing I observed is many people fish not for recreation but to put food on their table, particularly in the Central Valley. And in my opinion, that would be another opportunity for serious health issues. I also support the idea of a very healthy, biodiverse ecosystem, and would hope that having better water flows would keep the fish population and aquatic life in a healthier state. I would like to end just by talking about the opportunity for your group to invoke the doctrine of the public trust, which means that the waterways belong to all of us, not just one entity. I do understand that the ag sector is such an important component of our California economy. I mean, we're considered the breadbasket of the country, if not the world. But I see great opportunities with the science and hydrology available for people to use their water more efficiently in their ranching and farming operations. And living in the Modesto area and knowing almond growers, which is a very water-intense crop, most of that crop gets exported. So perhaps there are other great opportunities to make money growing crops that aren't quite as damaging to our water system. So thank you for your time and thank you for listening to my opinion.	
1340	1	LEE: Thank you, Water Board members. My name is Nicole, and I'm currently studying environmental engineering at UC Berkeley, in addition to being a member of the Sierra Club Loma Prieta Chapter's Executive Committee. Right now, we're not just talking about a local river or a small population of affected species. The Bay-Delta constitutes 40 percent of California's landmass and receives 50 percent of	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		California's precipitation. It houses over 500 species of fish and wildlife and acts as a migration stream for keystone species such as salmon to travel in and out of. The Delta is not an infinite source of water for people to keep on siphoning. The entire ecosystem of fish and fauna have to face the consequences of these droughts. For some context, these droughts are not natural weather phenomena. In the 40 years between 1975 and 2014, human involvement increased the number of dry years from 1 to 19. I was born in 2007, and growing up in the Bay, I remember being taught about the importance of conserving water before I even knew what the water cycle was. In my elementary school, we had posters above sinks telling us to not wash our hands for too long, and I was told to take shorter showers at home. We were told we shouldn't need to water our lawns every day unless it was necessary. The Draft Report does not give much evidence of the Voluntary Agreement's ability to protect fish and wildlife. It does not come close to guaranteeing any change will happen in our Bay's Water Control Plan. So I ask the Board to strongly consider the science and ecosystems in the Bay and to adopt and implement the Bay-Delta Water Quality Control Plan to include science-backed protections that require and guarantee increased flows of at least 55 percent in Central Valley rivers. Thank you for listening, and thank you for your time.	
1341	1	NEFF: Good afternoon. I'm Nancy Neff from Palo Alto, California. I began rafting on California rivers in 1980 and soon learned to kayak because it was so awesome to be down in the middle of the waves. The first time I rafted down the wild and scenic section of the Tuolumne, I felt like I was falling in love with the whole three days. It was so magically beautiful. Because of my love for the rivers, I have supported the Tuolumne River Trust, and now Yosemite River Alliance, for many years. I urge you to follow their recommendations and adopt the Bay-Delta Plan and not the Voluntary Agreements. With 80 percent of	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		California's water being used by agriculture, I believe that agriculture must improve the efficiency of its irrigation practices and use less of this precious public resource. Thank you for listening.	
1342	1	SMITH: Hello, good afternoon. SMITH: Same to you, members and the Board. My name is Captain Cameron R. Smith, publicly known as Captain Cam. I am a 70-year-old disabled senior, commercial salmon fisherman, and guide, and someone who has spent an entire lifetime on California's rivers, bays, and coastlines. I have watched these waters change and I have watched the system fail for decades. I'm going to be absolutely clear for the record. Voluntary Agreements are not a recovery strategy. They are the extinction strategy. They are not enforceable. They do not add water. They do not protect fish. And everyone in this room knows it. Of course, everybody's gone home for this part, but yes. The Bay-Delta Plan was supposed to establish binding regulatory protections, real flow standards, real temperature limits, and real consequences when those limits are violated. Instead, this Board is being asked to replace the rule of law with voluntary promises, accounting tricks, and closed-door side deals. Voluntary Agreements are being used here to strengthen regulation, not to strengthen regulation, but to avoid enforceable regulation altogether. This is not management. This is dereliction of duty. The Voluntary Agreement framework also reverses the burden of proof. It assumes continuation unless significant evidence of failure is shown, rather than requiring proof up front that the beneficial uses will actually be protected. This is not precaution. This is gambling with the public trust resources. Now, let's talk about the science, because the science is not ambiguous. The only way to provide adequate flows and temperature for salmon in functioning ecosystems is by drastically reducing exports and diversions. The best available science, including the Board's own findings over the last 15	Please see Common Response 1.1, General Comments, regarding the VA development process. Also see Common Response 1.3, Revised Proposed Plan Amendments, regarding the VA pathway, including enforceability.

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		years, and peer-reviewed analysis discussed today, makes clear the recovery requires cuts on the order of 90 to 95 percent year-round to the water cartel's monopoly diversions from the Delta and its tributaries. Not tweaks, not seasonal promises, not voluntary targets, real cuts year-round at the source. Anything less guarantees continued collapse. A Voluntary Agreement cannot force cold water into a river. It cannot stop lethal temperatures. It cannot permit extinction. What it can do is provide political cover while salmon continue to disappear, exactly as they have for the last 30 years under the same failed approach. And let's stop pretending this is a process that was neutral. The very entities that have been stealing public trust water from the Delta and continue to steal it today through excessive unlawful diversions and the same entities that were invited into the closed-door negotiations, that conduct violates public trust doctrine. It violates beneficial use requirements. It violates core principles of California water law. It violates federal law. It violates constitutional protections governing public resource and due process. The public was excluded. Tribes were excluded. Fishermen and river communities were excluded. Meanwhile, the water exporters and corporate ag business interests, including the Metropolitan Water District of Southern California, Westlands Water District, Kern Water Bank Interest, and Paramount Farms, also known as the Wonderful Company, were invited in to shape the outcome. The ones stealing the water were given a seat at the table. The ones bearing the damage were locked out. This is not collaboration. This is capture. And I want this clearly on the record. This Board has presided over the last 30 years over more than a trillion dollars in combined economic and environmental damage caused by chronic water mismanagement. And this damage is ongoing. That damage includes the collapse of fisheries, the destruction of aquifers, catastrophic wildfire impacts, the skyrocketing water rates imposed on the public. And that damage is not abstract. It includes – SMITH: Yes, I'm almost done. That damage is abstract. It includes	

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		the loss of human life. People have died as a result of the water mismanagement through disaster impacts, economic collapse, and policies that put profits over people. Those deaths are part of this record. What you have heard today from your own staff, scientists, and attorneys confirms what fishermen and river communities have said for decades. Small tweaks to the collapsing system do not cause new protection. This Board can be heroes or it can be zeros. You can enforce the law, protect the public trust, and save these fisheries, or you can preside over the extinction. Salmon do not survive on spreadsheets. They survive on cold, clean, flowing rivers. If this Board chooses voluntary extinction over enforcement protection, the responsibility for what happens next will rest squarely with you. Thank you.	
1343	1	TUCHER: Hello. Thank you very much for your patience at the end of a long day. I'm Chris Tucher. I serve on Palo Alto's Utility Advisory Commission, which oversees our -- it looks like I've got -- one moment, please. I've got double coverage here. I had a technical glitch. Can you hear me? TUCHER: I apologize. I'm Chris Tucher. I serve on Palo Alto's Utility Advisory Commission, which oversees our city-owned utility, including, of course, water, which we purchased from SFPUC, coming from the Tuolumne River and the San Joaquin system. Thank you to you, the Board, for listening to public comments today. I just want to go back to 2018. In August 2018, Palo Alto's mayor, Liz Kniss, wrote to the Water Board, Felicia Marcus, to your predecessors to say that our city council had voted unanimously to support the Bay-Delta Plan, all in a quest to increase unimpaired flows in the Tuolumne and the other rivers that feed the Delta. That has not changed. Palo Alto's support for the Bay-Delta Plan remains, and today I just want to urge the Board to adopt and	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		implement that Bay-Delta Plan and reject the Voluntary Agreements. I'm sure you've heard this many times throughout the afternoon, but would we really entrust our essential rivers and our ecosystems that depend on them to voluntary compliance? These VAs are uncertain. They're unenforceable. They rely on federal support from the Trump administration that has repeatedly shown itself to be an unreliable and unpredictable partner and hostile to California's water needs. I just, you know, want to remember that the Bay-Delta Watershed, which covers 40 percent of California's landmass and captures half our precipitation, but because of so many upstream diversions, the Delta is left in what I think is considered super-critically dry, super-critically dry conditions, 19 in the last 40 years. And in plain English, as I understand it, the Delta is in a state of perpetual drought. Meanwhile, 80 percent of California's water goes to agriculture. Most of that is corporate farms. There are a lot of great opportunities to use water more efficiently. I think the Bay-Delta Plan would spur that kind of innovation. The Voluntary Agreements, in my view, are not only unreliable and merely voluntary, they also lock in a status quo that I think will lead to continuing to waste precious water. So I just want to close with one observation from the utility Board in Palo Alto, that in just two years, I've watched as our partner, SFPUC, a legacy entrenched user, has made me question how responsibly and realistically, how science-based some of our legacy water users are approaching water supply. Despite, you know, mass, significant water storage resources that SFPUC has, enough to endure a multi-year drought, they continue to champion a design drought that really is a once-in-thousands-of-years kind of horror scenario, combined with over-forecasting demand, all of which leads to really a scare tactic that, you know, we have more water and more ability to use, store, and distribute that water than many of our entrenched interests seem to think. And that just leads me to my final repeat, which is water in California, you know it better than I, it's a public trust, a public	

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		resource. It belongs to the people. And it's up to the state, you, the Water Board, to prioritize beneficial uses. And so I call on the Board, please, to steer the state to do its job, which in my view is to implement the Bay-Delta Plan in protection of our rivers, our wildlife, and our communities. Thank you very much for a long day, and I know it's the first of two or three, so thank you for all you do.	
1344	1	RUDENKO: Hi there. Can you hear me okay? RUDENKO: Thank you so much. It's been a long day. I'm saving the best for last here, so good late, late afternoon Board. Thank you for the time. I've lived in California my entire life. I grew up camping across California and the West, because that's all my family could afford. My parents immigrated here from Europe after World War II, and they arrived in California in 1949 with nothing but a suitcase. And what amazed them most was the freedom, the freedom to drive without fear to rivers, lakes, campgrounds, the ocean. Those places taught us kids to love and respect the land. And so as I've gotten older, I've come to see that our country has defining moments, times when we choose to protect something, not because it was profitable, but because it mattered. One of those moments was the creation of our national parks, setting aside land and water for the public, free from commercialization, for this generation and all of those to come. So here in Northern California, we're stewards of one of the great natural wonders of the world, the Sacramento River system and the Delta. Its depth, breadth, and importance are extraordinary. And today, that system is in jeopardy if flows are not protected. The warning signs are clear, you can hear them in all the public comments today, all calling for protection of the environment. So these Voluntary Agreements, they're not enough. I urge the Board to vote against them and to ensure enforceable flows that	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		protect our rivers for future generations. Thank you all so much.	
1401	1	Let's try again. Yes. Good morning, Board members. John McManus here. I'm the Senior Policy Director with the Golden State Salmon Association. The rest of the members of my panel will be joining us via Zoom. They're scattered all over the place. I see one of them behind me, J.D. Richey, with some guitars I'd like to own behind him. We represent fishermen all up and down the state of California and beyond, involved in every aspect of the salmon industry. And I'm talking about sport fishing, commercial fishing, and in the businesses that serve the fishery. I'm here today to ask you to consider reworking parts of your Bay-Delta Water Plan to take into account changes on the ground brought about by the Trump administration with Action 5, which I understand is not adequately represented or captured in your current document. You've taken years to get to the point where we're at today, and we're hoping you can take a little longer to get it right in the face of changing water realities like Action 5, which is pumping more water from the Delta than any of us planned for. I want to say a couple of words about that. I think you heard yesterday from Karla Nemeth that a lot of juvenile spring-run were taken at the pumps, I believe, in the month of December. And I think this is when we had a big rain runoff event. It's important from our perspective to understand what those fish are. And the federal government has told us that they	Please see Common Response 1.3, Revised Proposed Plan Amendments, regarding comments about the 2025 ROD and 2025 ITP.

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		actually track these fish. They were wild offspring born of hatchery-bred parents from the conservation hatchery in San Joaquin. The parents came back and they went up into the Tuolumne River and they successfully spawned there. And that's what we were hoping would happen. That's the whole idea of putting this conservation hatchery in San Joaquin, is to recolonize lost habitat down there. I'm told that these fish were trapped in rotary screw traps in the Tuolumne River. And later they were followed as they came down to the pumps. So there's disagreement as to whether these are protected under 10(j) of the Federal Endangered Species Act. I'm not going to get into that question. I don't have an answer for that. But the point I want to make is we were making progress in recolonizing these fish, and it's been negated by the federal pumping under Action 5 right now. Again, I'm not sure you've got Action 5 adequately covered in your current Plan. And we would ask you to reopen that plan and take a look at that and think about that. In addition, the state has changed its ITP, the Incidental Take Permit, for salmon in the Delta recently. I think that was in December also. And I'm not sure that's adequately captured in your plan. So we'd ask you to incorporate that as well.	
1401	2	Another aspect that I want to comment on briefly is, as I understand it, the VAs are dependent on federal funding. And the last I checked, Elon Musk had made mincemeat out of the federal budget. And I say that figuratively. I think folks know what I'm referring to. But the bottom line is, federal funding that you might have thought would be available to support the VAs is not available. And as far as we can tell, it's not going to be. So I don't know how the Plan currently reflects that reality.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
1401	3	I just want to move on and reiterate some of what you heard yesterday. It was fascinating for me to watch yesterday's proceedings. You heard that we're in a bad way. We're losing species. We've lost the Delta smelt. Longfin smelt are hammered. Salmon runs have gotten hammered. And even our hatchery runs in the Sacramento Valley are negatively affected by flow	The revised proposed Plan amendments include provisions for annual and periodic review of the Plan as a whole, as well as the VA pathway specifically, which includes the possibility to modify or terminate the VAs before year 8. See Common Response 1.3, Revised Proposed Plan Amendments, for more information on the continuation, modification, or termination of the VAs.

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		conditions in the Sacramento River. So we need some help. There's some disagreement, I guess, as to the strength of benchmarks that are built into the existing plan. If you adopt the existing plan and the Voluntary Agreements fail to provide benefits, how will we know in a timely manner in order to take action? This question came up yesterday and it was informative for me to listen to the discussion. But I think it's a real one that really needs to be looked at a little bit more closely and maybe refined in your plan. Basically, we need better benchmarks so that if it fails, you can act expeditiously. We also heard the attorney from San Francisco Baykeeper yesterday comment that if the Plan is failing and parties want to take legal redress, it's awfully difficult to do so. In fact, it may be impossible, virtually. I don't know if there's improvements in the Plan that could be made that address that comment, but I'd like to just point your attention to it. Sometimes I'm asked by fishermen why our side shows up at these meetings and presents and they rarely see the big water user groups. I'm not sure what the answer is to that, but I just want to flag that the look is not necessarily good. Some people end up feeling like the big water users feel like they have this in the bag and don't have to show up and present to you like we do. Again, I'm not saying whether that's right or wrong. I'm just saying that's a look that you may want to be aware of. At a time like this when I think people here would agree that democracy is being tested, this Board, I think, wants to be part of a democratic process that feels inclusive to everybody. So finally, I would just ask you again to revisit your document, revisit your plan, incorporate Action 5, the ITP, think about better benchmarks, and think about legal redress.	
1401	4	With that, I want to move on to our next panelist, who is Andy Guillano, although I don't see Andy in the lineup. Andy, are you with us? Uh-oh. Well, I do see J.D. Richey. So, J.D., I will toss to you if you want to introduce yourself and –	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		GUILIANO: I'm here, John. MCMANUS: Oh, Andy. Okay GUILIANO: My apologies there. MCMANUS: Okay, Andy, take it away. GUILIANO: All right. Good morning. And do I sound okay, John? Thank you. MCMANUS: You sound fine. GUILIANO: Okay. Good morning, members of the Board. My name is Andy Guilliano. I'm here representing our sportfishing center, Fish Emeryville, and also the -- I'm a Board member of the Golden Gate Sportfishing Association. We are the largest charter boat landing in the Bay Area and generate 40 percent of our revenue from ocean salmon fishing. Today, I represent the Bay Area charter boat fleet and hundreds of families whose livelihoods depend on a healthy Sacramento River. Charter boats are the public's access to public California fisheries. I've been fishing these waters since 1972. That's 54 years, and a third-generation Californian. To us and our customers, salmon isn't just a line item in a budget or a statistic in a report. It's the heartbeat of our community. In the Bay Area, salmon is more than an industry. It's a tradition that binds us together. I've seen firsthand how a single successful season can sustain the local economy, from tackle shops to the restaurants. I've also recently seen the heartbreak of a shutdown forcing some to sell their boats, others into early retirement. When we bring salmon home. It doesn't just stay on the boat. It goes to our neighbors and our families and our family tables. Sharing salmon is a meal and a ritual of Californians that is currently under threat. When you drain the rivers, you aren't just moving water, you're emptying our plates and our pockets. The charter boats I represent are small family-owned businesses. When flows are diverted and salmon runs collapse, boatowners and captains can't just pivot. They lose their homes, their	

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		legacies, and their ability to provide for their children. We know the biological clock of this river in great detail. We know that fish we catch today are the result of water levels from two or three years ago. If you push forward the proposed Water Plan now, you are effectively deciding today that our industry will go dark in three years. You are signing a pink slip for every deckhand and captain in the fleet. Healthy wild runs are the only way this fishery survives. We know the science, good river conditions for spawning, and out-migrating are non-negotiable items. The Sacramento River is the lifeblood of the West Coast salmon fishing industry. Diverting more water during these critical windows is a gamble with a resource that is already pushed to the brink. This Board is the only agency with the authority to mandate to protect the fall-run and the industry that relies on it. Quite simply, the future of California salmon is quite literally in your hands. We ask you to prioritize the health of our rivers from further diversions. We're also asking you to protect the jobs of real people, real Californians like myself, who work on the water every day. Please do not allow this Plan to move forward at the expense of our heritage and our future. Thank you very much.	
1401	5	MCMANUS: Thank you, Andy. We next go to J.D. Richey. J.D.? RICHEY: Thanks, John, and thanks members of the panel for the hearing. You guys got me okay volume-wise? Okay, yes. Well, I'm sort of the river version of what Andy just said. My name is J.D. Richey. I operated my guide business in the Central Valley for 23 years until I had to uproot my whole family and move because I couldn't afford to fish for salmon that weren't there anymore. A little about me. I started my dream job in 1998. I called it Sacramento Salmon Company. I'm a sixth-generation Californian, so I've been here my whole life, and the whole family has. And so when I started Sacramento Salmon Company, back in those days,	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		the salmon runs in the Sacramento River system were extremely robust. We had -- in 2002, we were up to almost three-quarters of a million salmon in the Central Valley, and I was able to fish from spring-run May until, it closed back in those days in January, so what's that, eight or nine months straight of salmon fishing? And, well, as we all know, if we fast forward to now that there are no salmon fishing days anymore because it's been shut down for three years. So again, that forced me to make a real crucial and sort of traumatic decision to have to uproot my entire family, sell my house in the area I've called home for, you know, since my birth. I had to take my kid out of school with all his friends and moving somewhere else. So we moved up to Lake Tahoe where there's still sustainable fishery. But you look at all my contemporaries, pretty much have followed suit, I mean, with a few exceptions, but most of them have been forced with the same decision, have moved, because of the lack of salmon in the river, to Oregon, Washington, Idaho, et cetera. And I just wanted to kind of -- Andy sort of gave you the whole economic impact, but I'm just one guy. And so I'm a small prong in the whole thing, but my -- just me moving effects is kind of causes a whole domino effect in a small way. So I don't go to the tackle shop here in Sacramento anymore. And so -- and speaking of that, I talked to Alan Fong, who's the -- well, he used to be the manager of Fisherman's Warehouse, the largest tackle shop in Sacramento. They were down 75 percent once salmon went away. I mean, that's a big number. And so there's me not going there. There's me not getting fuel at the local mini-mart. There's me not grabbing a burrito at my favorite little Mexican restaurant on the way home. And you can see just, I'm one guy, so that's just little, little things, but it's more than just, I'm out of business. I stopped, you know, going to all those places that I spent money in as well. So I also encourage you to take a harder look at this and hopefully we can find a way to keep a little more water in the	

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		river and have sustainable runs in the future. So thanks for the time. I really appreciate it. Thanks for listening.	
1401	6	MCMANUS: Thank you, J.D. Our next speaker is Kevin Godes, who's with the Coastside Fishing Club. Kevin? GODES: Hello, Chair and Board members. Thank you for having me back. I'm sorry. I just dropped my document. One moment. Okay. Thank you, Chair, members, and State Water Resources Control Board. Thank you once more for the opportunity to address you. My name is Kevin Godes and I'm here representing Coastside Fishing Club. Our organization has over 12,000 registered members statewide, spanning the coast from Morro Bay to Eureka and with a strong representation throughout California's Central Valley. I'm here today to convey with utmost urgency how critically important salmon and the water flows they depend upon are to our members, to our communities, and to the ecological and economic fabric of California. As was mentioned, as I mentioned yesterday, Coastside doesn't just talk about salmon. We're deeply invested in their survival. For 17 years, our all-volunteer salmon smolt acclimation net pen project has been a labor of love and commitment. In that time, we have cumulatively released nearly 8 million juvenile salmon, and we currently handle about 750,000 smolts annually. This represents countless hundreds of volunteer hours each year, driven by a passion to restore what has been lost. The project is a powerful example of collaboration supported by California Department of Fish and Wildlife, the Mokelumne River Hatchery, the Commercial Salmon Trawlers Advisory Committee. Its primary goal is to increase ocean abundance for all users. An early and significant success of our work was to scientifically demonstrate the markedly higher survival rate of smolts released in the Sanctuary of the Harbor compared with the more stressful in-river releases. This data has actively influenced and improved release strategies at both state and federal hatcheries, proving that citizen science and partnerships can directly inform better management practices.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		Harbor hatchery programs alone are not a substitute for a healthy river system. They are a lifeline, but they cannot overcome the existential threat posed by inadequate water quality and flow in the rivers these fish call home. We desperately want to see wild and hatchery supported runs rebound to levels that once inspired generations. Recreational salmon fishing is more than a pastime. It's a gateway activity that introduces families, and especially young people, to a lifetime of outdoor stewardship. It fosters a profound appreciation for our natural world and creates a direct personal connection to our public trust resources. That connection was poignantly underscored by the young woman yesterday who spoke about the immense difficulty in accessing healthy outdoor experiences due to issues directly tied to low flows and hot water. Her testimony was not an isolated story. We heard several testimonies about how low flow, and in particular the algal blooms, limited opportunity for outdoor experience. This reflects a systematic failure that disproportionately impacts inland communities, cutting off a vital pathway to outdoor engagement and limiting opportunities to form the very bonds with nature that create future conservationists. This brings me to the central critical authority of this Board. State Water Resources Control Board is the only agency with the unambiguous power and responsibility to establish and enforce the water quality standards and flow requirements that determine the health of our rivers and the San Francisco Bay-Delta Estuary. You hold the unique authority to directly affect the health and welfare of salmon, steelhead, and the entire aquatic ecosystem. Conversely, if these species continue their precipitous decline, the responsibility for that long-term peril will rest squarely on the decisions made, or not made, by this body. The Bay-Delta Plan is your primary tool to fulfill this duty. We urge you to recognize that the health of salmon is a bellwether for the health of our water systems. Strong science-based flow standards are not an impediment to water management. They	

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		are a fundamental foundation. Protecting salmon means protecting the waterways that supply millions of Californians, support agriculture, and sustain countless other species. Our thousands of members in the broader fishing community are counting on you to use your authority with courage and foresight. Please act to adopt and implement a Bay-Delta Plan that prioritizes the ecosystem, recognizes the irreplaceable value of recreational fishing, and secures the water flows necessary to ensure salmon are not just a memory, but a living legacy for generations to come. Thank you for your time and consideration.	
1401	7	MCMANUS: Thanks, panelists. If I can just sum up a couple of comments, and then if there's any questions from the Board. The recreational fishing industry in California alone is worth somewhere between $6 billion and $7 billion. Now, this is more than salmon I'm describing. This is recreational fishing across the Board, it includes tuna in Southern California, but a big chunk of that is salmon. There are millions of Californians that fish recreationally. They can't all be here today, and if they were, you guys wouldn't have enough time to hear from them. We recognize that you have a task to balance beneficial uses. We get that. And we're not suggesting shutting down irrigated agriculture. We're not unrealistic. We just need a little bit more water, and we think we could get salmon back in a good way. You heard yesterday that we think we're going to have a season this year. We believe that there's something over 300,000 fish that returned last season, which is much better than the years before. And I just want to make the point, this is not because of VA habitat type of restoration projects. It's because we got water in '23. That's why we're getting fish back. So all this stuff about we can bring the fish back by creating more spawning gravel, the habitat is not currently the limiting factor. It's water, is what I want to say. Can you imagine, J.D. Richey reports that he was fishing on	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		spring-run just a few years ago. And it's not because of J.D. that spring-run are in a bad way now. It's because of what's happened to their habitat. So I will rest there. I thank you for hearing us out, and we'll take any questions you might have. MCMANUS: Our team would love to get back to you in writing about that and capture our best thinking. MCMANUS: And we will have some best thinking to share with you on that. MCMANUS: Thank you. MCMANUS: Take your time. Get it right, please. MCMANUS: Thank you.	
1402	1	SCHIFFERLE: Good morning, Board. Thank you. SCHIFFERLE: I wanted, by way of background, I've been involved in the Delta Planning process since 1980. I started in 1978 at the federal level and then was the author of the Toxic Pit Antiquated Methods and also co-author of Leaching Fields under the Assembly Office of Research. And at the outset, I want to say that we still have a huge problem with selenium and its bioaccumulation in the Delta. And I joined with the NGOs who have contacted you to say, hey, the relaxed standards adopted by the Central Valley Board will not protect the salmon and other fishery and biological resources from this, from these contaminants. But today, I wanted to focus primarily on what's before you. And I wanted to say you're negotiating against yourself. The Supreme Court is really clear. California and the Water Board in California v. U.S. has the authority to adopt standards that, for even the federal government, water quality standards that are not in direct conflict with Congress. And Congress has been really clear. They have dedicated 800	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project. See also Common Response 1.3, Revised Proposed Plan Amendments, for information on the VA pathway, including enforceability.

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		million acre-feet annually to the restoration and mitigation to protect and ensure the doubling of the salmon. They have required under 3406 of the CVPIA that salmon populations be doubled. And as you know, in 1995, when I was around also, you have that as an objective that needs to be achieved and implemented through D-1641 and also your current action. You know, I stop at red lights, not because -- I voluntarily stop at them to make sure that we go through safely, but mostly I stop at them because I know I could lose my license and face penalties. And I urge you today to not negotiate against yourself and adopt a regulatory pathway that is consistent with your own staff's recommendations in the 2010 Delta Flow documents and other documents by scientists that indicate that flow, the temperature, salinity, all these requirements are necessary to ensure that you achieve the objectives that you've adopted, which is the doubling of the salmon. So I saw and heard the notions that we have these benchmarks. And I'd like to suggest the following course of action, which is that you adopt a benchmark that in eight years, if the salmon are doubled under the voluntary actions of the water agencies, that you'll revisit your regulatory adoption of flows contained in your staff recommendations. We know that flow is essential to the survival of species, not only salmon, steelhead, sturgeon, and other aquatic resources and terrestrial wildlife throughout the Bay and Delta, but you've turned it on its head. And if you adopt the Voluntary Agreements, you're going to be tied in knots by having to follow what the water agencies have suggested is a course that gets you out of their quagmire. We know that, as other speakers have said, especially on the Mokelumne, that it takes a combination of efforts. And U.S. Fish and Wildlife has required under the BiOPS to acquire 4,000 acres of tidal restoration lands, and that hasn't been done since 2008 or 2009. And yet, they are claiming that somehow they're going to do this and not double count what's already required. And again, the U.S. NMFS (phonetic) have required 27,000 acres or 28,000 acres to be acquired as habitat, and we're nowhere near that.	

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		So I urge you to not get tied in knots under the rubric of these Voluntary Agreements, and instead, you adopt clear standards, enforceable standards, that will give you the ability to measure both whether the flows and these voluntary actions that the water industry wants you to take will be successful. Otherwise, you're giving your power away. Thank you.	
1403	1	FITZPATRICK: Good morning. My name is Mary Fitzpatrick. Thank you for giving me the opportunity to share my views. I'm a retired teacher, a volunteer for Climate Action California, and a member of the Sierra Club. Birdwatching is my hobby, and has taught me an appreciation for the Delta, a true natural resources treasure. I'm not a scientist or a policy expert, but I understand that good policy is vital to protect our natural resources for the future. Water resources and agriculture are inextricably connected, and water policy and agricultural policy must be aligned and be based on the most current and widely accepted scientific data. Policy that addresses only water quality standards and flow requirements for surface water, but does not address the water table or agriculture uses is, in my view, incomplete. I think that because California agriculture depends on a finite supply of water, water access should not be based on historic first-come, first-served rights, but on a contemporary science-based understanding of what the ecosystem can provide without damage and loss. This has never been the case in California, and that is why we see loss of species, like the Delta smelt, and algal blooms. Agricultural rights need to be reviewed and restructured such that water pumped from the water table is accounted for, along with water taken from surface sources. Priority must be given to food production for the United States, not to exportable crops destined for overseas. Priority must be given to growers using water conservation techniques, fallowing land during drought, and growing less thirsty crops. And	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project. See also Common Response 1.3, Revised Proposed Plan Amendments, for information on the VA pathway, including enforceability.

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		perhaps priority should be given to small family farms over corporate investors and hedge funds. Climate change is inevitable. It will impact water resources, and water policy must have a planned and structured, not an ad hoc response to drought. The correct response to drought is not to reduce surface flows to as low as 35 percent, but to curtail consumption. Finally, good policy has clear known standards and effective enforcement. Voluntary Agreements are not good policy. The public needs to see a bright line, fair implementation of regulations, and consequences for transgression. While voluntary compliance may work in small tight-knit communities, in a state with 40 million inhabitants and tens of thousands of individual districts or entities claiming water rights, real limits and real enforcement are needed. Thank you very much.	
1404	1	SCHUELER: Good morning. Thank you very much for the honor of participating in the hearing here this morning. My name is Margo Schueler. As someone raised in the Southwest, I grew up understanding the value of water. I was thrilled by the water-rich landscape of the Bay Area when I migrated here to begin my adult journey. I raised my daughters in West Berkeley. My daughters both grew up to be wildlife biologists. I spent 25 years of my work life at East Bay MUD, initially as a civil engineer in planning and environmental compliance, later as a water distribution superintendent with D4 and T2 certification for the bulk of my time. I have participated in the Bay Area Sierra Club Water Committee and as an active member of the Berkeley Public Works Commission, advising city council on infrastructure issues for over two decades. When my daughters were studying at UC Davis, I once lamented that their careers were likely to be quite depressing, observing and documenting the extinction of species and struggling against	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project. Also see Common Response 1.3, Revised Proposed Plan Amendments, for information on the VA pathway, including enforceability.

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		the tide of human priorities to find paths for survival of native species. One responded, "Are you kidding, mom? You work in water. Way more depressing." I spent my career, I had the honor of working in a public agency that has done extraordinary work to protect our natural world, improving the increases, demonstrated increases recently with salmon in the Mokelumne. You have before you one of the most significant decisions in the history of our region, finding a way to deliver water for both our immediate human desires and for the future of our entire ecosystem. I plead that you take this opportunity to deliver to us a future with the California as rich and verdant as that we inherited. Please reject the proposed Voluntary Agreements that maintain a failed status quo. The VAs lack viable enforcement mechanisms or clear accountability if users fail to meet flow, habitat, pollution or temperature goals critical to survival of fish and protection of drinking water. Habitat restoration without sufficient flows will fail to restore the aquatic ecosystems on which our future depends. Adopt and implement the staff recommended Bay-Delta Water Quality Control Plan that's based on new protections anchored in science that require increased flows of at least 55 percent in Central Valley rivers. Your decision must be based on facts and science, not political pressure and wishful thinking. We the people are counting on you to protect water. Yours will be a legacy vote. Thank you.	
1405	1	ROSENBLUM: Good morning. My name is Stephen Rosenblum. I live in Palo Alto. I'm an chemist and have been working full-time on fighting climate change since I retired in 2007. The last few years, I've been the energy policy team lead for Climate Action California, but as a fisherman and hiker, I've had a lifelong interest in the preservation of our rivers, lakes, and oceans. I've spoken at several past hearings of the State Water Resources Control Board, the San Francisco Public Utilities Commission, and the Bay Area Water Supply and Conservation	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project. Also see Common Response 1.3, Revised Proposed Plan Amendments, for information on the VA pathway, including enforceability.

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		Agency on the issue of sustainable use of our water supply and the preservation of sustainable flows in the rivers feeding the Bay-Delta. In cities, we have installed low-flow toilets and showerheads and automated drip irrigation systems to conserve water. It is incumbent on our agribusinesses to do the same by using 80 percent of the California's water that they currently use. The State Water Board should reject the proposed VAs because they would maintain the failed status quo. Massive diversions in water exports are driving species to extinction, causing toxic algae blooms, destroying the fishing industry, and impacting tribal and cultural uses of water. The Board should proceed expeditiously with adoption and implementation of the Bay-Delta Water Quality Control Plan, including strong new science-based protections that require increased flows of at least 55 percent in Central Valley rivers in most years. As was mentioned by previous speakers, the VAs lack viable enforcement mechanism. There's no clear accountability if water users fail to meet flow habitat pollution or temperature goals critical to salmon survival and the protection of drinking water. As previous speakers have pointed out, reduced flows harm salmon, steelhead, and other native fish by raising water temperature. There's no substitute for adequate river flows. Voluntary Agreements are fine as long as the fish have cold, clear water flows that support their life needs. Low freshwater flows also cause toxic algae blooms in the Delta that can kill pets and wildlife and make people sick. Underserved Delta communities suffer the most, and this is an issue of environmental justice that an incorrect decision by the Board will haunt them for years to come. In conclusion, I urge you to reject the unscientific and unfair Voluntary Agreements and provide sufficient flows of water	

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		through the Bay-Delta to preserve the ecosystem. Thank you.	
1406	1	ALBERT: Thank you for this opportunity to speak to you. I admire some of the previous speakers that have been involved in this process since the '90s. My own following this and participating at meetings like this is not that long, but since the 2010s, I have been following. At that time, this Board, the State Water Resource Control Board, took the position and did studies that supported that, one, our river wildlife and fish in particular, certainly species like salmon, but also other species like Delta smelt, were very affected by water quality into and through the Delta. And that the main factors were freshwater flows and temperatures. That was the position of this Board at that time, saying that the reason that our fish and other wildlife depended on our rivers was in such bad shape was primarily due to flows and water temperature. But since that time, we've shifted more and more to emphasizing Voluntary Agreements. And from what I see in the Draft Report now, there's just not really any scientific analysis that shows that the Voluntary Agreements are going to protect the fish and wildlife beneficial uses, the instream flows that are a beneficial use, or the public trust resources. So that makes me feel very discouraged and makes me think that the decisions are being made for political reasons and not based on the science. The Voluntary Agreements promise a lot of habitat improvements. To the extent that those are real and not simply counting existing things that have already been done, that's great. But habitat improvements are not the limiting problem. New floodplain grounds that never get inundated or rarely get inundated will not help the fish. So I call on you to follow the science and not the politics and let the Voluntary Agreements go. We need to call for a defined fraction of unimpaired flows as the way to keep -- to prevent further degradation of these critical environments.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		Thank you.	
1407	1	DE SA CAMPOS: I'm here. I don't know if you can see me. DE SA CAMPOS: Good morning. Thank you. I'm impressed by all of the people here who have made comments. They're experts. I'm not an expert. I'm just a witness. My name is Carol de Sa Campos. Both my parents and I were born and raised in California. In 1960, I was 17, so I remember Democrats and Republicans, friends, neighbors, and family in our rural area of San Joaquin County discussing the water project. Some were concerned that it was a bad idea to start something that may end up hurting us in Northern California in the long run. Others argued that we needed to help Southern California. When California voted to pass the State Water Project, California's population was nearly 17 million. They needed help, and Northern California was thought to have an endless supply of water, so let's be generous. California now has 40 million people, more than double 1960s population. There are millions more irrigated acres, new housing developments, bottled water for sale, water futures sold on the stock market. There's a Texas holding company for California water service, and who knows how many out-of-state or foreign entities are making demands upon California's water. And I could name a few, but there's no time. It's not just water for Californians anymore, it seems. Voluntary Agreements are not enough to protect our natural resource, to prioritize the environment and protect native species, or to include all Californians. Current demands on Northern California's water supply seem unquenchable. I can only imagine future developments, more exports, including water, and the demands of various water-thirsty technologies and related industries. Draining Northern California, killing rivers and habitats, destroying the Delta is like killing the goose that laid the golden egg. The effects of losing a forest, for example, are sobering,	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		referring to the transpiration system. If we continue to drain our freshwater, as we have the past 60 years, we are contributing to water contamination. Saltwater contaminates water that once provided local communities with drinking water. Saltwater incursion also destroys soil, including farmland. Draining our forests, rivers, and lakes, destroying habitats, and causing the extinction of species in order to irrigate valley scrubland, promote other enterprises and development, is simply wrong. We need to rethink. Trying to accommodate every possible business venture would require unknown, possibly limitless provision of water to and for other areas. We will be sacrificing our water sources, our Delta, our rivers and streams, and killing our natural biodiversity, including species like salmon. The original intent of the State Water Project was so successful that it could not possibly have imagined its own failure. I do not believe the origin of the State Water Project was to drain California, to destroy natural resources, or to cause the extinction of species in order to facilitate opportunists, profiteers, or plunders. We also need transparency. Any and every Voluntary Agreement should be made public to California in terms that the public can understand, not legalese. With whom is the agreement, and for what purpose? How much water was guaranteed, by whom, and was it delivered, and who was left out? Before there is another vote, I hope all Californians will know who and what destroyed our resources and hold those responsible, accountable. We cannot manage nature. We can manage business. It's time for a new approach, based on prioritizing nature, our water producer, using sustainability and environmental science. The consequences of the current Plan, like the collapsed aquifer, may not be reversible. Thank you for this opportunity and your attention.	

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1408	1	BROWN: Hello, my name is Jeff Brown. Thank you Board members. I am a resident of Palo Alto, a retired NASA engineer, and I've been in the Bay Area since 1981. I've spoken before you on the Bay-Delta Plan at least twice before. I have to admit that I cringe when I read and hear that the purpose of the Bay-Delta Plan, the human-designed Bay-Delta Plan, is to establish water quality and flow standards to protect, quote, "beneficial uses," unquote, of the Bay-Delta Watershed. After all, it's only been over the past 175 years that humans have had any significance, say, in the water quality and flow rates seen in the Delta Watershed. Contrast that with the hundreds of thousands of years prior to that, where nature was the sole arbiter of those parameters. And the record of the watershed's health over the past 175 years has been dismal. And this isn't to say that the State Water Board shouldn't attempt to establish a viable plan for the future and ongoing, a key word, ongoing health of the watershed, but that it should use as its baseline for that plan the required parameters set by nature, not voracious cities and massive export industries. The 2010 Delta Flow Criteria Report pointed to what those parameters are, but it seems that in the intervening years, the Bay-Delta Plan has moved farther and farther away from what those standards should be and has tried in an effort to accommodate the political process and the lobbying that comes with it to create an alternate truth. But there is no alternate truth and there is no path toward watershed health that is blind with Voluntary Agreements. I would defy anyone to name any substantial set of Voluntary Agreements for industry in any realm that have really held water. And the reason for that is simple. The purpose of industry and the politics that support it is to compete. And in competition, there is always, I don't think it's an offense to say, there is always cheating. There's always pushing to the edge. There's always skimping and cutting corners. But that, as the past 175 years has shown, doesn't work for	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		sustaining a natural ecosystem, and that's what the Bay-Delta Watershed is. It is the pumping heart of a circulatory system that brings water and nutrients to both animal and plant species over more than a third of this state. So again, I ask the Board to do away with the thought of being able to achieve a laudable goal through Voluntary Agreements and really think toward, again, establishing a Bay-Delta Plan that will carry well into the future to sustain the health of the ecosystem and leave what will be a meritorious legacy for generations to come. Thank you.	
1409	1	BLASTOS: Good morning, Water Board members. My name is Nancy Blastos, and I live in Redlands. Thank you for offering this time to us. I have been impressed by the quality of the comments. As a child growing up in New Hampshire, clean water served a core purpose in my life. I had the luxury of moving to a lake house with my family for the summer. I swam. I had poly wags for pets and sunfish nests underwater by my wharf. Did you know if you wander into one of those nests, that mummy fish bites your toes? I had the best of nature and appreciated it. Now water is disappearing rapidly. The United Nations warns of global long-term depletion due to climate change. Lakes are shrinking. Rivers are drying up to unsafe levels. Estuaries are toxic to fish and humans with toxic algae blooms. Underground water sources are declining rapidly due to Big Ag pumps draining water from underground sources. This will be irreversible. Ground level will start to sink. This water bankruptcy is caused by living beyond our hydrological means. Farmers and Big Ag are desperate to harvest and export their crops for financial gain and to feed us, I hope. The Bay-Delta Plan must not rely on VAs because having decreasing rain will not replace the loss. VAs increase the possibility of water theft from the Delta residents and Bay Area residents. Fines are not enforceable when thefts occur.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		CEQA has been scientifically eviscerated by the loss of scientists, so no suggestions will be offered for our environmental plans. As a member of AmericanRivers.org, I felt exhilaration when the Klamath Dam was removed. Water flowed freely. The salmon came back. Safe recreation resumed. Then that water was diverted to the farmers. Stagnant water will return as the salmon will exit. VAs are a danger to water science and water is life and life is water. Equitable distribution of water to citizens is on the line. Clean water is a human right which must be protected by science. We must have a scientific plan so that we can provide water for all. I won't even mention, of course I'm going to, the international companies that are stealing our water and bottling it and selling it to our own inhabitants, selling our own water to us and internationally. I want to just remind you about the movie, the film, Chinatown. Thank you for listening to me.	
1410	1	KASHETA: Thank you, Board. My name is -- can you hear me? KASHETA: Okay, great. Yeah, good morning. My name is David Kasheta, lifelong Bay Area resident, born and raised in California. And I'm also involved in some state and federal fisheries management for CDFW. I'm the Dungeness Crab Gear Working Group and the Dungeness Crab Task Force as a recreational representative. And on the federal level, I'm on the Groundfish Advisory Subpanel of the Pacific Fisheries Management Council as the Northern California recreational rep. So I've been involved in doing this stuff for a while. And so I just have a list I'm going to go through. So when it comes to Voluntary Agreements, they're basically the same as politicians voting for term limits for themselves. You know, why would a person or an entity, organization, agree to something that's going to be negative to their financial or	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		business interests, you know? So it really doesn't make much sense to allow someone to give them that opportunity. You know, we should manage them to a certain level. And also on a scientific level, just an estuarine ecosystem, how it basically is healthy is if there's adequate water flow. So if you don't get a water flow, it's not going to be healthy. And that's what's been happening, you know, that it's just, it's a negative. And, you know, salmon, sturgeon, Delta smelt, other fish, they've been around for millennia. You know, they've gone through droughts, floods, you know, historically, and they were fine until, it was said earlier, over the last 175 years, it has been an issue. You know, once we became involved, you know, we've had negative impacts on them. So that's not good. All right. And we should also, as a negative example, we should use the San Joaquin River system. You know, look at what happened to that with the water mismanagement. You know, went from a very healthy ecosystem to it's not very healthy now, you know? And why is that? I would say it's because of us, you know? So that's not good. All right. And also, to finish this off, it seems that the decisions being made are not scientific, but political. And, you know, we need good water management along with good fisheries management, you know? And that's, you know, I don't want to say it's you guys, but that's your task, is to keep this healthy. And I don't see that happening over the last, you know, 25 years. The '80s and '90s were -- you know, even though we were diverting a lot of water pumping it south, you know, the Delta was pretty healthy, you know? But once the 2000s started happening, we started pumping more and more and more and more water, you know, and it's just been negative and downhill ever since then. So, hopefully we can reverse this. And, you know, as it was said earlier, you know, the reason the fisheries are healthy this year, it's not because of water management, it's just because it rained a lot. You know, there's a lot more water, so we are still able to pump a lot of water south. But when it comes to drought years, that's when we really need	

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		to keep an eye on, you know, how we're managing this. Are we still going to pump it south and then we're going to lose everything? We're going to have harmful algae blooms due to no water flow through the Delta. So that's it. I thank you for your time.	
1411	1	SPEHR: Hi, can you hear me? SPEHR: Awesome. SPEHR: Hi. I'm Alex Spehr. This is my first time speaking at a Water Board thing. Unlike some of these people, I don't have decades of experience. I'm an unofficial scientist, a random member of the public. And I would like to remind you of the recreational value of fish to the greater public and to our mental health. Let's be real. Voluntary Agreements are wishful thinking. It won't help. Our fish need more water. We need to increase the water flows. Water is held in the public trust. In the past, it's been massively mismanaged, or we wouldn't have all these critically-endangered threatened fish in our San Francisco Bay-Delta. And it is your duty to avoid political pressure, which must be humongous, to make and make the right decision. Follow the science. Give us a healthy ecosystem. If you ask a random person on the street, hey, who should get more water, who should we value, fish in our, you know, local ecosystems or agriculture? Every time they're going to answer fish. People love seeing fish, even if we're -- most of us aren't fishermen, okay? We're not off catching fish. But if you see a fish locally, like say in Lake Merritt, Instagram, it's all popular. Look, I saw a fish. Cool. People love fish. We're all crushed when the algae blooms killed off all the fish in the Delta and the estuary. And we, really, we don't want that to happen. We should do better. California can do better. Please do better. We all deserve healthy ecosystems and a healthy Delta so that we have more fish.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		Thank you.	
1412	1	LAUTZE: Good morning. My name's Richard Lautze. Good morning to the members of the Board. For 30 years, I had the privilege of teaching a class on California water at the Urban School San Francisco. Each year, I would take high school seniors into the field for the last six weeks of their high school career. These students were excused from their other classes, so we were able to travel together in a short bus, of which I was the driver. The goal of the class was to expose students to the complexities of water management in the state of California. My job was to introduce them to as many stakeholders as possible and let them hear firsthand what the issues were. Peripheral Canal, Kesterson Reservoir, levee setbacks, tunnels, pumps, fish screens, Delta smelt, tribal water rights, Mono Lake, public trust. We biked along the California aqueduct, kayaked to Consumers River Preserve, backpacked above Hetch Hetchy. We traveled with members of the San Francisco Water Department, the Hetch Hetchy Management Group, LADWP. We also met with Friends of the River, Tuolumne River Trust, Restore Hetch Hetchy, Paiute elders in the Owens Valley, tribal leaders among the Klamath. We met with rice farmers, Delta farmers, dairy farmers, almond growers, and row crop farmers. My job was to expose the students to the experts so they could form their own opinions. Most years, we ended the class standing on the shore of Mono Lake, a place that to me represents a microcosm of the entire state. Every year, students ask the same question: Why is the lake still not at the mandated level of 3692? Why is L.A. still allowed to divert water from the tributaries of Mono Lake? I think this demonstrates why Voluntary Agreements cannot work. 30 years after a legal mandate, Mono Lake is still not restored and still in danger. It's not DWP's job to restore Mono Lake unless you, the Board, make it their job. You must protect	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		the public trust. More directly related to the Bay-Delta Plan, it's not the San Francisco Water Department's job to re-establish salmon runs on the Lower Tuolumne unless you make it their job. As they tell my class, their job is to deliver high quality water to the people of the Bay Area. They do a great job of that. You, the Board, need to set limits on how much water they can impound. You need to help define their job. You need to create the baseline based on years of evidence you have, not based on Voluntary Agreements. I think it's your job to represent the underrepresented. You need to put limits on the water available for the sake of tribes, fish, and the environment. You need to use science, not politics, to make your decisions. Yesterday afternoon, a panelist in the fourth panel said that you have a framework. You need to reconsider the starting point. After all these years, we cannot start with Voluntary Agreements. Thank you very much for your time.	
1413	1	PIERRE: Good morning. Okay, great. Good morning. Thanks for having me, and again, sitting through another three-day workshop on this important topic. We've been listening in. I just want to be clear, I'm with the State Water Project. The Central Valley Project has an entire important conference that they're doing, so the fact that they're not here in the room doesn't mean that the HRL parties are not here either online or texting and sharing information and listening to the valuable comments, your comments, and public comments that we're hearing during this workshop. We are here. We have been here. We've done numerous panels, but we really felt like at this point in this process, it's time to really hear from everyone else. We've presented what we can. We still support the HRL as the best path to meet the needs of the environment and other uses, recreation was just mentioned, hydropower, farming, businesses, everything that runs the state. It's been vetted by two different independent science panels, one at UC Berkeley, one at the Delta Independent Science Panel. It	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		was mentioned yesterday. But I just want to underscore not only the scientific basis report that you did, but also these independent panels have both looked at this and said, based on the science we have, this is scientifically sound. It's ready to be implemented. There was a lot of commentary yesterday about whether or not HRL is ready. It's been ready. It's still ready. And you heard yesterday the one panel we did was about habitat readiness and the fact that that's already being implemented, and there's been a head start on that. The HRL parties are builders. We're solution finders. That's what we've been trying to do. The cuts that we're going to make to our water supply, the funding that we're putting on the table, they reflect in total an entire reservoir's worth of water. So there's a lot of commentary about this not being enough, but what matters is the context. And I think this month has been so important for me to help others explain and understand what's happened. So for example, on January 9th, there's 136,000 CFS moving through the Delta under the Golden Gate Bridge. That's the equivalent of 250,000 acre-feet a day, in one day, 250,000 acre-feet moving through the Delta. That's not when HRL water or even unimpaired flow matters. That's not when it matters. It matters on days like today when there's 50,000 acre-feet of total water moving through the system. That's when 800,000 acre-feet of additional water really matters, and that's why the HRL is targeting these middle-year types. It's meant to be flexible. It's meant to really be additive to the times when the system actually needs the water. It also reflects eight years of habitat construction, which I think is the maximum human possible amount of construction of habitat of anything in the state we could possibly do. That's a push and we're going to -- that's why we started early and we committed to those numbers. We invite others. We invite the opponents of this to join us. We have been making that invitation. It's been on the table for years. We hold the door open. The governance we propose is still open. There's still so much value to having the dialogue, learning about	

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		the system, and using the resources that are being proposed to really maximize the operations of the system for all of its beneficial uses. We're ready to go as soon as if you adopt it. Thank you. PIERRE: Me too. So I don't have it in front of me. There's variations; right? I think there was a table showing yesterday, by staff's presentation, there's differences in different year types. But on average, I think the number is around 800,000 acre-feet for below normal, above normal, and dry years. In wet years, there's a little bit of water. But again, that gets to my point of is there value in adding more water in these sustained wet year types? And then with dry years, I think there's already so much curtailment that there wasn't a place to look for it. I'm hopeful that the state is able to look at environmental water purchase programs that could really start to reduce demand in critical years. I think that's a path that we should be exploring, and I think the HRL program sets up a path for that, and so does some of the Prop 4 funding and other funding that we've seen in the state. So the number, I'm sorry, I'm not being exact. It's an approximate number, and in my brain. PIERRE: Yeah. PIERRE: I mean, if staff wants to correct me. PIERRE: Okay. PIERRE: Oh. Okay. PIERRE: I can check into that. PIERRE: Yeah, I think we've been thinking about that for a long time. Obviously, you know, there was proposed enforceability -- or enforcement agreements that have been on the table for quite some time, and we see enforcement as kind of multi-tiered. The program doesn't work unless all the water users are in it, and I'm	

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		really happy to see more water users have joined since it's last been before you, and so it doesn't it doesn't work when one water user isn't producing. So, for example, we're going to be charging our users $10.00 an acre-foot so that we can go buy environmental water from upstream users. If we don't produce the $10.00 or they don't produce the water, we're all on the hook for it not working, and we don't want to be in that position because, you know, we are trying to implement this program. So I understand many don't feel that's good enough, you know, that you want something from the Board, and so there is opportunities from the Board. We think it's -- the triennial reviews are incredibly important for there to be a public disclosure and discussion about what we've learned, what we've done, what worked, what didn't work, what -- where -- you know, what needs to be adjusted. We think eight years is probably the minimum amount of time that can be until you really need to make a shift, but I don't think that we have been pushing back too much on the Board's proposal to have an ability to call a red light prior to year eight. So, you know, that – there's all these mechanisms to basically say time out, we're -- this was really not the right path if that's what occurs. But there is -- you know, we are self-incentivized to make it work and to do the things we said we're going to do, and I think very wanting to have a very transparent discussion about what's working and what's not working. From my perspective, I don't want to speak for other parties, but I do see HRL and unimpaired flow, whatever, the updated Water Quality Control Plan at large as a scientific experiment in a lot of ways. There is a lot of information we know. There's a lot of information we don't know. And I just want to make sure we're giving ourselves a space to use the resources being put on the table regardless of which path we're using to really understand that. And I think I heard some comments yesterday about the science program. Anyway, I'm getting off, but this is in my mind about	

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		enforceability is really about giving some space to test some things, improve our understanding, and make adjustments. That is kind of the foundational piece of what we're proposing, but I don't think that's limited to HRL. I think it can be done in the context of the whole Water Quality Control Plan, and I hope it is. PIERRE: The enforcement agreements of old allowed for the Board to essentially take enforcement actions on a party that was not performing. So, you know, as we see it, if a party's not performing, that's going to impact the program, so I think we'll probably, you know, have an, you know, intervention with whoever's not doing their job internally. If that doesn't work, we're going to come to you and say, you know, this was our partner and it's not -- it's causing the whole program a problem, and we need the Board to step in and deal with this particular party or deficiency of something that was committed to and not happening. So that's how we've seen things. And, you know, I think those are not final, so I'm not sure if that will be revised, but that's how we've seen that for quite some time now. PIERRE: Thank you. PIERRE: Thank you for the forum, and I appreciate that there'll be a forum on the triennial reviews to really continue to expand everybody's understanding of the different trade-offs. Thank you.	
1414	1	TOWEY: Excuse me. Thank you. Good morning, Chair Esquivel, members of the State Board, and the public that's listening in. My name is Alice Towey. I'm the Director of Water and Natural Resources at the East Bay Municipal Utility District. We've heard several speakers today comment about the success of the Mokelumne River. We are very proud of that success. And I'm here today to express East Bay MUD's continued support for the Voluntary Agreements. You know, we talk about the Mokelumne River sometimes as being small but mighty. Even though we're only about 2.5 percent of Delta inflows, we provide some years as much as 50	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		percent of the commercial catch off the coast of California. And we think that's because of the JSA partnership, the program that we've been doing since 1995 that was codified into D-1641. And we see that JSA program as really being kind of like a proto or a smaller version of a VA. It includes targeted flows, habitat restoration, with a collaborative governance and science program. So we're excited to take the next step. We've designed our VA proposal to be additive to that program and to hopefully continue to improve the success on the Mokelumne.	
1414	2	I do have a few comments on the Draft Plan before us. I want to express, first of all, my appreciation to you and to your staff. I know it's been a tremendous amount of work to put this document out. We're pretty happy with the direction things are going. There are a few places where we're hoping to continue to engage with State Board staff to make some improvements. On the flow accounting for the Mokelumne, what we see in the December draft is significantly improved over what was in the July draft. There's a few specific places we've identified, just like a handful of kind of targeted red lines that we will submit in our comment letter and we hope to discuss with staff, just to make sure that the flow accounting truly aligns with our proposal. Just to the question earlier about enforcement, I'll just reiterate what Jennifer Pierre said. We feel that enforcement agreements are really fundamental and essential to this program. It's important for all of us on the River to really know clearly what everybody's obligations are and to have that spelled out. And we also think that the enforcement and transparency that was originally intended in those enforcement agreements I think is responsive to a lot of the concerns and comments you hear about the VA program. So we're appreciative that State Board staff are, you know, continuing to engage with us on the development of those of those enforcement agreements.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
1414	3	Turning to the regulatory approach, I want to say thank you for introducing the concept of the water supply adjustments. We appreciate that you heard us about our concerns about water supply impacts. We think the intent and the concept is really	Temperature impacts were analyzed in Staff Report Section 13.7.6.2, Aquatic Biological Resources. See Common Response 7.6.2, Aquatic Biological Resources and Cold Water Habitat, for information on implementation of the cold water habitat

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		good. Again, we do hope to engage with State Board staff on, specifically, the tributary-specific WSA for the Mokelumne. There's some nuances about the way our system works. We tend to operate Pardee and Camanche as a unit and I think that table five only shows Camanche. So we hope to meet with State Board staff once they're done with the public workshop and have a conversation about, you know, what our actual operations and regulatory requirements are because we think it's possible to create something that is a little more implementable. And then the last thing I'll just say in my short time left is that we do continue to be concerned about the temperature impacts under the regulatory pathway, particularly with unimpaired flow. You know, obviously, if we're in the VA program, we expect that that wouldn't apply to us. We would just continue to do the temperature management as we've been doing it and just keep with the requirements in D-1641. But we have done some modeling looking specifically at 2025 as the most recent calendar year that showed that, you know, even with the water supply adjustments, it would be difficult for us to maintain cold water pool under the regulatory pathway. So that is a concern for us on the Mokelumne because temperature management does continue to be a limiting factor. So again, I'll close my remarks there. I'm happy to answer any questions. And, again, I just want to say thank you to State Board staff. I know it's been a really long road and I appreciate their continued engagement and that, you know, when I call them or email them, they still answer the phone or respond. So thank you all. TOWEY: We absolutely will. Thank you. TOWEY: It's fine. I do it myself sometimes. And I will just acknowledge the fog out there is no joke. It is like a thing, so --	objective. The State Water Board considered all comments requesting changes to the revised proposed Plan amendments and incorporated some of the suggested changes. Please see Common Response 1.3, Revised Proposed Plan Amendments, for a general summary of comments received and responses as well as a project description and a summary of the changes to the project since the December 2025 revised draft Plan.
1415	1	MAYOR HERNANDEZ: Looks like they're coming in. MAYOR HERNANDEZ: Yes.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not

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		MAYOR HERNANDEZ: Perfect. MAYOR HERNANDEZ: Good to see you too, Chair. MAYOR HERNANDEZ: Yes, yes, but very important to be here. And I want to recognize all our Board members as well. Thank you for having us. There's a note that there might be one of our elected officials on line. If they still are, they should go first. KIMBALL: That's okay. KIMBALL: I actually – KIMBALL: That's not a problem at all. And thank you very much for letting me go first and kicking off this important panel. Thank you again for the time, Chair Esquivel and Board members. This is obviously a really incredibly important multiple day hearing. So my name is Mary Kimball. I am the Board Chair for the Yolo County Flood Control and Water Conservation District. And, you know, it's really important that we are here today to be able to thank you, thank the Water Board, thank the Board staff who have worked so diligently and hard, DWR and our partners, of course, in Solano County for including our District in the Healthy Rivers and Landscapes Program. As many are aware, Yolo and Solano have had a long-term and successful partnership on Putah Creek. And in fact, for those who know the area well, literally the locals call it Yolano because it's an area that have -- you know, the creek may divide us from a county perspective but not from a land use and a water use and a collaborative perspective. And, in fact, many farmers farm on both sides of Putah Creek and have been working together for many, many decades. What may be less known is that our four county region of Napa, Lake, Yolo and Solano have had a long term partnership and working together on the regional water issues as part of an	raise specific economic effects of the project. The environmental impacts and economic effects of the revised proposed Plan amendments are analyzed in Staff Report Section 13.7, Environmental Analysis, and Section 13.8, Economic Analysis and Other Considerations, respectively.

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		integrated regional Watershed Management Planning Program for many years. So we are well accustomed to working together and to working on these kinds of projects and programs. From the District's perspective, our District's mission is to ensure a reliable water supply for our local agriculture communities and the environment of Yolo County. Additionally, we work closely with our small rural communities in Yolo County, as well as many of the small water supply agencies in Lake County and in Clear Lake. And personally, I want to add that I grew up on a small farm, 20-acre farm, just outside of Cache Creek, actually part of the Cache Creek Watershed. And I personally know, having grown up there since the early 1970s and with so many small farmers and regional larger farmers, that Cache Creek is literally the lifeblood and has been for, again, many years for agriculture and small communities in Yolo County. Because of this, I think I really need to say, similarly to our regional partners, that the unimpaired flows approach would devastate our water supply and water reliability for our agricultural and small communities of Yolo and Lake Counties. One of the unique aspects of western Yolo County is that active conjunctive use management has occurred for decades. And the District has been a leader in optimizing surface and water availability and monitoring groundwater well before SGMA. We are extremely proud of this fact. And again, we are happy to be a part of this leadership from the standpoint of water monitoring. And I'm very excited to continue to do this as a part of Healthy Rivers. The Healthy Rivers and Landscapes Program would allow our District to continue to proactively manage both our surface and groundwater supplies to sustain the socioeconomic and environmental well-being of Yolo County, as well as our regional partners that are in the room today. Thank you again, Chair Esquivel and the Board members, for listening to our concerns from Yolo County. And I pass over to my	

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		colleague from Napa, or whoever's going to go next. Sorry, I'm not exactly sure given I'm not in the room. Thank you.	
1415	2	MAYOR HERNANDEZ: Thank you so much. This is -- well, actually, a lot of the comments I would have made have been noted. So that was really well done from our speaker online. Well, good morning once again. My name is Alma Hernandez and I serve as Mayor of the City of Suisun City. This time, I do have a new update for you all. I was just appointed and elected by my colleagues as Chair of the Solano County Water Agency. So today I also represent the seven cities, the five supervisors, and the four presidents of the Irrigation Districts of Solano. And – MAYOR HERNANDEZ: Thank you so much. Thank you. I want to first off thank you all for your diligent work and efforts, and the staff here as well, for the revisions that have -- were implemented in the Revised Draft Bay-Delta Plan and for your continued engagement with our region. We value the process and the opportunity to continue open and ongoing dialogue. Our four-county region Solano, Yolo, Napa, and Lake Counties, have a long history of collaboration, as you heard on mine as well, on complex water issues. We have successfully partnered through SGMA implementation, the Westside Integrated Regional Watershed Management Plan, regional water supply planning, and most recently in our coordinated responses to the golden mussel. These efforts demonstrate the regional watershed-based solutions that they are achievable when local agencies are engaged early and meaningfully. And we look forward for that continued collaboration here with the State Water Resource Control Board in our region as well. One of the things that I want to quickly note at a very local level and using my experience commuting this morning, on my way here, I really value being able to be here in-person, not only because I get to know you better, I listen in sometimes when I'm commuting or on the way back, so I also know it's a very complex conversation that's taking place. And one of the things that I value is not only the continued opportunity to be here, but knowing that it provides an opportunity for you to get to learn a	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		little bit more about us as well. So I planned my trip. I knew that I needed to get here early, get here on time, look for parking. I knew colleagues would be joining to be able to kind of sit there and collaborate right before we got a chance to speak. And those are all the things that I knew of and about, and those are all things that I thought I had control of as well. And on the causeway, in the middle of the causeway, there was a broken down incident and it caused -- I was in the causeway for about an hour in the middle of fog. And what it reminded me of is, although we have a lot of opportunity to see all the things and changes that we're trying to do collectively, there's a lot of really great minds trying to resolve some of the water concerns happening throughout the state, that we don't control every element or every aspect. So at a very local leadership level, I think for me the most important thing is how we can create greater clarity about when we see something that we just have enough time to make an adjustment for. In my example, I happen to have my navigation system and it cued me just in time that there was an accident ahead. And I slowed down enough in the causeway where there's no way to like veer off to the edges, enough to avoid any accident myself. And I think that that is the ask of all of us. It's how do we implement or how you as a regulatory body implement enough guardrails or enough systems that if there's something that happens as we're implementing these changes, that there's enough lead time for us to collectively come back and address some of those issues. I really much like the red light, yellow light and green light efforts that have been put in place because those provide one avenue for us to kind of address like, hey, at a local level, these implemented regulations are actually not panning out the way that we thought of. And we may not see that for, you know, years ahead or maybe a decade ahead. It depends. But the opportunity to figure out, how do we continue to fine tune what that navigation system cues are to allow us at the local level to	

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		respond fast enough to indicate to you as the state water, you know, regulatory Board what changes may need to happen in the future. So those are the things we're concerned about at the local level, is greater clarity on what those pathways and opportunities look like. For Suisun City, the Suisun City Marsh, I've mentioned it before, it's the largest contiguous marshland west of the Mississippi. And we very much recognize the sensitivity of just water and everything that has to do with it at the both local and regional level. So I always advocate about what changes may happen and how they can affect us at the local level. So one of the things just to really button up here for you, we continue to advocate and prioritize Healthy Rivers and Landscapes as a preferred implementation framework for us. And we continue to advocate to provide greater regulatory clarity on pathways and timelines that support local and regional investments as well for us as we implement some of these changes And to continue to direct engagement with our local agencies to ensure solutions are implementable, equitable, and durable. And in closing, I want to reiterate my appreciation for your work and commitment to continued collaboration. We stand ready to partner with the State Water Resources Control Board to achieve shared goals that protect our environment while also supporting the communities that depend on these water systems. Thank you for your consideration.	
1415	3	MAYOR SEDGLEY: Well said, Mayor. Good morning. My name is Scott Sedgley. I have the honor and the privilege of serving as Napa City's Mayor. I was a 30-year firefighter with the city, raised in Napa, so I know it well, know the city, and I know the importance of our water, our water systems that we've grown. So let me -- I have some prepared thoughts. While many people associated with Napa -- associate Napa with wine and tourism, our city of 78,000 has many Napa natives, or sometimes called Napans, that make up our hard-working	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project. The environmental impacts and economic effects of the revised proposed Plan amendments are analyzed in Staff Report Section 13.7, Environmental Analysis, and Section 13.8, Economic Analysis and Other Considerations, respectively.

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		agricultural community. The City of Napa has invested in surface water supplies through the years and relies equally on two major water sources to meet our community needs, local Lake Hennessey Reservoir and the State Water Project, where we share our regional intake at Barker Slough with our Solano County neighbors. Our community has embraced efficient use of our precious water resources through robust, consistent investment in water conservation programs. Our city has been able to accommodate modest, less than one percent growth per year to tackle affordable housing and shelter the homeless while containing our municipal water use during drought years and wet years alike. I'm very proud to report that the City of Napa uses the same amount of water in each of the last two years, '24-25, as it did in 1996. We are doing our part. The City of Napa supports the Healthy Rivers and Lands [sic] Program. The HRL Program embraces balanced water supply, environmental flows, agriculture, and recreation. The alternative regulatory pathway with unimpaired flows would be crippling to our viability as a community. It would strain new affordable housing, reduce the economic viability of our community, and could lead to many of our businesses leaving the city and the state. Our community water system has been built to resiliency to our two major suppliers, geographically feeding from opposite ends of our community. The proposed reduction in availability of our State Water Project supply directly affects our ability to support our community. We experienced the 6.0 South Napa earthquake in 2014, the Patrick, Atlas and Tubbs fires in 2017, as well as the Hennessey LNU fire in 2020. Our ability to serve and protect our community, especially during emergency situations, in large part is due to the reliability of our water supplies. Thank you for listening, and I encourage you to act in the best interest of our local communities. Thank you.	

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1415	4	SUPERVISOR MANFREE: Hello, my name is Amber Manfree. I am the Chair of the Board of Supervisors in Napa County. And I have about 25 years of experience in natural resources science, so I really appreciate the work that you're doing, and I understand how difficult it is to balance competing interests. Yeah, so thank you. Thank you for that work. My notes are a little out of order here, but I want to be really clear that Napa supports the Healthy Rivers and Landscapes Program, formerly known as Voluntary Agreements. The additional flow and non-flow science program and adaptive management commitments brought forth by proponents recognize freshwater resource dependency for users while advancing the Delta ecological objectives. The unimpaired flow regulatory pathway of water supply adjustments for north of Delta summarized by water year type in Appendix H, we're not in favor of it because it would push Napa into greater depletions of already strained local water resources during dry and critically-dry years and/or ramped up dry year purchases, which may not be available to us due to large buyer competition. We don't really have the population and the resources to compete with major urban centers who might want to buy that water, so for us this is a big risk. And I also want to say that we have limited capacity and many other issues to contend with. As Mayor Sedgley mentioned, we've had a lot of disasters. In fact, between 2014 and 2024, the County of Napa experienced more disasters than any other county in the state of California because of all the fires we had added on to disasters that were more widespread. But we've really had to contend with a lot and we've come through it really well. But for such a small community, it takes a lot to do that work. And if we also have to contend with water shortages, it's going to take a lot of our existing capacity away from the other work we need to do to keep residents safe and well. So I am concerned about that. We have been working hard on having a collaborative positive relationship with surrounding counties, especially Solano County Water Agency, who we negotiate water arrangements with for	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project. The environmental impacts and economic effects of the revised proposed Plan amendments are analyzed in Staff Report Section 13.7, Environmental Analysis, and Section 13.8, Economic Analysis and Other Considerations, respectively.

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		Lake Berryessa. And also, I personally led the charge on adopting the strongest golden mussel -- some of the strongest golden mussel -- I'm trying to find the spot where this is. But we've addressed the golden mussel crisis together and I think we've done a really good job of that as neighboring counties. Let's see. So I'm getting toward closing here. Our big concern is not having the water supplies we need in dry and critically-dry years, particularly. If we don't have the water supply that we need in those dry and critically-dry years, we may lose pressure at our Jamieson Water Treatment Plant, which is the node that creates water delivery all the way up to Calistoga and down to American Canyon. And I think it's also very important to note that the City of American Canyon relies nearly 100 percent for their water supply on the North Bay Aqueduct and the State Water Project. So in dry and critically-dry years, this is a huge risk for them if they don't have the allocations they need. Yeah, and the system is designed for the current allocation structure and we'll have to redesign the system if we don't have that or, you know, face lots of pressure in the system, which is a big problem. So we would appreciate the -- that you move toward the Healthy Rivers and Landscapes Program so that we can continue to meet our community goals of affordable housing, healthy communities, sustaining our environment and our community vitality. We need flexibility in our water portfolio to maintain our valuable agricultural industry and, I think importantly, to also comply with SGMA because of the relationship. We are in a high-priority basin and we're trying to get ahead of that, wrap our arms around that and tackle it. But having water cuts, especially in dry and critically-dry years, will really undermine that work that we're doing on SGMA. So in closing, as you have heard from this panel of Board members from Napa and Solano Counties -- do we have someone from Yolo, yeah -- and Yolo Counties, I hope you can understand and feel our passion for our local communities. Our region has a long history of working together effectively and we look forward	

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		to continuing that, such as with Putah Creek Accord, our Westside IRWMP, and more recently on golden mussels. The Healthy Rivers and Landscapes Program provides another opportunity for our region to continue our strong record of collaboration and working together. Thank you for your time and consideration of what you have heard from our community and I look forward to continuing these conversations with you. I'm a big fan of adaptive management and I do understand that conditions change and that we'll respond to those things as they come up, but thank you for hearing me out today.	
1415	5	SUPERVISOR MANFREE: I would have to circle back with our water supply managers before commenting. MAYOR HERNANDEZ: Yes, thank you. I think what I'll add just for us is we see the work that is being made in the unimpaired flows, the fact that it's actually a pathway where we started off on it being completely off the table. I hope you can tell that even my tone has changed from the first time I came to what are you doing to our community to, hey, we see, we see you, but you see us; right? And then there were some technical questions from our staff, but they are a little more scientific in nature, so I will actually let them lead that part of the conversation. For me, it was really about ensuring that you also see that we're still monitoring, we're still reading, we're still familiarizing ourselves with the material, and it will continue to come back as those questions arise. And I know that you're very accessible, so I know that if I were to send out a communication that you were responsive to help clarify any of the information that we would continue to have questions on. I know staff still has questions. They still want some pieces there to be adjusted in the rate, especially dry years, and temperature were some of the things that I remember reading on and having them kind of flag for us as well. And for me, it was really around how do we adjust and how fast can we adjust if something is just off?	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		And it's like, as you pointed out, just as coming in late to this conversation, the first time I came, I was listening to all of you talk about the years of work already taking place. So I agree with you. We live in a very fast-moving and fast-paced environment. Climate change is real and it's moving in ways that we may not have anticipated. So how fast can we collectively work together to figure those pieces out as it will continue to change? And that's why I'm here. It's like I recognize that, and I'm really interested in how can we collectively work on that piece together. MAYOR SEDGLEY: Thank you for the opportunity to share with you. And as Supervisor Manfree said, our system was designed for the State Water Project allocations that comes into the south end of the town. And our old reservoir built in the '20s at the north end, it all works together so that we can push water back and forth in between. And we're dependent on that supply and into the future of our community. And agriculture is a big part. So thank you so much for your consideration.	
1416	1	HANSON: Good morning. HANSON: My name is Jennifer Hanson. I am representing Nevada Irrigation District. I serve as the general manager. Thank you so much for providing this opportunity to provide comments on the Bay-Delta Basin Plan update. We greatly appreciate it. We are a new party into the Healthy Rivers and Landscape Program. And as many people are aware, we've been working diligently with staff to make that happen. So I'm very appreciative of their hard work and all their great questions they've had. We have had the opportunity to look and model the water supply adjustments that came out with this newest issuance. And unfortunately, Nevada Irrigation District, under an unimpaired flow scenario, we would experience some very dramatic impacts, negative impacts. And that's primarily associated with reductions in carryover storage and the ability to provide not	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project. The environmental impacts and economic effects of the revised proposed Plan amendments are analyzed in Staff Report Section 13.7, Environmental Analysis, and Section 13.8, Economic Analysis and Other Considerations, respectively. Many of NID's comments are based on an analysis by Western Hydrologics that draws conclusions based on modeling and analysis that overstates the effects of the proposed Plan amendments on NID's operations. See Common Response 6.1, Sacramento Water Allocation Model and Changes in Hydrology and Water Supply, for discussion on Yuba River model representation and operations and response to NID's comments based on analysis by Western Hydrologics. In addition, the revised proposed Plan amendments include significant flexibility to reduce supply impacts while providing flows for aquatic beneficial uses. See Common Response 1.3,

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		only treated water but also raw water supplies. Nevada Irrigation District is very unique in the fact that most of our system was built in the late 1800s. So if you want to see something very old, come on out. But what it does is it restricts us from having access to other water sources. We do not have access to groundwater. We are at the top of the watershed. And so through our modeling, what we have discovered is that we would essentially not be able to serve any raw water. Other folks refer to it as irrigation water. In our case, irrigation water is not used for large corporate farming. It is used simply for private residential small agricultural uses throughout portions of Nevada as well as Placer County. And the reason why we wouldn't be able to serve raw water anymore, which is about 90 percent of our water uses, we simply would not have enough water to feed the treated water plants, as well as we have 400 miles of open canals and it does take quite a bit of water to move through them. We will provide some further comments related to the modeling. I think there might be either something we're not understanding in the model or a model issue, which I can speak with Water Board staff regarding. But I also wanted to express our support for the Healthy Rivers and Landscape Program. As many of the comments indicated, it seems to be being couched as extremely negative as well as detrimental. But I would like to reiterate that it does provide for flows. It does provide for habitat. It provides for a robust science program. But I think what is perhaps the most beneficial is that it provides for a forum and almost forced collaboration with all the water supply entities within the basin to work together. We will be in this together. We will have to work together. And we have an incentive to make this work and to be successful in it. I did also want touch on one other comment and that was related to enforcement. There was many concerns related to how will this program be enforced. And one thing that I don't believe was noted, unless I missed it, was that not only is there enforcement agreements and enforcement mechanisms couched into the	Revised Proposed Plan Amendments, for more information on the regulatory pathway and the implementation methodology.

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		program, but also many of us have larger regulatory proceedings that are related to operation of our large hydropower projects. And for example, we are going through the process right now of requesting or applying for a 401 certification, which many other agencies have as well. And in the draft certifications that we have been seeing come out, it is already noted as a requirement or condition of those 401 certifications. So if we were not to comply, there would be a regulatory channel directly with the State Board, but there would also be a regulatory channel through the FERC licensing process. And then lastly, I've also heard concerns expressed regarding habitat projects. And I did want to share with the Board, and some of you may know this, but NID has developed a very neat habitat project that is directly going to benefit salmon within the Auburn Ravine. And we came up with this program from working with an actual fishery NGO that's very active in the area. So we went to them, we said, what would be the most beneficial? We really want to make a difference. They said, our biggest problem is on-screen private diversions going on to private properties where juvenile salmon get caught in them. So through our conversations with them, we've developed this idea of a grant program to complete screening on these private diversions. We have NGO partners. We're working with the California Family Water Alliance, which is a agricultural entity, as well as other water suppliers. So we are committed to the habitat portion, and I did want to thank all of you for this opportunity to speak and to express my support of the Healthy Rivers and Landscape Program.	
1417	1	HERINGER: Chair Esquivel and the Board members, I apologize for the interruption. I'm a widely known techno idiot. I appreciate the opportunity to address you today regarding my concerns about the draft Delta Plan update. I'm Steven F. Heringer, V, of seven generations of the Heringer family to farm Delta soils. I have personally farmed Delta soils for over 55 years and been a trustee on Reclamation District 999 for over, well, 42 years.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		As a Delta farmer, we have been proactive regarding our water conservation and usage dogma, moving our operation to drip and regulated deficit irrigation techniques 30 years ago. Our sixth-generation family farming team operates today under sustainable and organic practices. Our great concerns are not against sharing excess water with other state water users, but rather doing so in a way that predicts and preserves the incredible blessings of the largest land estuary and the habitat it supports for future generations. It's absolutely clear that the over-drafting of water out of the system causes irrefutable and irreversible damage to water quality and environmental sustainability. The original Delta Plan was conceived to protect the Delta from further degradation by identifying that the system needed to maintain 75 percent of unimpaired flows to achieve a healthy environment. Subsequently, the Board modified these flow expectations down to 55 percent, a frightening experiment for Delta environmental health. Now the political monster rears its very ugly head in the form of Voluntary Agreements negotiated under the cover of darkness and a total lack of citizen transparency between compromised state government leaders and large water users south of the Delta. I have personally witnessed algae blooms and invasive plant species floating down the Sacramento River in large pods. These low flow, low river flows are also conduits for potential soil assault -- excuse me, salt intrusion, which would decimate our very productive agricultural soils. Harmed, as well, are the many species of fish, water creatures, and land animals that rely on clean quality water of proper temperature for their species survival. As individuals and as a Board, you are now carrying the responsibility to ensure the survival of the great California Delta for future generations by ensuring a clean and vibrant estuary. The decisions you make today must abandon political leanings	

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		and not only preserve, but restore and improve the Delta for 100 and 200 years from today. My descendants and yours are counting on you to do the right thing, abandon the VA agreements and promote regulations that would achieve those ends. Thank you for your consideration and attention. Thank you also for your service. And I encourage you to enjoy a glass of great Delta wine with your next salmon dinner. Thank you.	
1418	1	MANZO: Thank you. MANZO: Good morning, Board. Appreciate being here. So, I'm Mario Manzo. I'm the Deputy Manager for Reclamation's Bay-Delta office, and I'm here on behalf of the Regional Director, Adam Nichols, who's at our water user, annual water user, so unfortunately wasn't able to be here. So since the 2022 Memorandum of Understanding on the Healthy Rivers and Landscape, Reclamation has been working and making significant progress working with the parties on that program and concurrently advancing the operation of the Central Valley Project and State Water Project, with Reclamation most recently signing the record of decision on Action 5 in December of 2025. With Action 5, we made several advancements for communities and species relying upon that limited natural resource. We incorporated the best available science from the last few years, including the official model life cycle, life cycle model for Delta smelt and -- sorry, including the fish and wildlife life cycle model for Delta smelt on Fall X2, and the information from the National Academy of Science on Delta and Shasta management. We're also improving our weekly assessment process, including use of the SacPAS website to make as much information publicly available as possible. Every week we add more automated features and hope other state and federal agencies will follow suit and also making their information as publicly available.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		Specific to HRL, it is still included in Action 5. It's included as a re-operation of Shasta, as re-operation of Folsom, and re-operation of Delta exports for those HRL parties. And it's as proposed in the 2022 MOU, and it could be implemented once finally approved by the Board. So I know there's been a lot of questions about whether it's still included. There is a bit of confusion as it relates to the two-year early implementation provision. That was removed from the Action 5. So the two-year early implementation was not a part or consideration in the 2022 MOU. That was something that the parties developed as part of the re-consultation efforts that were concurrently going on at that time, and it was premised on the idea that there would be timely adoption of HRL, also that there would be consistency with the State Water Project in that adoption, and then also that there would be an approved monitoring program to collect that data to allow for us to inform HRL. So none of those things happened or have occurred, and so therefore it was removed from Action 5. But as I stated before, the re-operation of Shasta, Folsom, and Delta continues to be in the Action 5. We understand the Board still may have questions on Action 5 or the written responses we provided back to your public comments. And I had a note here that said we're still open to meeting with y'all, but I think we've gotten over that hiccup, and we have meetings set up with our staffs next week. So if nothing else from these hearings, it's good that our offices will start talking again and having that coordination. So we've also been doing a lot with the Healthy Rivers and Landscape on implementing habitat projects. Consistent with the best available science and our structured decision models, we've obligated $300 million since 2018 towards habitat projects in the Central Valley. We see these physical projects in the Central Valley -- sorry -- as one of the few efforts actually moving the needle for species, and we look forward to working more with our partners, like the Regional Water Authority, River Partners,	

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		our Sac River Settlement Contractors, the Bridge Group, and others to implement actual change. While we've done a lot, there's still much to do. Specifically, discussions are needed with the State's Executive in order to return to the key tenets of the 2022 MOU. This includes correcting the Water Quality Control Plan to reflect a shared agreement on three key items. Those items are adaptive management and continuing incorporation of the best available science, the eight-year period, and the extent of the Executive Director's authority. Thank you. MANZO: Yeah, we'd be happy to have that conversation. I think it's less about a change in monitoring and a change in vendor, and so that's been confused, yes. MANZO: Happy to have those conversations. MANZO: Appreciate that. Thank you. MANZO: I don't think it's a concern. I think it's what all the parties have been talking about with sideboards and understanding that we don't get to year eight and then try to make a decision again with no triennial reviews or emphasis throughout the duration of trying to understand what's happening. And so it's just reflective of not waiting to the eighth year to try to redo this all again. MANZO: And I should add, it's also a concern about trying to stop it somewhere in the middle abruptly. MANZO: Appreciate it. Thank you.	
1419	1	FAJEAU: Hi there. Can you hear me? FAJEAU: Wonderful. FAJEAU: Thank you. Hello, Chair Esquivel, members of the Board. My name is Layne Fajeau. I grew up in the Delta and care deeply	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		about its communities and ecosystems. I want to be very clear, outside of my comments, that implementing Voluntary Agreements in place of enforceable, unimpaired flow regulations would represent a profound abdication of the Board's duty. The Bay-Delta is in crisis. Salmon populations have collapsed. Fish and moratoriums have destroyed crucial industries. Delta communities are living with decades of harmful algal blooms and chronic health impacts, and several species are on the brink of extinction. These outcomes are not accidental. They are the direct result of decades of overextraction and regulatory failure. Candidly, your failure. And that is why it is so alarming that at this moment the Board appears poised to step back from its role as a regulator and instead place its faith in voluntary commitments from the very water agencies that caused this crisis. The State Water Board is not supposed to bend the knees to water agencies. Your job is not to broker political compromises. Your job is not to regulate anyone's -- or advance anyone's 2028 campaign narrative. Your job is to regulate. It's to protect beneficial uses, public trust resources and water quality for the people of California. VAs invert that responsibility. They ask the public to trust that powerful water diverters will restrain themselves, decide how much water is convenient to leave in waters, and police their own impacts. And you give those water agencies an eight-year head start to abuse this trust before the chance of implementing unimpaired flow regulations. The Bureau of Reclamation's participation, or lack thereof, is a perfect example of this. The Bureau has repeatedly demonstrated that it is unwilling to comply even with existing state law requirements. Yet the VA framework treats it as a reliable partner without meaningfully analyzing what happens when it fails to follow through. But the Bureau is not an exception. It is a microcosm of a deeper failure. Relying on the very extractive agencies that caused this	

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		crisis to save the Delta, when doing so conflicts with their expressed mission to secure as much water as possible, will fail us. It has cost communities their livelihoods, their health, and their faith in public institutions. And make no mistake, choosing VAs over unimpaired flows will only further erode public trust. Communities already feel that government agencies serve powerful interests first and people last. We don't need another example of that with the State Water Board. Thankfully, this Board still has a choice. I want to look up to the State Water Board. Your mission is admirable and your potential to affect California's ecosystems and communities is immense. This agency exists precisely for moments like this, when powerful interests demand your flexibility, but science, law, and the public interest demand your resolve. You can choose to lead by adopting a science-backed, enforceable regulatory framework that guarantees at least 55 percent unimpaired flows across year types, protects beneficial uses, and begins to restore public faith that this agency can serve people and not power. You can show Delta communities, fishing families, tribes, and future generations that this Board still believes regulation matters and that public trust is not something to be negotiated away. I urge you to reject the voluntary agreements, reclaim your regulatory authority, and do the job that this Board is created to do. Thank you sincerely for your time and have a good day.	
1420	1	BISHOP: Good morning, Water Board and public. My name is Allyson Bishop. I'm a third-generation Northern Californian living in San Francisco. In my lifetime, I've witnessed the degradation of our natural environment, loss of species, and general prioritizing of human greed above all else. I'm acting where I can to help change this. I'm very concerned that the revised Bay-Delta Plan with	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		Voluntary Agreements does not effectively consider the non-humans relying on access to water, in particular life in the rivers. The needs of the fish has been particularly well studied. Solid research recommendations to return to a thriving fish population remain, and these recommendations are being ignored. I do not want this. I know there are enormous demands for the water in California, but we must take care of the basics, meaning life, water for the life in the rivers, or at the very least, we will lose out on a beautiful environment that makes California a desirable home. But we need so much more. I want to return to an environment where the rivers are full of fish and other life, and where toxic algae plumes are not a regular occurrence. This requires enough fresh water flow, which will not happen with Voluntary Agreements. Voluntary Agreements benefit Big Ag and antiquated non-water conservation land systems, but not fish and other wildlife. I'm asking you to please do what is necessary and scientifically correct, which is to implement the Bay-Delta Water Quality Control Plan requiring upflows of at least 55 percent in Central Valley rivers in most years, because this is quite -- sorry, I'm having a cat interruption here -- because this is quite probably our last best chance to reverse the damage caused by our over-extraction of water from our fresh waterways and general neglect. Thank you for listening. BISHOP: Yes.	
1421	1	JACQUES: Good morning. Thank you for this opportunity to comment. I'm a long-time Sacramento resident, moved here in 1980, have absolutely loved the beauty and the biodiversity of the Delta, and I'm watching it just, all of that just decay and fall apart because so much water is, way beyond what is sustainable, is being diverted out of the Delta. And I second the concerns that the two previous speakers have raised. I see the Voluntary Agreements as political negotiations	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		by powerful players behind closed doors, while the rest of us, including local residents of the Delta and the tribes who have lived here from time immemorial, being locked out of that dialogue. And I do appreciate that you are, you know, giving us time to speak in these hearings, but we have been locked out. We don't have anything if we lose the Delta, if it collapses, and that is a significant risk. It is also my understanding that restoring habitat without providing adequate flows is a nice effort, but it won't fix the problem. The flows are the thing that is the most crucial, and we have got -- we are in a different world with climate change. We have got to learn to live within our current ecological limits, and that means communities working on water conservation, local groundwater refill, recycled water, using all those things as much as possible to maximize their water availability. I'm so passionate about this, I'm losing my train of thought for a minute, but we've got to live within those means. It also means that agriculture has to become much more efficient, and that some crops that guzzle huge amounts of water, and especially those crops that are then sent overseas like, you know, nuts and alfalfa, that we're going to need to change some of crops that are grown to meet the current ecological situation. So I join the two previous speakers in pleading with you to go with a regulatory model that gets us a minimum of at least 55 percent of the water flow that follows the science and that is transparent to the public. And again, thank you for this time. And may our beautiful Delta and every species in it survive, the salmon come back, and the smelt stop being functionally extinct. Thank you. JACQUES: Thank you for the time.	
1422	1	DURSTON: Hello. Can you hear me? DURSTON: Oh, good morning. Yes, I'm just coming to you as a concerned citizen. I'm a California native and my brother is a farmer in the San Joaquin County. And just knowing the salmon	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		as -- well, this is the third year that they haven't had any fishing industry in the salmon, and the Delta's plagued with toxic algae, impaired waterways, and changes in water quality, the water quality goal should be to attain the highest quality water. No comprehensive review of the water standards since 1995. We need a comprehensive review. Inadequate water quality and flow standards were left in place. These standards have a disproportionate impact on California Indian tribes and communities along the Delta. They harm -- harmful algae blooms, rising salinity, increasing levels of dangerous chemicals are not safe. The Water Boards have promoted Voluntary Agreements or VAs. The VAs are not based on environmental science and have excluded certain Indian tribes, environmental organizations, and fishing groups. If these VAs are used as a standard, it would be harmful to the ecosystem and lack input from interested parties. We ask the EPA to investigate the discriminatory water management practices and policies, initiate rulemaking for the adoption of Clean Water Act-compliant water quality standards, which must include tribal beneficial uses, and adoption of flow-based temperature and HAB criteria. Flows need to be managed for the benefit of the public interest. The state must be in compliance with the Clean Water Act. And I thank you for your time.	
1423	1	STROUD: Good afternoon, Chairman Esquivel and members of the Board. I'm a resident of the Bay Area. My concern is the December 25th updates to the Bay-Delta Plan are scientifically inadequate for all beneficial uses in favor of politically powerful Voluntary Agreements. I wish all California rivers could flow naturally, but in this comment, I want to focus on what happened to the Merced River when diverters were allowed to regulate themselves. I know the Merced was covered in Phase 1 Bay-Delta update adopted in 2018, but as Chris Shutes noted in his presentation yesterday, Phase 1 has not been implemented. So by default, the current	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		state is unregulated VA flow commitments. In my opinion, the Draft Plan that supports the VAs is not an experiment because we know what will happen when diverters are in charge of flows. Case in point, Curtis Alexander wrote an article for the San Francisco Chronicle in December 2024, highlighting that the Merced River was completely dry for five miles from June through October in 2022, and this wasn't the first time. Dry riverbeds become a permanent death zone for riparian plants, insects, baby fish, and eggs. It raises water temperature and reduces water quality both upstream and downstream. Anything with feet or wings will abandon the habitat. Nutrient-rich sediment will blow away, and what is left becomes a hot spot for greenhouse gas emissions due to respiration. Locals indicated that groundwater became contaminated and deadly with high levels of salt. The real scary thing about the story, if that's not scary enough, is that the diverters who sucked the river dry believe they had every right to do so, according to your analysis. Some of these water rights were pre-1914, which are considered inequitable and handed out with no concern for the environment, fish, or cultural uses of river flows, and some of these water rights are considered paper rights for an over-allocated river. Chairman Esquivel, I did have a glimmer of hope yesterday morning when you said the Water Board will be taking a closer look at water right administration. Please consider current climate realities. The Merced River, like all of California rivers, works hard to support all beneficial uses of her water. According to your website, beneficial uses are domestic drinking water, agricultural, industrial, power generation, safe recreation, aesthetic enjoyment, navigation, preserving and enhancement of fish, wildlife, and aquatic ecosystems, tribal and cultural uses, and subsistence fishing. With full disclosure, I must admit that I added the safe to recreation after hearing that people are swimming and recreating and HAB infested waters.	

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		As we saw in Gary Bobker's presentation, during the years the VAs have been in charge, by default, agriculture has benefited while the other beneficial uses have had the opposite experience. In summary, I urge the Board to try and experiment by proactively regulating and implementing scientifically adequate minimum flows year-round, especially in dry years, to support all beneficial uses of California rivers and Delta for all residents, including the salmon. Thank you, Chairman and members, for listening to my opinion and have a great lunch.	
1424	1	LAPENA: Yeah, I'll go ahead and start. Again, my name is Vince LaPena. I'm the TEK Manager for Wilton Rancheria. And thank you all for having us here and being able to make these statements. I do have a prepared statement. Of course, I have my own feelings about water and the river. As a native person, you know, we really don't separate our relatives of the water and the land from our own family. They're just part of our extended family. And so when we have our obligations to take care of these things, we're looking at taking care of our family. And so I'm going to go ahead and just read our prepared statement, and I'll have the other panelists go after that, so thank you again. "Wilton Rancheria maintains deep ancestral, cultural, and subsistence ties to the Sacramento-San Joaquin Delta. The tribe's interests in the Delta are not abstract, historic, or symbolic only. They are ongoing, living responsibilities grounded in cultural practice, subsistence activity, stewardship obligations, and intergenerational continuity. "The tribe submits these comments based on its own sovereign interests and responsibilities while recognizing that multiple tribes maintain ancestral and cultural connections to the Delta and its resources. "At the outset, Wilton Rancheria acknowledges the State Water	Please see the responses to Comment Letter 1025.

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		Resources Control Board's recognition in the Revised Draft Bay-Delta Plan of tribal, cultural, and subsistence considerations. "However, recognition alone does not satisfy the Board's legal obligations. As discussed below, the Revised Draft Plan and its associated environmental analysis fail to reasonably protect tribal beneficial uses and other protected beneficial uses, rely impermissibly on unenforceable and discretionary implementation mechanisms, and do not adequately analyze or mitigate impacts to tribal cultural resources, public trust resources, or tribal sovereignty interests. "The Bay-Delta Plan is a water control plan adopted pursuant to the Porter-Cologne Water Quality Control Act. As such, the Board has an affirmative statutory duty to identify beneficial uses of water, to establish water quality objectives that reasonably protect those uses, and to adopt an implementation program capable of achieving that protection. "The Revised Draft Plan acknowledges and purports to designate tribal, cultural, and subsistence uses as beneficial uses. Once designated, those uses must be reasonably protected through enforceable water quality objectives and implementation measures. A plan that acknowledges such uses but defers their protection to voluntary, discretionary, speculative, or future actions does not satisfy the Board's obligation under state law.	
1424	2	"The Revised Draft Plan relies heavily on the Voluntary Agreement and Healthy Rivers and Landscapes pathway as a primary means of implementation. While collaborative approaches may play a role in water management, the Board may not abdicate or defer its statutory responsibilities by substituting non-binding agreements for enforceable regulatory protections. "As reflected in Chapter 13 and Appendix H.3, many purported mitigation measures are advisory in nature, contingent on future participation or applicable only to select implementation pathways and lack mandatory performance standards, enforceable thresholds, or clear accountability mechanisms.	Please see the responses to Comment Letter 1025.

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		"The Plan does not establish mandatory regulatory backstops to ensure that tribal beneficial uses, fish and wildlife uses, and other protected uses will be reasonably protected if voluntary commitments are delayed, modified, underperformed, or fail altogether. Such reliance on discretionary measures is legally insufficient, particularly where the affected uses are culturally significant, time-sensitive, and dependent on specific flow, temperature, and water quality conditions.	
1424	3	"For Wilton Rancheria, Delta conditions directly affect cultural practices, subsistence activities, and stewardship responsibilities. Salmon and other aquatic species are not merely ecological indicators, they're integral to the tribe's cultural identity, traditional knowledge systems, food sovereignty, and responsibilities to future generations. Altered flow regimes, elevated water temperatures, degraded habitat conditions, and continued ecosystem decline undermine the tribe's ability to exercise cultural practices, transmit Traditional Ecological Knowledge, and fulfill its stewardship obligations. "The Revised Draft Plan does not adequately analyze these foreseeable impacts to tribal uses, nor does it demonstrate that adopted objectives and implementation measures will reasonably protect those uses under a range of hydrologic and operational conditions.	Please see the responses to Comment Letter 1025.
1424	4	"The Board also has independent and continuing obligations under the public trust doctrine to protect trust resources, including fisheries and the ecological systems of the Delta. These duties are affirmative and ongoing. A regulatory framework that prioritizes negotiated flexibility over enforceable protection without making explicit findings supported by substantial evidence that trust resources will be protected under all reasonably foreseeable conditions raises serious concerns under the public trust doctrine. The Board must demonstrate on the record that adoption of the Plan will not cause or allow substantial impairment of public trust resources.	Please see the responses to Comment Letter 1025.
1424	5	"In addition, the substitute environmental document prepared for this Plan does not adequately analyze impacts to tribal cultural resources and cultural practices as required by CEQA. As reflected in Appendix H.2 and related materials, the environmental analysis improperly narrows cultural impacts to	Please see the responses to Comment Letter 1025.

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		physical disturbance of archaeological or historic sites, and does not meaningfully evaluate impacts to living cultural practices, subsistence uses, cultural landscapes, or stewardship activities that depend on Delta hydrology and ecosystem function. "The analysis relies heavily on future actions, adaptive management, and voluntary measures that are not fully defined or enforceable at the time of plan adoption. Deferred and speculative mitigation does not satisfy CEQA's requirement for informed decision-making, particularly where impacts to tribal cultural resources may be significant and irreversible.	
1424	6	"Wilton Rancheria is also concerned that the process leading to the Revised Draft Plan has not provided meaningful early and ongoing government-to-government consultation regarding the development of implementation pathways that directly affect tribal interests. While the Plan references tribal engagement and Traditional Ecological Knowledge, tribes were not positioned as co-decision-makers in the development of Voluntary Agreement frameworks that now serve as a central component of the proposed implementation strategy. Meaningful consultation requires more than outreach or post-hoc engagement after key structural decisions have already been made. "Nothing in these comments is intended to waive or diminish Wilton Rancheria's federally-reserved rights, including rights reserved at the creation of the tribe's reservation under federal law, nor to waive any rights, claims, or remedies available under state or federal law. State water quality planning and implementation must be carried out in a manner consistent with federal supremacy and may not impair or subordinate such rights. "Wilton Rancheria raises these issues to preserve its rights and to underscore the legal necessity of enforceable protections for tribal uses in the Bay-Delta Plan. "For these reasons, Wilton Rancheria urges the State Water Resources Control Board to revise the proposed Sacramento/Delta updates to ensure that tribal beneficial uses and other protected beneficial uses are reasonably protected through enforceable standards, that any reliance on Voluntary Agreements is accompanied by clear, mandatory regulatory	Please see the responses to Comment Letter 1025.

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		backstops, that impacts to tribal cultural resources and practices are fully analyzed and mitigated in compliance with CEQA, and that tribal governments are engaged through meaningful government-to-government consultation in the development and implementation of the Plan." Thank you on behalf of Wilton Rancheria.	
1424	7	GOMBERG: Good afternoon, Chair Esquivel and Board members. I'm Max Gomberg. I'm here today representing the Shingle Springs Band of Miwok Indians whose ancestral territory spans seven counties, including much of the Lower Sacramento River and foothills. I want to start by taking a minute to imagine where we would be if the Board had never allowed for VAs in the first place when developing this Water Quality Control Plan. All that time and effort that the Board staff spent engaging with the VA parties could have instead been used for robust tribal consultation and development of immediately protective tribal beneficial use water quality standards, including those for fish consumption, plant gathering and use, and ceremonies and other water-based cultural practices. We could have a Water Quality Control Plan that advances those uses far more than the current version does. For example, we could have a timeline for setting numeric water quality objectives for different stream segments based on tribal beneficial uses. We could have mechanisms to fully integrate tribal ecological knowledge into assessment and monitoring programs on each tributary. We could have had multiple formal agreements between tribes and state agencies to work respectfully and collaboratively with adequate compensation on non-flow habitat restoration and enhancement measures. We could have had tribal involvement in designing processes for evaluating the success of unimpaired flows and temperature culls. We could have had a plan that centers tribal reparations, equity, environmental justice, and that would serve as a model for other sub-national governments trying to do right by their indigenous populations.	Please see Common Response 1.1, General Comments, regarding the development of the VAs. Please also see Staff Report Chapter 11, Tribal Engagement, Traditional Ecological Knowledge and Tribal Beneficial Uses, for a description of outreach and engagement with tribes on the Bay-Delta Plan Sacramento/Delta update. The proposed updates include the designation of Tribal Tradition and Culture (CUL) beneficial use throughout the Bay-Delta watershed. The reasonable protection of CUL as it relates to the tribes' cultural and spiritual connection to salmon overlaps with the reasonable protection of the aquatic life beneficial uses identified in the Bay-Delta Plan or designated in the applicable Regional Water Boards' water quality control plans, including EST, COLD, WARM, MIGR, SPWN, WILD, and RARE (also referred to as fish and wildlife beneficial uses), forming the basis for implementation actions related to flow, water project operations, and physical habitat restoration. Accordingly, the objectives needed to protect both categories of beneficial uses overlap and are addressed by the objectives and program of implementation in the Bay-Delta Plan. In addition, other tribal uses and activities encompassed within the CUL use may be directly supported by flow actions, including for example, navigation, gathering of natural resources, and immersion ceremonies. In the future, additional flow-based water quality objectives or site-specific water right requirements may be considered if needed to protect other tribal uses and activities encompassed within the CUL use. In addition, the Regional Water Boards may amend their water quality control plans to recognize other CUL tribal uses and activities where they occur within the Bay-Delta watershed and may need to consider new water quality objectives or site-specific discharge requirements for the reasonable protection of CUL uses in the watershed.

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		Instead, we have this proposal, which, above all else, is designed to maximize financial -- or minimize financial impacts to those with political power and influence.	Please see Staff Report Section 13.3.7, Designation of Tribal Tradition and Culture (CUL) and Incorporation of Tribal and Subsistence Fishing Beneficial Uses, for a discussion on the proposed designation of CUL beneficial use and incorporation of Tribal Subsistence Fishing and Subsistence Fishing beneficial uses into the Bay-Delta Plan. The Bay-Delta Plan has requirements for annual and periodic reviews to receive feedback from tribes on the Bay-Delta Plan and calls for the development of a Bay-Delta Tribal Advisory Group. The Tribal Advisory Group would help define the mechanisms to integrate Traditional Ecological Knowledge (TEK) into the monitoring program. The implementation provisions regarding TEK are intentionally flexible so that through collaborative meetings these mechanisms can be further defined and adapted.
1424	8	I want to talk briefly about section 11415.60 of the Government Code. That's the section that allows agencies like the Board to approve settlements between the parties. So let's talk about who counts as a party here. In the current formulation, the only entities that count as parties are Water Districts, DWR, and maybe the Bureau of Reclamation. So what does that mean about who doesn't count as a party? Tribes, environmental justice advocates, fishing industry organizations, and others whose contributions and care for the Delta and this watershed is just as high, if not greater, than those aforementioned entities who have party status. This is both discriminatory and contrary to the spirit, if not the letter of the law. Let's be clear. The Voluntary Agreements are irredeemable. They are racist and exclusionary. They are wholly inadequate, ineffective, and practically unenforceable. They violate the entire legal framework Californians have built for environmental protection over decades. They weaken climate resilience goals. They make a mockery of the Board's stated commitments to tribes and racial justice. This Board could have done better. If you approve the VAs, we will not forget your betrayal.	The VA pathway is designed to be informed by supplemental science and monitoring to evaluate effectiveness of the VA pathway and ensure compliance. The VA pathway is described in more detail in Staff Report Section 13.3.4, Voluntary Agreement Pathway. Please see Common Response 1.3, Revised Proposed Plan Amendments, for responses to comments about the enforceability of the VA pathway and the enforcement agreements associated with the VA pathway. Please also see Common Response 11.1, Tribal Engagement and Tribal Beneficial Uses, for responses to tribal comments on the VAs.

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		And I'm going to close with this. Water Code section 178 allows for you to be removed from your positions by a majority vote in the legislature, both chambers for dereliction of duty, corruption, or incompetency. Now we may not have the votes to remove you, but know that a vote for the VAs is fundamentally a betrayal of your duty to tribes, communities, and the environment. Thank you.	
1424	9	MYERS: (Speaking a Native American language.) Frankie Myers. (Speaking a Native American language.) I am the principal at Fix the World Consulting, the former vice chair of the Yurok tribe. And I can't express to you how incredibly frustrating it is for me to be sitting in another room in front of you all again, listening to our strong, powerful tribal leaders tell the same story to you all over and over and over again. And yet here we are, moving towards an agreement and a proposal that perpetuates systemic racism, that perpetuates unjust treatment of tribal nations, and an erasure of this history as a state. And I want to make sure we're talking the same language because we're talking about tribal nations. These are not citizens. They're not individuals. They're not stakeholders. They are tribal nations at the same level of the State of California, equal to the federal government, with their own governing bodies and their own responsibility to their own tribal citizens, to the land and the water around them. And yet here we talk about advisory groups and we have discussions about making sure that tribal voices are brought to the table for discussion without ever acknowledging why tribes aren't at the table. Why it's not our table to begin with to have the discussion with you. At the turn of the century, this state was responsible for the attempted genocide of our people. And we fought back. We were systemically left out of the water rights system in this state on purpose. Today, we are connecting history to present. And I'm speaking to every single one of you on the Board, not in your positions, but as human beings. In a time and an era where it's no longer accessible -- it's no longer acceptable to simply say you're doing your job.	Executive Order N-15-19 recognized that the State of California historically sanctioned over a century of depredations and prejudicial policies against California Native Americans, commends and honors California Native Americans for persisting, carrying on cultural and linguistic traditions, and stewarding and protecting this land, and apologizes on behalf of the citizens of the State of California to all California Native Americans for the many instances of violence, maltreatment and neglect California inflicted on tribes. Please see Chapter 11, Tribal Engagement, Traditional Ecological Knowledge and Tribal Beneficial Uses, for a discussion on state policies for outreach and engagement. The State Water Board recognizes the significance of Traditional Ecological Knowledge/tribal knowledge in water resource management and is committed to integrating that knowledge into the Bay-Delta Plan update and implementation processes. Please see Common Response 11.1, Tribal Engagement and Tribal Beneficial Uses, for more information on Traditional Ecological Knowledge/tribal knowledge and responses to comments on the tribal outreach and engagement provisions of the revised proposed Plan amendments.

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		Now is the time when you can't just do your job. You have to look at the historical context at which we're sitting in today. We are moving forward. We are moving forward a system that is -- that we can all agree on was racist. We're not shutting it down. We're not starting over. We're not holding ourselves accountable to make sure that we're building a better system that is inclusive, that truly recognizes the tribal nation status of the individual sitting here today. We are whitewashing over it. We are continuing the administrative process of systemic racism. This isn't a history lesson. This is understand what we're doing and what we're talking about, what we're agreeing to. What we are saying to future generations today. That, yes, we understand the system was flawed. Yes, we understand it was systemically racist to tribal people. And, yes, we're going to perpetuate it. Yes, we're going to perpetuate it. We're not going to stop and pull back and make sure that future generations see that what California is doing is right. We're moving it along. We're creating an environment where tribal governments and tribal nations are once again asking for what should have rightfully been theirs. What is rightfully theirs. It's extremely frustrating because we have an abundance of work to do to restore our lands, to restore our salmon, to restore our rivers to the way we know they need to be. And yet here we are asking the state to do the right thing again, to recognize the history of this state, and to recognize the place that tribal nations should be in this process. I'm tired of consultation because it demeans every single tribal nation. Without actual decision making, we have relegated millennia of tribal leadership to stakeholders again. (Speaking a Native American language.)	
1424	10	NORRIS: Hi there. Good afternoon. First, I want to thank all of my colleagues who spoke previously. Each of them has expressed things that the California Indian Environmental Alliance is in support of. We support everything that's been said to date. I have three pieces that I'd like to -- by my colleagues I should say, to date. I have three things that I wanted to include.	The Inland Surface Waters, Enclosed Bays and Estuaries Plan (ISWEBE) is discussed in Staff Report Section 13.7.2, Environmental Analysis of CUL Tribal Beneficial Use Designation. The Central Valley and the San Francisco Bay Basin Plans are separate Regional Water Quality Control Plans managed by the Regional Water Boards. The State Water Board is considering

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		The first is, is that I wanted to -- there's three pieces. One is the ISWEBE, which is the Mercury Water Quality Objective, the other document, and the basin -- and the tribal beneficial uses pieces within it. And then the second is what's happening in the San Francisco Bay. Then I want to talk about what's happening in the Central Valley for their Basin Plan Amendments. And then lastly, a little bit more on our perspectives on Voluntary Agreements. The ISWEBE, as many of you will remember, was able to identify that there were -- there was a robust review of the definitions for Tribal Beneficial Uses. And those were in there to then be adopted by Regional Boards. And since that ISWEBE has taken place, we've been waiting over 10 years now to have the regional water bodies -- or the Regional Water Boards put those definitions in their Basin Plans and to designate water bodies. And you can, you know, see in the San Francisco Bay Basin Plan that in 2024, the goal was to designate water bodies. But since that time, the goal has moved to just put the definitions in the Basin Plan amendment. And there are plans to do surveys, but there's not funding for tribes to do their own internal surveys. And we have found that tribes that do their own internal surveys are able to contact more members and get more trust to receive the information that the Regional Boards really need. Otherwise, these studies end up being a small number of individuals that are found at community events like Big Times or the like. So we are recommending, as we have been for the San Francisco Bay, that the Regional Water Quality Control Boards can take some guidance from the State Water Quality Control Board. And if you take that into the Central Valley, the central -- and oh, also, I wanted to say about that, the San Francisco Bay Plan Basin Plan amendment, is that it does say that there was some outreach since consultation. And it says that community-based organizations were invited. Well, I can say as the California Indian Environmental Alliance, who's been working on tribal beneficial use since 2003, that we were kept from those meetings. We would have liked to have attended, but we were not invited. And we were told that the tribes had --	amendments to 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 revised proposed Plan amendments designate Tribal Tradition and Culture (CUL) specifically due to the cultural and spiritual importance of native fish and wildlife, particularly salmon, to tribes for the entire Bay-Delta watershed. The reasonable protection of CUL as it relates to the tribes' cultural ceremonies and spiritual lifeways that are connected to salmon overlaps with the reasonable protection of the aquatic life beneficial uses identified in the Bay-Delta Plan or designated in the applicable Regional Water Boards' water quality control plans, including the fish and wildlife beneficial uses. The Staff Report acknowledges that although the CUL beneficial use does not itself authorize implementation actions aimed at protecting fish populations, there is a practical overlap: implementation actions taken to protect aquatic life beneficial uses related to flow, water project operations, and physical habitat restoration, also support the healthy fish populations on which tribal cultural and spiritual uses depend. To the extent that other tribal uses and activities encompassed within the CUL use may be directly supported by flow actions, including for example, navigation, gathering and consumption of natural resources, and immersion ceremonies, the implementation actions protecting the fish and wildlife beneficial uses may also incidentally support those cultural activities and lifeways. It's possible that additional flow-based water quality objectives or site-specific water right requirements could be considered if it is determined that additional flow is needed to reasonably protect other tribal uses and activities encompassed within the CUL use, such as tribal cultural ceremonies, swimming, and navigation. Generally, CUL activities like navigation, swimming, and ceremonies are not expected to require more flow than already designated beneficial uses such as Water Contact Recreation (REC-1), although it is possible that a ceremony could require more flow at certain places and times. Tribal Subsistence Fishing (T-SUB) and Subsistence Fishing

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		NORRIS: I haven't talked about those yet. NORRIS: I haven't talked about Voluntary Agreements yet. NORRIS: I'm talking about the Basin Plan for the San Francisco Bay. NORRIS: And I'm talking about those specifically because the Bay-Delta Plan refers to the San Francisco Bay and the Central Valley Basin Plans in order to designate water bodies, saying that that's not their role, but they're relying on those. And so I'm bringing up the San Francisco and the Central Valley because it's the – NORRIS: -- because it's taking so long for their processes. We really need the State Water Board to have more robust statements in the document to ensure that these Regional Boards move more quickly. But I wanted to say that that San Francisco Bay one really does need -- we have a new tribal coordinator, and we really need that person to go back and outreach to those tribes. Because in our asking of the tribes we work with in San Francisco Bay, they weren't included in consultation, and they weren't included in conversations where they truly understood what a TBU was. So we recommend that, that the new person who's come on Board to help to do that. And we ask the State Water Board if you're really going to, you know, make it so that the Regional Boards are responsible for these pieces, and that you're not going to put them in your Basin Plan as a requirement, and you're putting the definitions and then going to the Water Boards and saying, you go ahead and designate. I'm saying that their timelines are very long, and they're not actually completing the outreach as well as they could. In the Central Valley -- NORRIS: Yeah, yeah, that's perfect. So then I'm going into CUL for the Central Valley, so thank you for that.	(SUB) are not designated by this Plan for any waterbodies in the Bay-Delta watershed due to the human health risks associated with those uses. Individual stream segments could be designated for T-SUB and SUB beneficial uses as appropriate by the regional water boards in the future. As described in the revised proposed Plan amendments, the State Water Board will work with the regional water boards to consider these designations as efficiently and expeditiously as possible. However, while T-SUB and SUB relate to the risks to human health from consumption of noncommercial fish or shellfish at higher rates and were not developed to in and of themselves protect aquatic life, a thriving fish population could support fishing at higher consumptive rates; therefore, flow actions for the reasonable protection of fish and wildlife are related to the T-SUB and SUB beneficial uses on the same waters. Please see Common Response 11.1, Tribal Engagement and Tribal Beneficial Uses for a discussion on Tribal Beneficial Uses.

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		The Central Valley is also defining CUL, but we've been saying over and over again, the tribes have said over and over again in the Central Valley, specifically even, that they would like to see both CUL and subsistence included because subsistence is, in the North Coast, a sub to CUL, and that they can't be uncoupled. They are intrinsically connected to one another. So by only doing one and not the other, it's problematic. And then I wanted to point to the North Coast and notice that in their Basin Plan, there's numerical objectives for water bodies that have TMDLs for mercury, for example, but there's narrative objectives for designation that can be put forward. So I keep saying over and over again, why is it that we can't designate water bodies with narrative objectives? It's been done in the North Coast. There's examples where it's actually been used. And I really encourage you to go back and look at that as you get ready to do this Basin Plan amendment for these two regions, and also for the Bay-Delta Plan.	
1424	11	And lastly, to wrap up, the Voluntary Agreements. We have watched for many years with our colleagues here, the tribes that have spoken and those that aren't here today, as they watched repeatedly them try to engage in the Voluntary Agreements process to set up the underpinnings of what this process will look like. And at the outcome, what we are seeing is that there's not tribal participation and leadership roles to lever that there really should be. Tribes are the first users of the landscapes, and what we have here are Voluntary Agreements where a lot of the users that are based on monetary uses have roles and able to identify what's going to happen and what percentages will be used by them. But for tribes, as our colleague Frankie Myers was talking about particularly, I'm really concerned about the fact that tribal cultural uses, tribal subsistence uses, tribal uses that have been used since time immemorial are not going to be protected under these plans. We can see it, it's clear, and we're setting something up that is going to be dangerous in the future. And with that, the last thing I'll say is that over and over again, we have raised the, and I don't use the word lightly, the racism	Please see Common Response 11.1, Tribal Engagement and Tribal Beneficial Uses for a discussion of tribal comments on the VAs and a discussion on Tribal Beneficial Uses.

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		that has been part of that Voluntary Agreement process has really been apparent, and it's really disturbing, and the fact that we just keep going forward without fixing the parts that are broken that are in the underpinnings. You can't just continue to move forward when there's things that are intrinsically broken in this. So I'll stop there, and thank you so much.	
1424	12	WALLACE: How's that? WALLACE: There we go. WALLACE: I apologize. WALLACE: Thanks for not giving up (indiscernible). WALLACE: (Indiscernible) Chairman and Board. (Speaking a Native American language.) Brian Wallace. I'm Nisenan and Washoe, and I'm currently the CEO for the Indigenous Futures Society, but also I'm the former Chair of the Washoe Tribe of Nevada and California. And I just wanted to stick kind of within the four corners of the agenda and the proposal, but I totally shout support and belief in everything that's been put down by my esteemed panelists and colleagues and brothers and sisters. And it is really hard to contain the emotion in these kind of processes. So I really appreciate everybody's patience with just how important this is to all of us. And, you know, we're trying to represent the voices of ancestors and future generations and those that are coming, you know, behind us, as well as our other relatives who have been sharing these really beautiful places for us since time immemorial. And so I just want to kind of talk about, you know, for 15,000 years, the Indigenous peoples that are represented on this call and in these hearings right now have governed these waters, you know, for -- since before history was history; right? And, you know, salmon filled these rivers. Watersheds sustained massive populations without crisis. And now for the last 150 years, as we've been able to witness that the state has managed these	The State Water Board has conducted extensive public and tribal related outreach and appreciates the significant input from tribes and environmental justice communities related to the Sacramento/Delta Update to the Bay-Delta Plan. Tribal and public participation activities related to the Sacramento/Delta Update to the Bay-Delta Plan are summarized in Staff Report Chapters 11, Tribal Engagement, Traditional Ecological Knowledge and Tribal Beneficial Uses, and 12, Public Participation. However, there was not a webinar hosted by the State Water Board related to the Bay-Delta Plan on February 9. Please see Common Response 11.1, Tribal Engagement and Tribal Beneficial Uses, for responses to comments related to Traditional Ecological Knowledge/tribal knowledge, including how that data once collected will be treated. Please also see Common Response 11.1, Tribal Engagement and Tribal Beneficial Uses, for information on tribal outreach and engagement including an overview of funding opportunities and for a discussion of the tribal outreach and engagement provisions of the revised proposed Plan amendments.

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		waters, you know, the result is kind of been, you know, like species collapse, perpetual drought, and escalating conflict that creates all this emotion that you're feeling in this call right now and in these hearings. And so for us, like the track record is really clear. And so the question is always for us is, so why are we still being asked to kind of -- for input instead of being recognized as co-governors in these decisions? And so you may ask, well, what's that mean? And, you know, and I'll try and describe it, you know, as far as this process is concerned, it kind of boils down to like four basic kind of issues. One is decision authority. The other would be resource parity. Another one would be data sovereignty. And finally, the indigenous science equity question that keeps coming up. And when I'm talking about decision authority, it's like tribal representatives should hold coequal voices and not just be looked at as for input. And that if there is a unanimous tribal opposition to some provision, does that provision not advance or does it just keep moving on as, you know, as, as kind of whatever the witnesses that are among us have been describing? And to us, that's what government to government means. And in the question of resource parity, I think I'll just bring up that what we would hope for in this process would be direct funding to tribal governments. And I would offer at least $500,000 minimum for a participating tribe for hydrologists, biologists, and legal staff. And if you could not make those competitive grants, but direct allocations, because if we're paying for consultants and scientists and all these other processes in this, then why are we not paying for the tribes and their efficacious indigenous knowledge that, you know, predates. I mean, it's, you know, 15,000 years-plus old R&D. That's like 2,500 generations of PhDs, you know, kind of at this table right now. And on the question of data sovereignty, all data from tribal territories must remain under tribal ownership. If the state -- or the state can hold it in trust under tribal guidance, but the tribes need to guide the publication use and analysis of this	

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		information so it's not being -- so we know what it's being used for, because it's precious, precious knowledge that we're hoping, willing to share. And if there's not indigenous like CARE or OCAP principles, and these are data sovereignty frameworks that tribes deploy with themselves, then it would be hard for us to share this knowledge, period, in the end. And on the question of indigenous science equity, I would say that indigenous knowledge holders represent, you know, PhD-equivalent rates of reimbursement or, you know, recognition. And it's not just stakeholder input, they're peer scientists with, you know, thousands of years of respected knowledge and modeling. And I don't think that's a very radical kind of suggestion, and we just kind of believe those are the kind of the basic conditions of any kind of genuine conversation or partnership regarding governance. And I guess the question is, it keeps coming up, are we ready to do this yet? You know, we've been talking about how this has been going on for a long time. And so I just kind of want to kind of end with like, so four basic questions that I'd like to present to the Board. And on decision authority, can the Board provide examples of previous State Water Board advisory committees where tribal recommendations were binding? And if none exists, then I guess, you know, that's the question, that's before all of us, is why? What's this -- what are we going to yield out of this particular process? On the question of resource parity, what's the total budget allocated for PAC technical work, and will the tribes receive proportional resources based on a number of sovereign governments represented? In relation to data sovereignty, will the State Water Board adopt formal indigenous data protocols before any knowledge is solicited, or are we expected to share knowledge under state standard data governance and kind of these, you know, historic extraction processes? And finally, on informed consent, the State of California actually has endorsed the United Nations Declaration on the Rights of	

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		Indigenous People. And so the question for me was, you know, will this process implement Article 19's requirement for free prior informed consent, or will it rely on consultation without consent frameworks? And finally, on timeline, would be the February 9th webinar gives us four days to prepare for substantive engagement. For government-to-government relations, shouldn't we be co-designing the process timeline rather than being invited into these predetermined short schedules and notification processes? And so just in closing, I just want to, you know, echo for me and hopefully the others, that, you know, these indigenous first water nations that have been represented here, come to this process with, you know, thousands and thousands of years of indigenous knowledge and science behind them, that created thriving biodiversity. And those are the -- that's the benchmark, that's the baseline we should be heading for, not, you know, 1914 state water law frameworks that we're trying to make work, you know, for these longer-term issues and the futures that we're all hoping to see come true. And so I just, you know, and so I just, you know, want to say we're not asking, I'm not asking these questions, you know, in seeking that they're obstacles. We're just looking at, or I'm looking at, these are just the foundation for meaningful partnership moving forward. And so, you know, that's it, you know? And I -- there's all the other witnesses have -- are more powerful than what, you know, what I've tried to put down here, but I support everything here, but I just want to kind of offer some kind of clarity on, you know, what -- you know, within the four corners of the proposal that you're before us right now, and kind of responding to that. So thank you so much for the -- for the deference. And, you know, it's just hard to put, you know, 15,000 years of knowledge into 15 minutes. And so I just, you know, look forward to doing this more. So thank you very much.	

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1424	13	DR. CURTI: Hi, thank you. My name is Giorgio Curti. I'm a sociocultural geographer and critical ethnographer for the Cachil DeHe Band of Wintun Indians of the Colusa Indian Community Council, or CICC. I am authorized by the executives of CICC to speak to their interests and concerns, but I'm not a decision maker. Those are the executives. I think an important point to, to amplify what everyone's discussed so far, and I thank everyone for their deep insights and concerns and knowledge and wisdom that's being presented here. And I think what I'm going to discuss, I'm going to focus a little on cultural resources in Chapter 13, but it intersects and interweaves with everything that's been discussed. I think something, I just came on, on this panel, so I'm not sure it's been discussed yet, but the mission of the California Water Boards is really important, I think, for us to think about. Quote, "to preserve, enhance, and restore the quality of California's water resources and drinking water for the protection of the environment, public health, and all beneficial uses, and to ensure proper water resource allocation, efficient use for the benefit of present and future generations." So with this mission, there seems to be a failure to understand that all lands, airs, and waters of the state of California are native lands, airs, and waters. The First Peoples have primacy here. And I think as Frankie was talking about, tribes are not simply stakeholders, tribes are rights holders, but tribes also have a dual status as citizens of the state of California, the U.S., and citizens of their tribe. So there needs to be double attention to that dual status, and there seems to be a failure of that with what the Water Boards have considered here of the Bay-Delta Plan to date. The Water Boards holds obligations to be institutionally and structurally inclusive of and attentive to Indigenous present and future generations. There's been a whitewashing. There's been a subsumption of tribal concerns and rights and interests and relational lifeway systems to whitestream society. There's also been a failure to understand how cultural resources and interdependent cultural practices envelop and intersect all	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project. Please also see Common Response 11.1, Tribal Engagement and Tribal Beneficial Uses, for responses to tribal comments on the VAs. Please also see Staff Report Section 13.7.2 , Environmental Analysis of CUL Tribal Beneficial Use Designation, for more discussion on Tribal Beneficial Uses.

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		actions of preservation, enhancement, and restoration of water, which is the most sacred element of life, and Chapter 13 abjectly fails in this respect. So I think to touch on what everyone's talked about on this panel, and to identify the failures of Chapter 13, I'm going to pull in my academic background and identify some issues around language. Scholars Jeff Rose et al. have observed that acknowledging that agency management decisions are not neutral, that they often silently favor a particular worldview over others, can begin with language. Communication and rhetoric scholars Ben Bradley and Leanna Stanley have further demonstrated that communication and rhetoric are not merely accomplices to settler colonialism, but primary organizing vehicles through which settler coloniality is deployed and maintained. And that is currently what your environmental documents, environmental reviews, are doing. They set up language and the languages of the tribes bringing concerns here. They're not really understood, but they're placed in a value of relationship of superiority and inferiority. And what you're doing is you're relegating cultural resources, one, to issues of the past, not the present or future. So I think a vitally important question we need to answer is, who produced this chapter? Who had the authority to talk about what cultural resources are to tribes? In fact, they define cultural resources as property types under the National Historic Preservation Act and California Register of Historical Resources. Those are not cultural resources. Those are property types. They like to confuse words, ideas, and things, and they perpetuate an ecology of negligence where non-state actors, i.e. consultants, come in, they pretend like they're the experts on tribal issues, and then they try to misappropriate and speak for tribes, try to define their histories, their geographies, their identities. And then the agencies, the state, says, well, we use the best available information. No, you didn't. The tribes have the best available information. So for Colusa and numerous other tribes that	

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		(indiscernible) the Bay-Delta Watershed, natural resources are cultural resources. And there appears to be a severe lack of awareness and attention throughout Chapter 13 of how water is indelibly interdependent and interconnected with tribal cultural practices, relational lifeway systems, capacities for collective continuance as unique tribes and peoples, and a form of life itself. For Colusa, water and waterways are kin. They are living beings. That is not being considered here, nor are the cultural components related to that being considered here. Section 3.77 states cultural resources, describes the potential impact on cultural resources, this chapter does, that may result from changes in hydrology or changes in water supply under the revised proposed Plan amendments. It fails to achieve this claim and to consider how water itself is a form of life and a cultural resource intimately and irrevocably tied to other cultural resources. This needs to be addressed. For Colusa, when water inundates ancestral remains, that water becomes contaminated and Colusa members cannot use this water. This is something that we actually have consulted with the Water Boards on and you should be well aware of. So this speaks to another issue where tribes bring information forward, that's part of the best available information, and yet because it's not directly in this specific process, it' left out, putting an undue burden and an unfunded mandate on tribes to, again, repeat themselves and repeat themselves and repeat themselves. And then you have folks who don't really understand these issues saying that they're the experts on cultural resources, very often archaeologists. So with these contexts and to this end, I think we'd like to challenge the Water Boards to respond to what its mission precisely means. For what and for whom? What are you preserving? What are you enhancing? And what are you restoring? And what are you not? What may you be complicit in perpetuating and aggregating; right? These are some important points here that I don't think are being directly considered. If you talk about present and future generations, does that include Indigenous present and future generations? Does it include	

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		Indigenous present and future generations only when assimilated into whitestream society's values and ways of living and life? Let's remember, the reason we don't have clean water, the reason why we're dealing with the effects of colonial and industrial climate change, has nothing to do with the tribes. These are systems that you're reproducing in your notions of how you engage water, this sacred element, and you're asking the tribes to sacrifice once again. So I think it's important to recall Governor Newsom's Executive Order N-15-19 about the attempted genocide of Native peoples. One of those ways that Governor Newsom identified and discrimination occurred was denying the existence of tribal government powers. It sounds to me like these Voluntary Agreements are, again, a denial of tribal government powers. You're reproducing it. This might be a form of what's called in the literature slow violence. It's not spectacular. It's not fit for a TV to look at. But those experiencing it, the tribes are feeling it. It's real. And you're having these detrimental health effects, undermining capacities for collective continuance, and this continues to occur. So, this would mean, by definition, that with a decision to perpetuate and support systems that undermine tribal rights, tribal opportunities, tribal capacities, tribal relationships, that you would be making a decision to contribute to the settler colonial project of replacement. The replacement of Native peoples, Native lands, Native airs, Native waters, with settler colonial society, settler colonial presence, settler colonial values. So we've got to remember, despite the proclamations of N-15-19, depredations and prejudicial policies of California state governance endure well into the 21st century through numerous state actions, including the Bay-Delta Plan. For Colusa, most directly, the Sites Project, directly connected here. I understand you all say, we can't talk about that. You like to partition things, segment them, so you can manage the claims of Indigenous peoples according to your preconceived conveniences and your preconceived guardrails. When we talk about holistic way of life,	

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		we have to talk about how all waters interconnected and what the implications are for your decisions. So this is all in need of direct correction and collaboration with and in deference to tribes. Anything less is a failure in your mission, the Water Board's mission, unless you define your mission as applying only to whitestream settler society and its capacities for social and environmental resilience. It depends on the replacement of Native peoples and the exploitations and commodifications of Native lands, airs, and waters. Thank you.	
1424	14	DR. CURTI: Yeah, thank you. Two things. The first is I also posed questions to the Water Boards, and it would be nice to have at least some initial responses to those. The second thing is it becomes an interesting matter when a state agency says we do not have funding for X or for Y. If you have funding and you need to fulfill compliance working through western sciences, now Indigenous knowledge, using the term that the federal government uses, is acknowledged as an aspect of best available science. So it becomes very interesting when there's a statement that we don't have the funds for this. Are you hiring hydrologists? Are you hiring geologists? If so, then those same funds need to be allocated for tribes. I think something very important to remember is only native peoples are asked to work for free. No one else is asked to work for free, constantly. So I think we need to reconsider how when we say if there's funds available, if you guys are funding other studies, Indigenous knowledge as an aspect of available science has to be included in that, or else we have to ask why is it not. And then the questions I asked, if you want, if you would like me to repeat them, I had said we challenge the Water Boards to respond to what its mission precisely means, for what and for whom? What are you preserving? What are you enhancing? And what are you restoring? DR. CURTI: Okay. One key point there is, the last question was	Please see Common Response 11.1, Tribal Engagement and Tribal Beneficial Uses, for responses to comments on tribal outreach and engagement including efforts to obtain funding to facilitate tribal participation in Bay-Delta Plan and other statewide efforts. Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		what may you be complicit in perpetuating and aggregating in the context that all the tribes brought to today? Thank you.	
1424	15	NORRIS: There we go. The first time I just said (indiscernible) must be invited. Okay, so my only thing is, I mean, there are some points. And I appreciate that maybe we can perhaps get some answers later from some of the things you brought forward. I appreciate that. But I did want to bring up that there is funding that the San Francisco Bay Regional Water Quality Control Board is providing for surveys, but those funds are available for an outside entity that was hired, but not for tribes to do their own internal surveys. So I just wanted to talk about that, because I think that -- not talk about it, but just mention that. I think that in each of the regions there should be some funding available. My understanding is there was some funding available from the State Water Board for tribes to use for TBUs. Tribes didn't take advantage of that. And the reason why, from what the tribes I spoke to, is it had to do with should the tribes -- the money be put forward, would the studies they do, the raw data be foible (phonetic), and tribes were uncomfortable because of HIPAA, to gather information on specific tribal members. So if there could be some answer from this Water Board on those funds, I think you'd see tribes taking more advantage of those funds.	Please refer to the response to comment 1424-14.
1424	16	MYERS: Thank you, Joaquin, for your words. I do understand where you're coming from and your background. I think all of you up on the Board have chosen this path in life because you do care deeply for your communities. You do care deeply for trying to do something right in this world and bring a balance. I fully understand that the frustration that I am sharing, I think me and my colleagues are sharing, is this continued process that we're moving through. And what I implore all of you is to be brave enough to stop, to be brave enough to continue to work. As you said, Joaquin, we have made really, really good progress, and we have put things forward that do drive equity in California, both on the Scott and Shasta, and Clear Lake, as you had said. Can we please apply those same measures here within	Please refer to Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		the Sacramento River Basin? Can we please take a pause to see how we can work within the frameworks that we already have and push the boundary? In every issue that we bring up, in every issue where we fight systemic racism, it takes brave individuals in positions such as yours to push it further. So thank you for your time, and thank you for your words. And my heart goes out to the rest of the colleagues for expressing their extremely intelligent comments and concerns.	
1424	17	WALLACE: Thank you. WALLACE: I'll be real quick in just following up on the comment about the TBUs, and just wanting to honor, you know, the work that's been done, you now, and respect all the hands that have been part of this. But the other -- the fourth point I wanted to make, Chairman, was just the recognition of Indigenous science equity, and all of that's behind that, and, you know, the recognition of Indigenous hydrological wisdom and sovereignty is really something that really needs to be foregrounded and centered in these discussions, you know, and I just kind of put that there. And then on the tribal beneficial use, you know, following it, it's a promising framework, but I think it's been pointed out, there's potentially these fatal implementation gaps. And so to kind of put out what's kind of my figure on what's missing, in the Plan in section 4.5.2, it states that future water quality objectives or site-specific waste discharge or water right requirements for the protection of cultural uses may be considered through subsequent Regional Board or State Water Board actions. And we just find it's really troubling, and kind of a really troubling delay, because CUL designation without immediate protection mechanism means that, you know, tribal cultural uses are designated but not protected, and that implementation is deferred to some undefined future processes, and then we're being asked to accept, you know, kind of a symbolic designation while actual protection waits or gets delayed, you know, again and again and again. So I just wanted to also highlight that, and again, thank you for this opportunity to point that out.	Please see Common Response 11.1, Tribal Engagement and Tribal Beneficial Uses, for a discussion on Tribal Beneficial Uses. See also Section 13.7.2, Environmental Analysis of CUL Tribal Beneficial Use Designation for more information on Tribal Beneficial Uses. The environmental analysis in Section 13.7.1, Approach, and other locations of the Staff Report provide an evaluation of reasonably foreseeable water quality regulatory controls that may be developed through the State Water Board's Division of Water Quality and the Regional Water Quality Control Boards water quality authorities. The CEQA analyses can be used to streamline future designations for specific stream segments as appropriate.

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		WALLACE: Thank you, Chairman.	
1425	1	NOMELLINI, SR.: It's good to be back. I'm not sure we're in very much accord on what you're doing, but anyway, we can discuss it. I'm Dante John Nomellini. I'm the Manager and Counsel for the Central Delta Water Agency. And I apologize, I view myself as a dinosaur in a modern world, but I think I'm probably the oldest person in the room. And just to put it in context, the State Water Resource Control Board was created in 1967, and 1967 is when I passed the State Bar. I spent a little time in the military, and then I started an active practice of law in 1968, and started in the water field at an early stage. So I've been in this process since the very early stages of what we're struggling about now, and what we're struggling about is the conveyance of water from north to south, and that's been the issue. It was a big issue for us early on when I started representing people in the Delta to try and protect the Delta interests. And it boiled down to how can we secure -- the basic promise was that only surplus water would ever be taken from the north, and if the north needed the water back, they could recapture it back from the projects, knowing that the demand in the north, as demand in the south would grow over time. Of course, as a lawyer, I was asked early on how I could secure the position that we would be honored with regard to that commitment, and we looked at contracts. At that time, they talked about, first it was 90 percent of the Delta would automatically be protected through what they call the waterway transfer plan. And I've got a number of exhibits. No way do I suggest that I can get through those in 20 minutes, but I put them in the packet in hope that you might want to see what is the basic evidence of what I'm going to talk to you a little bit about. But the problem I ran into was the eminent domain -- not the eminent domain, the emergency power exercised by the governor or the president, and what I didn't know is if anybody would ever do that over a fight over water. Well, the '76-77 drought came along, and by	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		God, they used it. And we had governors that have declared emergencies even before the emergency existed, and you guys have been around on one of those. So it's the confidence in what's proceeding, and we all know, not we all, but I know the politics from the dirty end all the way through because I've been on the low end of that fight. Met ran water from those early years, and we were fortunate, at least we communicated. Bill Warren, who was part of the old group, he forced us to meet monthly at the Sutter Club. We never agreed on anything, but we all met together, Met, their lobbyists, the water contractor group, and so on and so forth, and we spread around the cost. At least he had the desire to keep us talking. I mean, some things we worked together, but we could not solidify the politics. The politics change all the time, and right now, they're, in my opinion, at the worst stage I've ever seen. In other words, the politics at the governor's level, if you've paid any attention at all, is very responsive to those people that we know are making major contributions to them, and I understand that, and my philosophy and understanding is that people who work for the state and those appointed by the governor are not going to have a great deal of enthusiasm of going against the apparent wishes of the governor. I've run into it in the court system. I realize I'm not asking you to do that. I'm going to talk to you about the major problems. I understand the politics, and I know the governor is not going to change his views to a negative on his major contributors. Just forget it. He's running for president. I understand it. The president doesn't understand water. He went to the same group of donors. He came back, and he said, I ordered the Corps of Engineers to release water. He thinks there's some kind of valve over here on the border with Canada. The Corps of Engineers didn't know that he had ordered them, and once they found out, they released water from those reservoirs down the valley that had nothing to do with what we were talking about in terms of fires in LA, and you guys know that. I just want to let you know that.	

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1425	2	Where we are today is -- and I give you credit for coming up with the conclusion that you needed water in addition to habitat to take care of fish, okay? I commend you for that, and I opposed your proposal because each waterway, in my opinion, has a different problem with fish. East Bay MUD is heralded as the great fishery people. They have a water release requirement below Woodbridge of only 50 cubic feet per second, almost nothing. And I litigated that in front of your prior Board, said what the hell are we talking about? 1,200 cubic feet per second on the Stanislaus, 50 cubic feet per second over here on the Mokelumne. All right. What's happening in East Bay MUD is they have a hatchery. They have minimal flows in the channel, but they transport the fingerlings from the hatchery by truck and release them farther down in the system. That's the solution to that problem. There's not a flow problem. And you've heard all the testimony, and I have too, at those preliminary workshops or whatever they held on the Voluntary Agreements, but they put East Bay MUD out in front when the real problems are depletion. The reservoir operators have an obligation under 5937 of the Fish and Game -- Fish and Wildlife Code, and that is to take care of fisheries. They're not supposed to take care of the burden of the two water projects. The two water projects are responsible for blocking off the Sacramento River, Feds, American River, Folsom South, the State Feather River. All right. Those are major problems for fisheries. It's the blockages of those rivers. And I don't know whether it's the climate is changing and so on and so forth, but fish can't go all the way up to where their native spawning areas are, and that's at the root of the problem, for salmon at least. Now when I started out, salmon were not the issue. The issue was striped bass. And I went through hours and days of hearings about the need to protect striped bass. They were the bellwether. The striped bass index was the bellwether for the whole estuary, and that involved where we keep the mixing zone of salt and fresh water in Suisun Bay. If you look at a map, the largest amount of water in that range was in that area, so we fought over that.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project. Please also see Common Response 3.1, Fish Protection, for more discussion on the use of the best available science for the protection of fish, other potential environmental stressors, and the benefits of flow and habitat to fish species. See Staff Report Section 2.7, Existing and Future Water Rights in the Sacramento/Delta Watershed, for discussion of existing water rights and general information on water right priority relevant to the Sacramento/Delta update.

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		Pretty soon -- and of course, when the State Board started it was viewed as being an independent body that could kind of mediate these disputes. Once they started showing some effectiveness, the politics really came into play. I understand that. That's just life on the farm in the real world. And so striped bass index dropped. Why? Because we were exporting too much water. We're exporting the water during the spawning season for striped bass. They went all the way down to Southern California. In fact, the trophy striped bass was caught out of O'Neill Forebay, which is down by San Luis. Okay? All right. So striped bass then became a predator. Some biologists came in and said, well, striped bass eat salmon. Well, fish eat fish. Salmon eat little salmon. Salmon eat salmon eggs. The best lures we use for catching salmon look like salmon. I don't know if you fish, but if you do, you're going to know what a watermelon apex is, and it looks like a little salmon. So we've gone off on this fishery thing. Some of it's credible and a lot of it is not. And so there's been concern in the water community about reverse flow restriction at Old and Middle River because of smelt, which do not exist in the native form, except they found two, I think, in the deepwater ship channel that goes to Sacramento, and the most algae-contaminated, I don't want to say contaminated, turbid water. Farther up, they had 10,000 acres in Lower Liberty to raise smelt, never raised one smelt. They all bought, what, another 3,200 acres and put it over there next to the Lower Liberty. It's just all not doing the job. You guys recognized it. You said, you know, we need some flow. Okay. So the flow tension is between what's being exported and what must remain in the basin, in the watershed of the San Joaquin and the Delta, the water contractor game plan, and I don't blame them. I mean, they've got people that want to make a profit and do this, and I understand that. So if you see what they're saying, they're saying shift that burden over onto the locals. In other words, those of us that have been promised, and those senior water right holders, that have it, are promised priority over the projects. The projects have permits.	

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		Some of them aren't even licensed. You know, they haven't demonstrated they put the water to use. You know, the State of California, the Department of Water Resources has had these water rights since the late '60s, and they still want to keep them open. They haven't developed the water, and so they come back and say, oh yeah, make those guys in the Delta pay for their share of what's necessary to take care of the fish problem that we caused. They don't say we caused, but it is we caused. And our position is, you promised that we had priority and that if we ever needed water in the future, we can call upon you to give it back to us. All right, where's the water to give us back, huh? It's going to have to come from somebody that thinks they had a supply that isn't there. We're going to talk about that in a minute. And so we're in this situation where we have these conflicts in front of us. We know how to litigate, but I mean, litigation is, you don't know who the judge is going to be. You don't know what the attitude is going to be. You know, I mean, there's not a great deal of certainty, and I hope the lawyers aren't offended, but in my view, there's not a great deal of certainty in the law. There's an interpretation politics and all that still play a part.	
1425	3	All right, so what I want to do today is I see us as a huge -- being confronted with a huge problem for the state. We're talking about millions of acre feet of shortage. And I said millions. We're talking, you guys are talking about whether or not we're going to have a farmer idle his land over here in the Sacramento Valley or whatever that may not save any water, but we're going to pay them to do it. That's what these Voluntary Agreements are about. They're not, in my view, able to produce real water in most cases. Now, there are a few cases where somebody's got a reservoir that captures flood flow or you've got a groundwater bank that's really -- that you can monitor and see you gain water. There may be real water in it, but basically it's an attempt by the water contractor group to kick the cans down the road and to try and shift that burden on the other people. And it looks like the governor wants to give them money to do it. But it isn't going to solve the problem. And let me show you why.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project. Please see Common Response 11.1, Tribal Engagement and Tribal Beneficial Uses, for more information on the State Water Board's tribal consultation and incorporation of tribal beneficial uses to the Bay-Delta Plan. Please refer to Staff Report Section 2.7, Existing and Future Water Rights in the Sacramento/Delta Watershed, for discussion of existing water rights and general information on water right priority relevant to the Sacramento/Delta update.

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		This little exhibit out of all the exhibits I put in, this is DWR's Draft Delivery Capability Report. All right. What is the capability? Oh, and the State Water Project, you know, came on after the federal project. You know, there was a state plan. The plan was we're only going to take surplus water from the north and go to the south. The state couldn't finance it at the early stage. The federal government came in and they did the CVP portion of it. They filed and received from the state a permit, a water right, to divert water from the Delta. Then the state came along and filed for Feather River water for the Feather River Project. And in the early stages, the feds and the state were fighting like hell over this because the feds were offended by the state filing on top of them for the same water. In other words, Feather River water diverted at the Delta was the Bureau's water right, senior water right. Feather River water siphoned off into Oroville Dam was the same water, only it was taken off farther upstream. And there's ample federal documentation in the history of the Central Valley Project, and I've given it many times in my submittals to the State Board, but you know, you're getting so much from everybody and you get a hell of a lot more from me than you can possibly read. But it's there. That dispute was there. There was also a concern on the part of Congress that it was misrepresented to them what the amount of water was that was actually being used by the senior water right holders in the Sacramento River, and also what amount of water was necessary for salinity control, which is an obligation and was an obligation then of the project. And it's documented in there, like it ended up three times more water than they thought was told to them to take their salinity control. And, of course, they promised, this federal documentation, that promised they'd honor the 10504, which is protection of the county's economies, and honor 101160 of the Water Code, which is the Watershed Protection Act. They promised that. Congress said, hey, maybe we don't have enough water to keep these promises. So all of that was there, and there was talk about a total adjudication of the basin, and they decided it was too complicated, and so they let it slide. That has never been	

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		resolved. It was glossed over in the Coordinated Operating Agreement. But that contention from a water right standpoint is there. And before we let the Delta get destroyed, we will file that total adjudication. The environmental community wanted to do it themselves, and I discouraged them and said, we're not there yet. Until they build an isolated facility, we don't have to do that. And if they get close to it, and I'm still alive, I will file it. So let's look here at what the water -- what the real dilemma is. You see, in 1977, the State Water Project's capability of delivery was 184,000 acre-feet to 237,000. There's two numbers there, because their analysis of what their capability was, they did it one year, and they did it the other year, so like they gave you both figures. And this is nothing I did. Now, that's versus their average delivery of maybe 2 million acre-feet. And then the Title A of the water contracts, Table A, I should say, is 4 million-something, it's 4,133,000. So the Water Contractors were supposed to pay for all the projects as the need arose. Now, it's easy. Yeah. We just want to make sure the state is there leading the charge, and we'll pay the bill, okay? Well, the analysis was, and I finally found in the Weber Foundation documents, the actual hydrographs that they used to determine where the water was going to come from. And they concluded, and the state did as well, and the federal government, that the water in the Delta Watershed, Sacramento-San Joaquin Basin, was insufficient to provide the water that they needed for the projects. And their need for the project was based on an analysis of what would happen if we had a 1929 through '34 drought. Now, this chart shows you that in their drought, they show 597,000 acre-feet and 627,000. Well, they don't give you what's available in each year of that drought. They give you the average for the whole drought. Now, I have asked for years for the State Board to require the projects to come back and show you how they intend to meet the water requirements for that six-year drought, which was the planning for the projects, and I gave you the documents. They're in here. You go look at them, and they explain what happened. They planned on going to the North Coast for 5 million acre-feet a year by the year 2000. Okay?	

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		During my lifetime, they were going to do it. They were moving along. And there was a change in the president. It became President Reagan. His Secretary of Resources was Ike Livermore. The project was the Dos Rios Project on the Eel River down near where it goes into the ocean, and they were moving in that direction. And there was a big debate. Bill Gianelli, who was a table-pounder, Director of the Department of Water Resources, said build the goddamn thing, just keep going, so on and so forth. And then there was Ike Livermore and Reagan that had a friend that owned a great deal of land in the bottom of what would be the reservoir. And then there was concern about Native Americans and the impact, because they were moved over there, I think, into that valley. And then now we were going to flood them out. Well, they went through a lot of debate, and somebody wrote a book on it, and it's pretty damn accurate from what I -- I wasn't directly involved, but I knew the people and knew what was going on. And so Reagan asked the Corps of Engineers to look at further alternatives. Okay? Wild and Scenic Rivers legislation was coming forward. CEQA was coming forward. And it got delayed and the cost went up. So one of those bulletins I included in the handout here explains, and was written by the state, and it said that due to the cost and the uncertainty -- you know, the droughts don't happen every year, you know? I think it's like once every 20 years. It's like floods, once every 20 years. Anyway, they said, well, because of the uncertainty and are unable to go and do the development, and the fact that we don't have droughts all the time, there's a risk here. And so because of the cost and the fact we don't have droughts all the time, we're going to take that risk and put it on our customers. They said customers. Those are the contractors. So this is what happens: What is the firm capability of the projects to deliver water? They say periodically, well, we can deliver 2 million acre-feet. What about the gaps in the drought	

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		between what they can deliver and the 2 million acre-feet level? That not only is the table A not firm water, but there's no table -- there's no firm water in between. Now, what's wrong with that? We are developing firm demand, permanent demand. For example, we go out and put a housing project out in the desert or in arid land. Those people need water when these droughts come along. They need water in every year. We go and we give water to a farmer and he takes this desert land or whatever the hell, he can make a lot of money if he can put water on it, and he goes and plants a tree crop. The tree crop needs water every year. It may not be the maximum supply, but he needs water every year. So what we're doing is creating permanent demand that can't be served in these dry years. That's the tragedy of this thing. Now, quantitatively, the Bureau did a study. I've got it in here. I'm just getting -- you can get these things off the internet. I did. You know, one of these reports is about an inch and a half thick. Anyway, they have concluded that by the year 2030, an average year, we're going to be short about 4 million acre-feet. This is 4 million acre-feet total. But we're short all of that water. And by 2030, it's going to be 60 million acre-feet. We're talking about huge numbers. Now somebody, and I think they made a mistake. I know Governor Brown set that Stewardship Council up to rubber stamp the, whatever the hell it was, the two canals -- two tunnels, two tunnels, no outlets and two tunnels. In there – NOMELLINI, SR.: -- and I put it in here – NOMELLINI, SR.: -- did have -- huh? NOMELLINI, SR.: All right, I'm going to wrap up. NOMELLINI, SR.: And I'm going to give him a short chance here. NOMELLINI, SR.: But let me give you one more. The Delta Reform Act of 2009, which was supposed to rubber	

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		stamp the deal with the Conservation Plan, which are the Water Contractors, and said, well, it's going to cost too much money. We don't want to do that. Governor Brown switched to a Water Fix tunnel and an EcoRestore for the environment, that he could take public money and buy habitat that would otherwise would have come out of the conservation plan paid for by the contractor. All right. Well, the Reform Act says, there's a section here, a reduction of reliance on the Delta and the co-equal goals are to protect and enhance unique values in the Delta. Now, that's where the solution is, is to get the focus on developing some real yield, whether you have to do it through desalting or conservation or whatever it is, and get it down near where the people need it, the big demand down in the south and get off of this idea we're going to move water 400 to 700 miles in aqueducts that parallel earthquake faults and the 2,000 cubic feet per second pumping plant over the Tehachapi goes over the top of three fault lines. So we have to -- I think, even though it wasn't intended to be anything good for us, and I think for all of us, the solution is in the Reform Act and trying to get our administration -- and I know you guys aren't controlling it, and I understand, I feel sorry for you, but get the direction instead of taking and shifting the burden for something that isn't going to solve the problem onto somebody else to a solution or, you know, we're going to have to wait the presidential race is over or whatever, but we're headed in a direction that has no solution. Anyway, all right, take over. You've got the rest of my time.	
1425	4	BAKER: I'll be brief. I did have one question. When we walked in just prior to lunch, I heard you say, Chair, I heard you say that you don't -- we don't actively administer water rights. And I don't know, I have puzzled that, puzzled over that during lunch. BAKER: Okay. NOMELLINI, SR.: But you did curtail water rights. NOMELLINI, SR.: Right. Yeah.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project. There has been no finding of unlawful taking when the State Water Borad curtailed water rights using the water unavailability methodology implemented during the 2020-2022 drought.

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		NOMELLINI, SR.: And – NOMELLINI, SR.: -- the way you did it, we were happy to find the court to say you violated the due process and you did an unlawful taking. NOMELLINI, SR.: And I'm sure you won't do that again. NOMELLINI, SR.: And I need about – NOMELLINI, SR.: -- four hours of your time to tell you what's wrong with that process. BAKER: I'll hear the precursor on the drive home. BAKER: No, I just wanted to -- my comments are on the last slide. I made one slide for myself at the end there. But I disagree with that statement because I think there's a lot of things that you guys do, not in years like this, maybe, necessarily. But when we're talking about transfers and moving water around, you're affecting and effectuating other people's water rights in an appropriative manner. BAKER: But I think what you just said, we don't look at the water that's in the watershed and make these decisions. And I believe that that's partially true. And part of the problem is there's a real lack of accounting, I think, for, especially when you look at the larger diverters in our state. I participated in a TAC group talking about telemetry. And really the largest users of water who use, I believe it's close to 80 percent of the surface flow or surface diversions in the state, don't really give us reliable data. I'm not really sure that we get reliable data out of the projects. I don't know how much water – BAKER: Yeah, well, yes, it was supposed to be hourly, I think. But anyhow, all that is to say is for the modeling that goes on and the assumptions and the projections that they're relied upon based on modeling, garbage in, garbage out, we still have a lot of bad data. We still get a lot of -- you know, as a child, I always assumed there was somebody in an office somewhere who knew the	The State Water Board recently updated its Water Measurement and Reporting Regulations, aligning water rights measurement requirements with CalWATRS, the new online reporting platform. Regulation and data collection improvements will enhance the quality of water demand data. This will inform our future demand modeling efforts and administration of water rights including public trust resources.

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		answers to these questions. And sometimes the data is just not there, at least from what I've looked at. And I think what that does is it precludes adequate consideration for public trust and reasonable use. If you don't have a basis to know what the totality of the circumstances are, if you don't have an accurate accounting for what water is being moved around, there's no possible way you can adequately consider and mitigate the impacts to public trust resources and also the reasonable use of water. So thank you very much. NOMELLINI, SR.: Let me just tell you what our use is and what the place of use is. You're supposed to be supervising and monitoring. When we have the State Water Project send water to Metropolitan Water District, where is that water being used? BAKER: And is it being used reasonably? yeah. NOMELLINI, SR.: Where is it? BAKER: And I have to get back to Stockton so I can finish filing my supplemental statements of diversion, so you guys can get that – BAKER: -- good data for the Delta. NOMELLINI, SR.: Yeah, but -- BAKER: Yes, thank you. NOMELLINI, SR.: I'm sure you appreciate it. NOMELLINI, SR.: I feel sorry for you guys. NOMELLINI, SR.: You're under all this pressure from the top, and they've got this – NOMELLINI, SR.: Happy to be alive.	

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		NOMELLINI, SR.: I can't take it with me.	
1425	5	NOMELLINI, SR.: You had a complaint from the Friant water users that went to the prior Watermaster and he rendered a decision on that. And I asked him and he did include our response to that in your records. So you have that complaint already. Of course, they're going to complain again. We've been picked on and kicked around and all this other crap. The problem is that their modeling to develop their availability of water ignores the fact that the Delta has water in it all the time from the Bay. If your channel next to your property is below sea level, you've got water all the time. Now they don't want to count water. The bad guys, I'll call them bad, I call them communists just for fun, but I know they're not real communists, they don't want to recognize that. They want to stick us with a share, but they really want to stick the other water -- senior water right holders, because when they calculate it, they say that Delta is consuming this amount of water and therefore they're going to get some from us and they're going to stick these other people for the water. So you want to have an alternative? We got to decide that issue. Does the Delta have water or not? Can you ignore the natural flow that comes in from the West? We think you can't. Water flow is there. We just haven't litigated that. But the Watermaster received the complaint already. You think about we're constantly -- we've done enough defending cease and desist orders from your Board through the Watermaster's office. I mean, we've gone through this, and we finally won a decision in the Tanaka case that with regard to what constitutes riparian land, we had one of these contractors come in and say, hey, you have to maintain a connection to the river in order to keep it. And even though -- and the argument was that the original deeds didn't say riparian, you had to mention the word riparian in there in order to keep it going. The court said, hey, we analyzed the deed at the time as conveying all the rights associated with this property, including water rights. So you don't have to mention it. When you say I'm giving you all my property, it	As explained in Chapter 5, Proposed Changes to the Bay-Delta Plan for the Sacramento/Delta, reduced Delta diversions may occur as a result of the proposed Plan amendments, but significant reductions are not modeled explicitly in the SacWAM scenarios due to the uncertainty in observed Delta depletions and how depletions may change if diversions were curtailed. SacWAM results show as the flow requirements increase from 35 to 75 percent unimpaired flow, the availability of water for diversion is reduced throughout the watershed. Therefore, it is likely that the frequency of insufficient natural and abandoned flows to meet Delta and other riparian diversions would increase. To implement the Sacramento/Delta updates to the Bay-Delta Plan, as necessary the State Water Board will issue water right curtailments based on water right priorities for appropriative rights and pre-1914 appropriative and riparian claims of right, including adjudicated rights, when it is determined that water is not available at water right priorities. In order to inform the above curtailments, the State Water Board will develop an implementation methodology to determine when water is not available at water right holders' priorities of right. This methodology will be developed through a public process within one year of approval of the current plan amendments by OAL. In determining whether water is unavailable, the State Water Board will consider relevant available information regarding unimpaired flows, including natural accretions, for determining unimpaired flow requirements and natural flows available for diversion; other flows available for diversion, including return flows from agricultural and municipal water uses; depletions from factors other than surface water diversions, including seepage, evaporation, and transpiration from open water as well as riparian and floodplain vegetation that reduce flows available for all purposes; information related to water right priority dates; water right demands and diversions, including actual and projected consumptive use demands for and diversions of water and changes in the timing of flows from non-consumptive demands; travel times for flows; and other relevant information.

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		means I'm giving you all my property. So we won that. You want us to litigate it or you want to negotiate it? What do you want to do? We don't think we're obligated to pick up their burden on what they caused the problem on. They clearly have the obligation for salinity intrusion. We won that case against you guys in court already. It's the Racanelli case. NOMELLINI, SR.: So I'd be happy to sit down and discuss it with all of you new folks that haven't lived through all these crisis. So let's just take it. We need about four hours and I'll give you the background. The rest of it is just their game plan, trying to throw dung on us constantly because we don't want a Peripheral Canal or tunnel. NOMELLINI, SR.: Oh, I'm available – NOMELLINI, SR.: Just tell me when and when – NOMELLINI, SR.: -- you're willing to listen to me. BAKER: I'll take a stab at it. Yeah, we're definitely here and engaged. And just to borrow a term from the previous panel, slow violence. I mean, that's literally what we feel in the Delta between the cease and desist orders, the -- even the names you guys give stuff. Who came up with this water unavailability analysis? And as you mentioned, there's always water in the channel in the Delta. So, I mean, I just, I think those are -- it's slow violence. We're, as he always taught me, we look like chickens and they're dogs and they're killing chickens. And the water is in the Delta and that's where they want to get it from, and so -- NOMELLINI, SR.: They're saying we can't use salty water. Well, in 1931, the greatest of intrusions, the salt came in in September. But you give permits for people to take salty water. They desalt it and use it. So – NOMELLINI, SR.: As long as I'm able, I'll help you – NOMELLINI, SR.: -- find a solution.	The State Water Board, in coordination with other appropriate agencies and entities, will also conduct analyses of water use on irrigated lands below sea level in the Delta and undertake a public process to evaluate the effectiveness of curtailments of agricultural diversions on lands below sea level. Based on those analyses, the State Water Board may consider exemptions to the inflow-based Delta outflow requirements during implementation or during periodic review processes for water rights in which the diversion and use of water is limited to irrigation of lands below sea level in the Legal Delta.

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		NOMELLINI, SR.: All right. Thanks. BAKER: I've been called a lot worse.	
1426	1	BEZDEK: Good afternoon. And thank you very much. My name is Kam Bezdek. I am here with the Northern California Water Association. And as a refresher for anyone on the call, we are the water districts, water companies, small towns, rural communities and landowners that beneficially use both surface and groundwater resources in the Sacramento Valley. I'm here to express our strong support for the approval of the Healthy Rivers and Landscapes Program as the best approach for the Bay-Delta Water Quality Control Plan. And we urge you to adopt this update as early as possible in 2026. The Healthy Rivers and Landscapes Program provides the balance necessary to protect all beneficial uses of water while making meaningful progress in the recovery of Chinook salmon. This statewide collaboration ensures that dedicated water quantity and quality coupled with habitat improvements will support the recovery of our native fish, birds and wildlife. Through the projects, monitoring and scientific programs under HRL, we are able to continue making progress within the Bay-Delta with solutions that benefit economies, ecosystems and California's long-term water security. Thank you, Chair Esquivel and the Board for your consideration of the program. And thank you very much for your time today.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
1427	1	ZLOTNICK: There we go. ZLOTNICK: Sorry. ZLOTNICK: Good to see you. Thank you, Chair Esquivel and Board members. I'm Greg Zlotnick with the San Juan Water District. We serve a number of communities in northeastern Sacramento and southern Placer counties. Consistent with our last two-plus decades of collaborative work with the Sacramento Water Forum to enhance habitat and	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		resilience on the Lower American River, we urge you to adopt the Healthy Rivers and Landscapes Program, incorporating the American River Tributary Proposal, which, among other commitments, uniquely provides significant additional flows to the river in critically-dry years through groundwater substitution to be carried out in a manner adhering to our region's decades-long effective stewardship of our basins, which are some of the healthiest in the state. So again, we urge adoption of the Healthy Rivers Program, and we appreciate your consideration and time. Thank you.	
1428	1	REHM: There we are. I'm unmuted. REHM: Can I go on the video? Okay. REHM: Okay, well, I'm clicking. It says unable to start the video. Oh, here we are, perhaps. Okay, sorry for the difficulty. My name is Rush Rehm. I've lived in the Bay Area for over 40 years, and I'm deeply concerned about the health of the Sacramento River system and the Bay-Delta. I'd like to remind you that the brief of the State Water Board is to preserve, enhance, and restore the quality of California's water resources for the protection of the environment, public health, and all beneficial uses for present and future generations, restore, enhance, preserve. Unfortunately, your Phase 2 plan for the Bay-Delta is, by your own accounts, destined to fail. Just look at your own 2010 flow criteria report, which found that 75 percent of unimpaired flow on the Sacramento River and its tributaries and 75 percent of unimpaired Delta outflow would be needed to protect the Bay-Delta ecosystem. As you well know, your Bay-Delta draft falls significantly short of that, leaving the Bay-Delta in perpetual state of environmental crisis. Salmon population is too low to allow for commercial fishing. Slow-moving, warm, nutrient-rich water, deadly for salmon, but it's great for the toxic algae that blooms in the Delta. Non-flow measures cannot substitute for higher freshwater flows. You can't have more fish with less water.	Please see Common Response 1.1, General Comments, for information on the Delta Flow Criteria Report and for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project. Also see Common Response 1.3, Revised Proposed Plan Amendments, for information on the VA pathway, including enforceability.

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		But how does your Draft Plan hope to guarantee what you admit are inadequate unimpaired flows with VAs, Voluntary Agreements? Let's call them what they are, vapid assumptions. With no viable enforcement mechanisms, VAs are only vapid assumptions. We need real enforceable regulations, not bland assurances. It kind of reminds me of the Trump administration. Look, no climate crisis. It's all cool. Air pollution does no harm. Who needs science? Not a single conservation, fishing, tribal, or environmental group supports these VAs, nor should you. May I encourage you, and it will take courage, to stand up against special interests, no matter how well-connected and how well-funded they are, and stand up for science, stand up for your own flow analysis, and stand up for your legacy. I'm 76 years old. I think about this a lot. What are you going to leave behind? What will you pass on to future generations? Say no to Voluntary Agreements and their vapid assumptions. Say yes to the Bay-Delta Water Quality Control Plan. Give our rivers and the Bay and the Delta a chance. You can do it. You can do it. We can't. And that's why we look to you. Thanks.	
1429	1	MURPHY: Hello and good afternoon. Thank you for the opportunity to comment on the Bay-Delta Plan in Chapter 13 of the Draft Staff Report. I'm Megan Murphy, Senior Regulatory Advocate with the California Municipal Utilities Association, or CMUA. Together, CMUA represents 85 publicly-owned electric, gas, water, and wastewater utilities statewide. And together, CMUA members provide water service to 75 percent of Californians and electric service to 25 percent of the state. CMUA would like to express support for the Boards incorporation of the Healthy Rivers and Landscapes Program as proposed by the HRL parties into the Bay-Delta Plan and Staff Report. While these documents incorporate certain elements of the HRL, participating HRL parties have identified significant concerns regarding proposed modifications to various components of the program, including flow, accountability	The State Water Board is not a signatory to the VA proposal nor bound by its terms. Please see Common Response 1.3, Revised Proposed Plan Amendments, for information on the VA pathway. Also see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		methods, and habitat accounting protocols. We ask you to incorporate their respective comments and include the HRL as proposed by the HRL parties. Thank you.	
1430	1	STAPLIN: Thank you. Thank you for this opportunity. We are witnessing extensive ecological damage caused by California's current water management. The status quo is undeniable. Without a change in course, we face further endangered species listings and quite possibly extinction of multiple species in the near future. But while the ecological data is vital, I want to speak to the human side of this crisis, the real people and communities behind the numbers. I grew up fishing in Northern California, and it was a wonderful place. Up until three months ago, I spent over 20 years selling fishing gear to retailers across the central California valley and coast. I've seen industries' highs and lows, but nothing compares to the devastation of the last three years. During this time frame, our commercial salmon fishery was completely shut down and the ocean sport fishery was restricted to a mere six days. When people hear that the California salmon fishery was a $1.4 billion-industry supporting 23,000 jobs, the gravity of that loss often fails to sink in. The ripples of this collapse run incredibly deep. Salmon provide a massive economic engine, pumping revenue into local gas stations and tackle shops, processors, restaurants, marinas, airlines, hotels, tourism, auto rentals, boat manufacturing and maintenance, and more. Both inland and coastal cities now feel this void. We didn't just lose revenue. We crushed generational family businesses, our traditions, and our heritage. This crisis is a direct result of mismanaging the water salmon need to survive. There is hope for a lengthened salmon season this year, but let's be clear, this isn't due to better policy. It is a result of a massive 2023 spring-runoff that managers simply	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		could not capture. Those flows benefited hatchery releases, not natural production. Our naturally spawned salmon were nearly wiped out by the low warm flows of previous years. We continually see graphs and spreadsheets that show the tremendous decline of our salmon runs over the last 25 to 30 years. They also show that hatcheries cannot replace natural production. We can never restore our fisheries to historic levels without a commitment to improving natural production through better water management. Reversing this demise to our rivers' Delta system can start now by not bowing to the pressure of what Californians see as Governor Newsom's backroom water grabs. The State Board has the sole authority to push back and restore our systems to where they once were. I'm respectfully asking this Board to reject the Voluntary Agreements because they are not a viable option to healthy river Delta systems. Thank you for your time and consideration. STAPLIN: Thank you. Nice meeting you as well.	
1431	1	COLONEL MITCHELL: Yes. Good afternoon, Chair and Board members. I'm hopeful you can hear me. COLONEL MITCHELL: Thank you. I'm Colonel Stephen Mitchell, retired United States Air Force, and I hail today from Fairfield, California, where I've been living and fishing since 1976, and fishing with my spouse and children since 1998. I have numerous concerns about California's rivers under the Revised Draft Plan because of the harm it will do our fisheries, particularly salmon, the harm it will do our Bay-Delta Estuary, and finally, what it will do to our California charter boat captains. I have concerns about dewatering risk and that the proposed flow rows and Voluntary Agreements could allow water to be diverted to such an extent that the rivers are effectively drained during dry years.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		I have concerns regarding the proposed flow rules impact on salmon, diverting more than half of the rivers flows is linked to negative population growth for salmon. Increased exports from Sacramento-San Joaquin Delta are also associated with high juvenile mortality rates. According to NOAA Fisheries, areas such as dams have cut ff salmon waves from 95 percent of their historical habitat. And I'm concerned about proposed projects like the Delta Tunnel. The Voluntary Agreements will further restrict necessary flow rows flows for fish and allow only reduce the remaining habitat. I have concerns about ecological collapse. The Bay-Delta Estuary has experienced a severe decline with all salmon populations crashing, which has resulted in recreation and commercial salmon fishing ban for multiple years, which is, you know, on a personal note, I haven't been able to take my family out on the river for the last three years to do salmon fishing. Finally, I'm concerned about our California charter boats, which help us access coastal waters and allow us to fish offshore. With our support, they have provided me, my family, and countless other fisheries, fisherpersons, fishermen with access to parts of California's northern water that I and most others would never be able to access without those captains. Our business sustains their livelihood and they have helped me feed my family and numerous other individuals. With that, I thank you for your time.	
1432	1	DUNN: Yeah, I should be off. DUNN: Can you hear me? DUNN: Good afternoon, Chairman and Board. I just wanted to chat with a few things that I've continuously been chatting about when we have these meetings. It seems like it hasn't been going much anywhere or getting any progress, but I just want to chat about the Voluntary Agreements. I'm against the Voluntary Agreements just because it's a way to circumvent law and justice for the State of California. We need to	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		have laws set in where there are some judicial judgments that can be set against the violation of these agreements, also litigation that can be utilized by the public to seek remedy for violations of agreements. I'd like to ask, also, a question for these Voluntary Agreements. Who is supporting these Voluntary Agreements? Does the State Water Board support Voluntary Agreements or do they support regulations that can be judicially served, and also litigation that can be judicially served? Or is it just a one-way street by the industrial ag complex that I get to see show up at these meetings and talk about the Voluntary Agreements? Because they would be the beneficiary of Voluntary Agreements because they can be held accountable for violations against the people of the State of California.	
1432	2	Number two is I want to come up with some solutions that have been, in the past, that will help the salmon and the fish populations sustain themselves. We see a lot of issues with these sewer treatment plants that need updating or expansion. That's creating a lot of problems, especially in drought years, which I haven't heard or seen anything about, you know, fixing that problem. Another major problem for our salmon and steelhead in the river systems is we're still currently operating under single-species management. And what that is, is we have a listed salmon species called the winter-run king salmon which spawns in the upper section of the river and spawns where I live in that area. But they basically rely on the last hatching of the winter-run spring salmon -- or winter-run salmon in the river itself where they spawn in the gravels. And at that time, we're waiting for those fish to hatch out. We have the fall-run king salmon, which was typically the largest run of salmon in the river, which natural spawning king salmon now are as endangered, if not more, than the winter-run king salmon, naturally spawned in the river. So what they do is they wait until the last winter-run spring – DUNN: Am I back?	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project. Chapter 3, Scientific Knowledge to Inform Fish and Wildlife Flow Recommendations, and Chapter 5, Proposed Changes to the Bay-Delta Plan for the Sacramento/Delta, of the Staff Report discuss that while various state and federal agencies have adopted various flow requirements, a comprehensive regulatory strategy does not currently exist. The current requirements are minimal and are focused on the Delta without considering the needs of the watershed or how those flows are provided. Specifically, a number of tributaries do not have requirements to protect fish and wildlife or have minimal requirements. Current conditions may be protective of fish and wildlife in some locations, but action is needed to ensure that conditions are not degraded in the future and that conditions in the Bay-Delta improve based on more complete and coordinated watershed management. Reasonable protection of fish and wildlife beneficial uses under the Porter-Cologne Water Quality Control Act is aimed at providing broader flow protection than specific Endangered Species Act requirements for specific species. Please also see Common Response 3.1, Fish Protection, for more discussion on the use of the best available science for the protection of fish,

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		DUNN: Yeah, I don't know what happened there. DUNN: Yeah, okay. So to get back to it, so the one-species management is creating an issue for the fall-run king salmon. What happens is they wait for the last winter-run fry to come out of the gravels. But during this time about three quarters of the run of fall-run king salmon are laying their eggs in the same gravel areas. And what they do is there's water management set aside for the winter-run, but not for the fall-run. So at the time of that, they drop the water flows down since the winter-run are not there. And what that does is exposes about 75 to 80 percent of the natural spawning king salmon, that would be the fall-run, to drying of their spawning habitat, which we lose all the fish. And it happens a lot. It happens almost every year, and even worse during drought years. So we need to talk to the Bureau of Reclamation, U.S. Fish and Wildlife Service, and the Department, DFW, Department of Fish and Wildlife, to mitigate that issue. It's very important because that's what we're all fighting about. We're trying to keep enough water for the fish and the Delta. That's where they all seem to migrate out to. That's where they live in their young life cycle, plus other native species. So that's a real big issue. It's causing the fish that spawn, which we want in the whole system to get into the ocean and then be able to come back as adults to hatch out so we have, you know, a good run. But if we're wiping out 75 to 80 percent of these fish due to simple small management, because the water difference from the 3,500 mandated water, 3,500 CFS mandated water releases for the winter-run, and then as soon as this date comes, they shut it off, and then the fall-run are exposed and there's no water for them to live and hatch out. So that's a really big problem. If we can eliminate that, we will be able to not have problems about a lot of the water diversions that we're seeing because little things that we're doing wrong, not fine-tuning the system, is causing a big problem which doesn't need to be there. And it's causing a reduction in water being able to be delivered to the farmers and so on. And so that's an issue that I see.	other potential environmental stressors, and the benefits of flow and habitat to fish species.

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		DUNN: And that's the end of my talk. Go ahead. DUNN: Another thing that I'd mention is – DUNN: Okay. Also, I want to recommend cold water devices developed, that would be on-surface shading of the water so we can preserve cold water levels in the lakes, which hasn't been implemented or even any starter programs to study that, which I mentioned to you in the past. Also, going and lobbying to the DWR to get their FERC licensing, a permanent licensing in place, because not having a permanent licensing in place, they're able to circumvent a lot of protections for our fish and wildlife. And also, again, we need to regulate who gets the water and who doesn't. We need crops that need to be raised in California that are used in California – DUNN: -- not shipped overseas. Thank you -- DUNN: -- so much for your time and listening to you. DUNN: Thank you. DUNN: Yes, sir.	
1433	1	DR. JIGOUR: Verna Jigour here, and I'm representing my rainfall-to-groundwater project. I'm on mountain microwave internet, and I've been having some delays, so I may not fare much better than Mr. Dunn. And actually, some of the comments I hope I'll get to pertain to some of his comments, perhaps in an indirect way. So I'm dialing in from the Yosemite area, Southern Sierra Miwok territory, so South Delta. And I have, for many years, intentionally avoided the Delta issues because of their complexity. And I was dealing with my own complex issues. And in the last week and a half that I attempted to try and catch myself up on what was going on here, it just, it only reaffirmed the complexity and that it was really too much for my brain.	The Scientific Basis Report Supplement serves as an addendum to the 2017 Scientific Basis Report by documenting the science supporting the anticipated environmental benefits of the proposed VAs. The Scientific Basis Report Supplement was submitted for CalEPA External Scientific Peer Review in October 2023. The Scientific Basis Report Supplement was then revised to address the reviewers' concerns. Please see Common Response 3.1, Fish Protection, for more information on the peer review process of the Scientific Basis Report Supplement for the proposed VAs.

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		And actually, I was looking for the peer report and Chapter 13 suggests that it was yet to be published. And so I didn't know until yesterday that it had been published, but it does not seem to be on that page where everything else was. I did a word search for peer, and I didn't find it that way. So just a comment about that. And also, my impression is that the VAs were not intended to be responsive to the peer review, which raises some questions to me about, well, what was the point? You know, not only the regulatory pathway was responsive to peer review, but, you know, peer review is behind me now.	
1433	2	And I want to mention that my current work, when I'm not trying to catch up on the Delta issue, is about an alternative water supply strategy. And it's -- the working title of the preprint I hope to publish soon is California Opportunities to Increase Natural Recharge, Base Flows, and Detention Storage Hide in Plain Sight. And actually, I think if you Google detention storage, my page on that is one of the first hits you'll get on that, at least last time I looked it was. And so this approach is -- I actually consider it absolutely an alternative approach to the sites project. And I think that's fair game here since I believe the water rights, that's part of the new water rights that you're considering here. And so my approach is below-ground detention storage. It would be far less costly and far more environmentally sound. It's just below ground. It wouldn't be subject to surface evaporation. But, of course, we're not going to get to hear about that as an alternative because alternatives are off the table now, as I understand it, to Sites. And – DR. JIGOUR: Okay. I thought it was – DR. JIGOUR: I thought it was part of the new water rights, so apologies for that.	Please refer to Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
1433	3	But, so somewhat relatedly, but I won't mention it again, is that your environmental analysis failed to consider the impacts of Flood-MAR on the high winter flows that are part of the	Groundwater recharge projects are evaluated under other watershed actions that diverters may take in response to reduced Sacramento/Delta surface water supply. Impacts and

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		functional flows approach. And that seems like, you know, I mean, without considering that, it sounds like double dipping if you're really seeking to emulate the magnitude and timing of high flows, which are part of what sculpted the ecosystem, the Delta ecosystem. And – DR. JIGOUR: Okay, I'll do the rest in my written comments then. Thank you. DR. JIGOUR: Thank you.	mitigation measures are identified in applicable discussions in Staff Report Sections 7.3 through 7.20. For example, Section 7.12.1, Surface Water, discusses how recharge using surface water diversions would likely occur during wet years when extra water is present; however, substantial reductions in flow could degrade water quality by limiting the dilution effect of existing flows and exacerbating existing water quality impairments. A mitigation measure specifies that in processing water right applications that involve groundwater storage, the State Water Board will ensure that enough flow remains instream to protect water quality. Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
1434	1	DUENAS: Good afternoon. Good afternoon, Chair Esquivel and members of the Board. My name is Rick Duenas, and I live on the San Mateo Coast. Thank you for the opportunity to comment on Chapter 13 of the Bay-Delta Plan. I urge you to reconsider the Voluntary Agreements as proposed. I have recreationally fished for salmon and paddled the sloughs of the Delta and rivers of the Valley and the North Coast ranges as a hunter, birder, and angler for many years. Needless to say, I've been heartbroken in recent years to see the decline of so many revered species, especially salmonids. I have two main concerns about the Voluntary Agreement. While I appreciate the habitat projects provided for by the Voluntary Agreements, I'm greatly concerned that they'll provide inadequate flows for salmon and other sensitive species life cycles. I'm especially concerned about this in sequences of dry years. We've been pretty lucky the past few years with some banner wet years and group returns, but what happens when that luck runs out? Moreover, I'm concerned about the lack of teeth by which the Voluntary Agreements can be enforced. For example, time and again, the Trump administration has proven to be unreliable, unlawful, and not a friend to anadromous fish. You can recall untimely Army Corps of Engineers reservoir releases last winter,	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project. Also see Staff Report Section 13.5, Beneficial Environmental Effects, and the Scientific Basis Report Supplement (Staff Report Appendix G2) for documentation of the benefits of the VA pathway and Common Response 1.3, Revised Proposed Plan Amendments, for information on the VA pathway, including enforceability.

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		Secretary of Agriculture Rollins intervening in some federal proceedings on the Eel River, or even just White House press releases directly criticizing Delta smelt protections and calling out those a waste of water. These examples don't exactly inspire confidence in the Voluntary Agreements. So once again, I just urge you to please (indiscernible) otherwise include greater flow requirements (indiscernible).	
1435	1	WALLACE: "(Speaking a Native American language.) I'm not a scientist. These technical details elude me." Sorry, I recorded this in advance because I'm so excited. (A prerecorded audio by Norma Wallace continues to play.) "Norma Wallace. I'm not a scientist. These technical details elude me. I do understand that the rebranded Voluntary Agreements remain unenforceable. Science -- scientists have made it abundantly clear that salmon will be extinct soon if drastic changes and first principles at the Water Board do not occur. Would NASA send people into space with one third the necessary air supply? Would that be okay? "As I said, I'm not a scientist, so I'll ask you to play along as I tell you a story. Close your eyes wherever you are. Imagine this: You learn from irrefutable DNA evidence that your great-grands were tribal members in native California. What do you feel? "I experienced this experiment myself in 2020. I'm adopted. A friend sent me a DNA kit. I sent it in, and the results were clear, I'm from here. Further, not just anywhere in California, but from the East Bay where I live, where I was born. And I had to sit and ask myself, I know I'm proud to be a native, but would these people be proud of me? Would they welcome me? Would they think that I had done good things? Had I stood up for the right things? Had I tried to help preserve what little is left of native California, which is, I remind you, and the governor, all stolen land?" "I ask you, do you want to -- would you want those great-	Please refer to Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project. Please see Common Response 1.3, Revised Proposed Plan Amendments for a discussion on the enforceability of the VA pathway. Please see Common Response 11.1, Tribal Engagement and Tribal Beneficial Uses for a discussion on the proposed designation of Tribal Tradition and Culture (CUL) beneficial use throughout the Bay-Delta watershed.

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		grandparents to look at you and what you do now? And would you feel good and proud of what you are doing and the decisions you're making to eliminate salmon forever, or would you feel shame for letting California die? Because that is clearly the road we're on. And it makes me glad I'm at the point in my life where I hope not to live to see that. "(Speaking a Native American language.) Thank you." The soul of our country is at stake. The soul of California is in your hands. Water is life. Basket weavers prepare plants with their mouths. All California is stolen. Prioritize the fish and let the rest flow from this first principle. Only you can stop the salmon genocide. (Speaking a Native American language.)	
1436	1	BREON: Good afternoon. It does look like you can see me, even though I can't. Thank you for the opportunity to speak. I've got my 17-year-old trusted sidekick Dachshund at my side, clearly thrilled by the proceedings. Craig Breon again. I worked for 12 years with the Santa Clara Valley Audubon Society, so I worked closely with the Santa Clara Valley Water District. I spent three years with the Sierra Nevada Alliance, seeing headwaters issues, and I worked two years in private practice out of Visalia, so saw the San Joaquin Valley. I've seen a lot of different aspects of this. A woman yesterday talked about Sandhill cranes, and that reminded me that I need to step back and see the wonder of what we're dealing with, and not just the hearings and the paperwork. I really urge you to do the same thing. The Sandhill Cranes come in the hundreds. Right now, this is the right time to see them, about half an hour from south of Sacramento. If you haven't seen that, just give yourself the gift of pure joy and go out there. I was around in the mid-90s when the conservationists decided to give up the lawsuits that we were winning, Clean Water Act -- oh shoot, sorry -- Clean Water Act and Endangered Species Act lawsuits, and move to the Delta Accords. I was one of the people opposed to that decision by the conservationists. And I think that	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		the last 30 years have shown that that was probably a bad decision. But now, you seem to be taking yet another step towards just giving up. The Voluntary Agreements would be that step in the long process of slowly giving up on the wildlife, the natural resources, and the many ways that people interact with those. In 1995, there were about 5 million acres under cultivation in the San Joaquin Valley. That number is about the same today, despite urbanization, because they've moved into more marginal lands as well. Meanwhile, the species and habitats and ecosystem have continued to decline towards collapse. This has not been a win-win scenario for decades now and it is your opportunity. It's not going to come back to balance, but it's your opportunity to make a slight adjustment in that balance towards the factors that have been neglected for too long. We know some of the answers. Better technology to -- for efficiency and conservation. Take a brief look online at Israel. They produce tremendous amounts, more than 90 percent of the fruits and vegetables that they consume, on small amounts of land in a semi-arid area. Their technology is amazing. Retiring some of the marginal lands out there. There are lands, for example, in the Westlands Water District that are marginally productive, have toxicity issues, and some of those have already converted to what would likely be a more economic use in the future, which is solar farms. And finally, modest adjustments even in the water pricing. You have groups like Modesto and Turlock Irrigation Districts that are still charging just $25.00 an acre for water. If you move that up to $30.00 an acre, those Districts could then have the means, the financial means, to turn around and provide technical assistance and grants to the farmers in their area to do what needs to be done to use water more efficiently. These things, though, will probably not happen, because they have not happened, unless you give them a push. You're correct, Mr. Chair, in saying earlier that you don't have the ability to control a lot of water rights issues. That's correct. You folks do	

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		have the ability to make the push that will then force the irrigation districts, the farmers, and others to make some of the sometimes modest steps. I mean, we're not talking about low-hanging fruit, but we're not talking about killing the tree either. Modest steps in the right direction that will allow the resources to recover. BREON: Okay. BREON: Thank you very much. You have a tough political decision. I hope you make the right one. BREON: No, that's okay.	
1437	1	SCHIFF: Hello. I am not an expert. I am a very long-time resident of the East Bay, and I walked around Lake Merritt to see, in 2022, 10,000 dead fish. Why were there dead fish? Well, there were dead fish because not enough water was coming down the Delta; right? We had red tide and algal bloom. And it was really the most depressing moment I've ever had since 1959 when we moved to California. My father-in-law grew up in Oakland. He was actually a State Water commissioner, and I speak in Merrill Goodall's memory. When he was growing up during the Depression, the boys on his block, when they ran short of food for their families, would go down and get steelhead or salmon out of Temescal Creek, which is now mostly under a freeway. And it was easy, and it was kind of poor people's food, you know, because it was readily available and you didn't have to pay for it. I am very concerned about the saline intrusion, about the fish deaths, and about the idea that Voluntary Agreements would do anything. I have been witness to some other kinds of voluntary agreements, and they are mostly honored in the breach. And I worry about their longevity. All it takes is for you folks to move on to another Board position or another job somewhere else, and the next group of people aren't even going to remember those Voluntary Agreements. If they're not enforceable, they aren't useful.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project. Also see Common Response 1.3, Revised Proposed Plan Amendments, for information on the VA pathway, including enforceability.

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		And so I urge, urge you to consider that Voluntary Agreements are really icing on a cake, and the cake needs to be regulation. Thank you.	
1438	1	COX: Yeah, hello. Can you hear me? COX: Okay. I am Captain Jim Cox. I am a retired sportfishing charter boat captain and president of the California Striped Bass Association. I want to start by saying that the entire membership of the California Strive Bass Association are against these Voluntary Agreements. We have heard how low flows and warm water conditions affect salmon. And I'd like to point out another situation that is caused by low flows and warm water. The situation is the growth of harmful algal blooms in the Delta. A decade ago, harmful algal blooms were unheard of in the Delta. The lower flows and warmer water have brought on these toxic conditions. When the naturally occurring algae in the Delta mixes with the nitrates off of the islands, and the water is warm enough, this percolates into a toxic algal bloom. These HABs are toxic not only to fish, but to mammals, including humans. The Department of Fish and Wildlife has determined that one-third of the sturgeon population have been lost to HABs. Sturgeon, like salmon, are a native species. Unlike salmon, sturgeon have a much smaller overall population and are much slower to reproduce. The loss of these fish is an ongoing situation. Sturgeon are also affected by these low flows and warm water as it affects their reproductive cycle. Sturgeon do not spawn every year. They need cool, moving water, and without this, they simply will not drop eggs. HABs are also toxic to humans. Contact with affected water, ingesting affected water, or breathing the pollen from these blooms can be toxic. I walk my dog daily at Contra Loma Reservoir in Antioch. Contra Loma has been a hotspot for HABs over the last five years. The	Please see Common Response 4.1, Harmful Algal Blooms, for responses to comments related to instream flow and cyanobacteria harmful algal bloom formation in the Delta, information on nutrient discharge and HABs, and State Water Board commitments to address HABs in the Delta. The recently adopted San Francisco Bay Nutrients Watershed Permit, in addition to other mitigation measures identified in Section 7.12.1.4, Mitigation Measures, may help to address HAB effects on native fish and wildlife in the San Francisco Bay and the Delta. Please see Common Response 1.3, Revised Proposed Plan Amendments, for information on the special study requirement for effects on native fish species included within the HAB provisions of the revised proposed Plan amendments. See Chapter 13, Revised Proposed Plan Amendments, Section 13.5, Beneficial Environmental Effects for a discussion of the ecological benefits of the VA habitat restoration commitments, and Common Response 3.1, Fish Protection, on expected benefits of habitat restoration.

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		problem is so severe that there are now warning signs all around the lake warning visitors that have contact with or ingest lake water that they will immediately, or their dog, they will immediately need to acquire medical attention. This is how serious this is. There is no filter or treatment that can eliminate HABs. The only cure is to increase the water flows and lower the temperatures. The meager additional flows in these Voluntary Agreements is not nearly adequate. I would also like to address these habitat restoration projects promised through these Voluntary Agreements. Low water flows and warm water has destroyed the natural habitat. I do not see how habitat restoration projects can be successful without increasing water flow, but small increases in the Voluntary Agreements will not be adequate for this either. I trust the Water Board will make a decision that prioritizes the health of the Delta and the people that live there over political and commercial concerns. Thank you.	
1439	1	LEPOME: Hello, my name is Penelope LePome. I'm speaking as a citizen of California. Thank you for listening to public comments. I was encouraged by some of the presentations yesterday that demonstrated restoration, particularly the increase of the salmon and today's commitment to habitat. I particularly support the comments of Nancy Blastos, Mr. Heringer, and Mr. Gomberg. While there is still much to learn, we do know that there is a science, there is science that tells us what works. We know that water flows are most important to regulate water temperature, clean salinity, and reduce harmful algal blooms. The harmful algal blooms affect public health, recreation, and clean water. While there's discussion of unmitigated flows of 55 percent, I'm concerned that this is too little. I'd like to see 65 percent. I also support monitoring to be sure implementation is working.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		Regarding Voluntary Agreements, I oppose them. Previous presenters show that they are ineffective. VAs would deny or delay implementation of new rules for eight years. Federal funds to support VAs aren't there. Others have listed other reasons. Basically, VAs only delay extinction, not prevent extinction. Also, we do need to review water rights, as mentioned in previous presentations and comments. I do appreciate the Board's responsibility to balance the needs of various communities, for example, the Yolo County and Napa presentation. I support science-based decision making and the inclusion of minority and tribal input. I value biodiversity, TEK, Tribal Environmental Knowledge. My values are faith-based for environmental justice and reflect the interconnectedness of all life, people as part of the nature and dependent on all nature. Water is sacred. The Board must adopt a science-backed, enforceable regulatory pathway that does not rely on Voluntary Agreements and that guarantees unimpaired flows of 55 percent or more in the Sacramento River and its tributaries. Thank you for your time.	
1440	1	DUBOIS: Good afternoon. DUBOIS: Yes, thank you very much for letting me share a few reflections and quotes and reminders. And I've always loved that bumper sticker, "Don't complain about farmers with your mouth full." Such a great reminder, as we all depend on such amazing farmers. And sadly, it appears that agribiz has seized the opportunity to replace farmers with -- because they value cash, and much more than healthy food, soil, and water. You've heard the line that those who don't know history are condemned to repeat it. I would say that you as a Board face the opposite problem. Since the beginning of the environmental	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		movement, your Board built a reputation for making decisions that best serve all California's water interest. As our culture has moved towards money as its highest value, normalizing short-term profits and stealing from the future as norms, you have a daunting challenge. Sometimes when children get lost, you need grown-ups in the room. In your hands lies the fate of future generations. Even if you were appointed by a governor who seems to believe he's more beholden to agribiz and Wall Street, your job description asks for much more. California miners learned quickly that when the canary died, they had to exit the mine very quickly or they would follow the same fate. It's staggering that we have a modern world that has not yet normalized the awareness that when the fish die, humanity soon follows. Voluntary Agreements sounds like such a great idea, yet apparently after all these years of practice, it looks like it's just procrastinating and kicking the can way down the road while critical decisions are happening. Which fisheries have not been lost on your watch? Yes to supporting true farmers, stealing from agribiz norms, subsidizing only pilfering investments doesn't work. A hundred years ago, Governor Hirum Johnson, Newsom's predecessor, very progressively stopped railroad monopolies and pioneered land being for California's future. You could remind our governor that many youth are not voting for Democrats nor Republicans that normalize short-term financial profits rather than serving all of our children's future. Remember Loren Eiseley's insight, "If there is magic on our planet, it's contained in the water." Please grow the courage to make critical decisions that halt the destruction of California's precious water and return the true richness of California's verdant water and river systems. I honor how much you all have been hearing and how many very long-term interests there are from various different perspectives.	

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		And again, yeah, look forward to you helping set a precedent again that sets California on a longer-term vision than we seem to be currently heading to. So thank you very much. DUBOIS: Thank you.	
1441	1	RAGLAND: Oh, hello. Can you hear me all right? RAGLAND: Good afternoon. Thanks for all your work on this. Thanks for everyone who's here interested in taking a stake in the state's water. My name is David Ragland. I'm an engineer and surveyor living in Sonora, California in the drainage of the Tuolumne River. My older brother was a commercial salmon fisherman out of Bodega Bay until state water policy made that unfeasible. My first paid job at 14 years of age, I don't know how long ago that was, as time flies, for Johnson's Bait and Tackle in Yuba City, for locals to play in the waters of the Yuba and the Feather and beyond. We're here again talking about the VAs, also known as the fox guarding the hen house. I want to tell you that it can't work. As a fisherman, I spent a lot of time studying our valley rivers and their flow graphs. What I see is a bunch of radical changes that are meant to maximize power production and maintain storage for irrigation districts through catastrophic eight-year droughts that have not happened in 500 years. The best science out there says we need 50-plus percent of unimpaired to improve things for salmon. I would add, we need to increase the minimum flows. Salmon have an interesting advantage over resident fish, and that is they can spawn in a river that's healthy part of the year and literally goes rock dry another part. But we have other species, including O. mykiss, which rainbow trout, and steelhead, which has a resident mode of life, which increasingly they're being forced to live because it's too perilous to get in and out and through the Delta. So if we're	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		expected to tolerate getting by with resident trout only, let's take care of them at least. But in these rivers, we also have hardheads, pike minnow, and a number of other native species that need higher minimums to live there residential year-round. If you do the math, it takes something around four percent per year on a typical valley drainage storage to increase those flows to a healthy percentage of unimpaired. And yes, I understand that that potentially is additive yearly during multi-year droughts, but do not let the water-selling uses tell you that we're asking for a huge portion of what they're doing when they're taking, for instance, approximately 80 percent per year from the Merced and Tuolumne Rivers. Appreciate you hearing me. It's been a long time coming. And I know that we've seen the best science out there that I referred to as the original biological opinion, which was a sealed deal until it got reopened behind closed doors. Again, thanks for all your work. RAGLAND: Let's take care of these rivers.	
1442	1	HIDAS: Hello. Can you hear me? HIDAS: Great. Sorry, I have two different devices, so I'm going to turn that one off. My apologies. Good afternoon, Chair Esquivel and members of the Board. Hopefully you can still hear me. HIDAS: Great. Thank you for the opportunity to comment during this important workshop. My name is Laura Hidas. I am the Director of Water Resources at the Alameda County Water District, or ACWD, and pleased to be sharing our comments today. ACWD is a water retailer providing water service to over 348,000 people and the many businesses and industries in the cities of Fremont, Newark, and Union City in the southern region of the San Francisco Bay Area. ACWD supports the completion of the updated Water Quality Control Plan, including the Healthy Rivers and Landscapes	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		Program. ACWD has an interest in the Plan because we rely on the State Water Project for about 40 percent of our water supply portfolio, making it a critical supply that supports our region. Water from the State Water Project is key to meeting our community needs as well as to supporting sustainable management of our local groundwater basin. State Water Project supplies will continue to be important to our region's water supply reliability in concert with our substantial and ongoing investments in water use efficiency to drive down local water demands. And this is especially important as our climate is changing. We appreciate the State Board staff's extensive work on this important Bay-Delta Plan update and efforts to rely on science and balance water uses. In closing, ACWD is supportive of finalizing the updated Water Quality Control Plan, including the Healthy Rivers and Landscapes Program, to balance beneficial uses and make significant strides towards water resilience as we face current and future climate challenges. Thank you very much for your time.	
1443	1	BARNES: Thank you very much for taking my comments today. Hopefully you can hear me okay. BARNES: Hey, good afternoon. I am, again, Tom Barnes. I work with water resources and I represent the Antelope Valley-East Kern Water Agency. We're in the Antelope Valley region of Southern California, and we serve about half a million folks here in areas like Lancaster, Palmdale, Edwards Air Force Base in the Antelope Valley region, and also in the Eastern Kern portion of the region. So we have residents, as I mentioned, about half a million residents, farmers, you know, we have businesses obviously out here. We just want to express our support for the completion of the updated Water Quality Control Plan, and specifically including the Healthy Rivers and Landscape proposal as part of that. So it's very important for us, you know, as being users of the State	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		Water Project system to be able to supply an ongoing and reliable source for our region. For me personally, I've lived here all my life. I'm a native, so the reason why I got into water is because I am concerned for this area and I want to, as a desert region, high desert region, I want to make sure that we're, you know, being able to reliably and responsibly be able to supply water for this region. So that's all I wanted to say. I just wanted to indicate that it's really important for us to look at the balance of water use within the whole of the system, and that's all of Northern and Southern California, and we want to hopefully, you know, be able to support the human and environmental aspects of that, so thank you very much.	
1444	1	ECKHART: Thank you very much. I assume I'm unmuted? ECKHART: Oh, great. ECKHART: Great. Thank you very much for having me today. Lance Eckhart, General Manager of the San Gorgonio Pass Water Agency, one of the State Water Contractors. And I want to further express my support for completion of the updated Water Quality Control Plan, including the Healthy Rivers and Landscapes proposal. It's very important to balance water uses that support business, families, schools, hospitals, local agriculture, and so forth in our region. The Healthy Rivers and Landscapes proposal is ready to be implemented and balances many human and environmental uses without causing major economic impacts. And a little about us. We were formed in 1961, along with a lot of other State Water Contractors. We're located in the Greater Inland Empire, along the I-10 corridor, about 200 square miles, 100,000 population and growing. And we're between the low desert, the windmills, and the Cabazon dinosaurs, and then really start getting into Redlands, Yucaipa, San Bernardino, and then you've gone too far. So that's our location.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		We are in one of the higher economic developing areas and really one of the, I think, one of the last affordable housing areas for new housing in the Inland Empire, Greater L.A., Southern California area. Our community is very impacted with disadvantaged communities, and that's why the affordable housing is so important. Part of -- to support some of our economic development and address the housing crisis is our importation of State Water Project water into our local groundwater basins. A little fun fact. It was 40 years that we were part of the State Water Project before we got our first gallon of State Water Project water. And when it did get here, the State Water Project started to become about 50 percent reliable because of climate issues, State Water Projects getting more flashy, increasing regulation, so on and so forth. We understand the flashy nature of the State Water Project, and we really support the Healthy Rivers and Landscapes to make very quick, nimble, real-time decisions collaboratively. We support the environment, but we also support people. We're smarter as a group, and we're really smart as a collaborative group potentially. Really, part of Healthy Rivers and Landscapes in our thinking and us being nimble is kind of the hallmark of our climate change response. I, personally, am a hydrogeologist. I consider myself, and a lot of water managers around the state, water harvesters. We take the water when it's available, and we try to move it as quickly as we possibly can, and move it into California's prolific natural infrastructure, which is our local groundwater basins. And we do that here locally, and we also bank outside our areas with partners, moving water into the high desert, moving water into other parts of Southern California, and even moving water back and forth, trading water with Central Valley farmers, really trying to get that water used when it's available to places where it's needed. We saw in 2023, after the prolific drought, that there was a call to action, and the state moved over 4.1 million acre-feet into the	

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		groundwater basins, and that's fantastic. As a geologist, that warms the cockles of my heart. We rose to the occasion and moved water around the state really effectively back in 2023, and we had some excess water. We're still moving water around a couple of years after, doing trades and water banking deals, and it shows that we can do this. We did it in a big way in 2023, and we can do it in a small way and a medium way with the flashy hydrology when the opportunity is there to balance both people and the environment. I think the California Water Alliance – ECKHART: -- can be realized. ECKHART: Yeah, I'll wrap it up. We really support Healthy Rivers and Landscapes. We think a science-based approach where we're all collaborative is going to move the needle for us. Thank you for your time. We hope you support moving this initiative forward. ECKHART: That's fine. ECKHART: Thank you.	
1445	1	KISHLER: Yes, hello? KISHLER: Okay, thanks. I'm a resident and taxpayer in one of California's water districts, and a retired public school teacher. I've backpacked in the high Sierras for 40 years, mostly in the headwaters of the rivers that try to flow towards the San Francisco Bay and Delta. It is important that there are adequate safeguards to protect the health and well-being of the Bay and Delta. The Voluntary Agreements aren't sufficient safeguards. The VAs are a euphemism for deals between water agencies and developers who have a vested interest in diverting more and more water from the Bay and Delta. Sufficient oversight by the broader public and independent science are left out of the Voluntary Agreements.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		Salmon are a keystone ecological species that are separating from the ailing Bay and Delta. There is evidence of toxic algae blooms. Unimpaired flows to the Bay and Delta need to be increased, not decreased. Is there any optimism and hope that the State Water Board will stand up to give the Bay and Delta ecosystems stronger protection? Please do not accept the Voluntary Agreements as they are now written. Thank you.	
1446	1	BARRIGAN-PARRILLA: Good afternoon, Chair Esquivel and Board members. Thank you for the opportunity to speak. John McManus made a comment today about concerns around democracy in the work of this Board. I want you to hold that thought. I also want you to hold the universal truths that were presented to this Board this afternoon by the Tribal Panel and the historical accuracy of Dante Nomellini's explanation of the State Water Project. Yesterday, inaccurate statements were made by Secretary Crowfoot as to who has been included in the VA process and when. At points in time, members of the DTEC Coalition, including me, have been asked by the State Water Contractors as to how to cure their failure to bring us all into the consultation at the beginning of the VAs, a problem that this Board is seeking now to cure after the fact on their behalf. Today's State Water comments discussed purchasing water from upstream water districts for the environment, yet we all know that climate change is diminishing runoff into the watershed with aridification and that we are facing major fishery extinctions under the regulatory authority of this Board that will further harm tribes and environmental justice communities. While my confidence in this Board has been shaken by the Board's failure to follow through with DTEC and a tangible manner to address our concerns. I want to remind you all it is never too late to do the right thing. I urge you to stand up for democracy in water planning, protection of the public trust, to	Please see Common Response 1.1, General Comments for a discussion of the VA development process. Please see Common Response 10.1, Economically Disadvantaged Communities, for responses to comments on existing environmental conditions and CEQA Analysis, and Common Response 11.1, Tribal Engagement and Tribal Beneficial Uses, for responses to tribal comments on the VAs.

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		stop full species collapse, because right now you're entering a full species collapse plan, and to return to the science-based standards found in your own science reports that will protect all people, just not business interests. RTD has been before this Board and has communicated EJ concerns directly to DWR, the State Water Contractors, Metropolitan Water District, and numerous other government agencies regarding the Bay-Delta Plan update for well over a decade. The new cure is for every agency to create a tribal outreach effort after the fact. We still champion it because it's 180 years past due, but EJ concerns for disadvantaged communities and tribes along the watershed are consistently ignored. California tribal members live in Delta EJ communities, and both tribes and EJ communities have difficulty with fish health, water quality, harmful algal blooms, public access, public health risks, and sustainable economic development tied to water economies. When we address this Board and share that our concerns are not being acknowledged, the Board's answer is usually about pride in outreach and the intent of the Board and staff. That is fine. I have no reason to doubt you. But intent without demonstrated action in the Bay-Delta Plan means little. And there is a big difference between hearing versus listening and taking action. I'm distressed that the needs of Delta EJ and tribal communities from water quality to water for local economies from HABs to fish health are subordinated to decisions to first support water for consumptive use. Decades of disparate impacts continue to be ignored, but those water agencies upstream and downstream not only want to control Delta flows and water quality standards, but many of the same people are tied to business interests that are seeking the full industrialization of the largest estuary on the West Coast of the Americas through multiple water projects and regional industrial plans for the Delta. The people have been excluded from all that input as well. All of these parties are operating with the full confidence that the Water Board will approve the VA, big water projects, and regional plans for the full-scale industrialization of the Delta	

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		without the people's consent. You have the chance to do the right thing, to be real heroes for the environment and the people. We urge you to reject the VAs and do the right thing.	
1447	1	GOULET: Hello. Can everybody hear me? GOULET: Excellent. Thank you for hearing comments today. I'm here to speak against the so-called Healthy Rivers and Landscapes, also known as the Voluntary Agreements, tied to the Bay-Delta Plan. I grew up on the Delta. I grew up in Antioch, and I currently still operate my business in the area, so it is my home. First, I want to say something fundamental. Humans are not separate from nature. We are nature, and biodiversity is not a luxury. It is not an environmental talking point. It is the life support system of this planet, including our own lives, and right now the Delta is on life support. Voluntary Agreements are not a solution. They are a deceptive delay, and delay in this case is deadly. These agreements are a slow, polite way to pull the final plug while we tell ourselves we tried. We don't have to guess what happens when we under-protect the Delta. We have already lived it. Over the last 50 years, bird and fish populations in the Delta have been decimated. Species that were once abundant are now endangered, functionally extinct, or gone altogether, and recency bias allows us to forget about it or ignore it. Salmon runs have collapsed. Native fish have been pushed to the brink. Migratory birds that depend on this estuary are disappearing right before our eyes. This is not a natural cycle. This is the result of human choices, choices that you have before you today, especially choices that prioritize short-term extraction over long-term life. With AI data centers threatening the Delta in various ways, is this the time to play it safe, to find a compromise? No. Radical decisions must be	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		made. When I hear the word voluntary, I think, voluntary for whom? Because the fish don't get a choice. The birds don't get a choice. Future generations do not get a choice. And none of those parties can be here to give a comment. Yet once again, we're being asked to trust the same systems and special interests that helped create this very crisis to voluntarily fix it on their own timeline with minimal accountability. We need to talk about Indigenous knowledge because, for thousands of years, Indigenous people stewarded these lands and waters sustainably. They understand that water is not a commodity. It is a relative and a responsibility, a collective responsibility. Indigenous voices have consistently warned us what happens when we over-divert, over-engineer, and disconnect rivers from their natural flows. If we are serious about healing the Delta, we must honor Indigenous leadership and lived knowledge, not sideline it in favor of politically convenient deals with powerful interests. This moment demands courage. The science is clear, the damage is visible, and the clock has run out. Voluntary Agreements may be comfortable, but comfort is not what the Delta needs. It needs enforceable protections, real flow standards, and a commitment to life over profit. Because saving the Delta isn't about choosing nature over people, it's about recognizing that without a living Delta, none of us can live. Thank you.	
1448	1	BIGLIONE: Good afternoon. My name is Tom Biglione. I grew up within a mile of the San Joaquin River in Clovis, California. I lived 20 years -- or 10 years rather, it felt like 20, in Stockton at the top of the Delta, and now live in Midtown Sacramento within a mile of the Sacramento River. My avocation is canoeing California rivers. I've canoed all of them, save the Cahuilla, the Tule, and the ever-dry Fresno River. Right now, the American is my river of choice.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		I paddled and portaged the San Joaquin River in 2014, the first year that the exchange contractors called in their senior water rights to the San Joaquin River water deliveries through Friant Dam. Even so, I found myself wading in ankle-deep water below the Bear Creek confluence because there wasn't enough water to float the canoe with me in it. I'm glad I didn't have any open wounds. It's not the kind of water you'd like to wade through. I'm speaking today against the adoption of Voluntary Agreements. They haven't worked in the past, and I have seen and heard nothing to assure me that they will in the future. Every aspect of the Delta's water quality depends upon the fresh water flowing from its tributaries, and by that I mean real water, not counterfeit paper water. A counterfeit Benjamin might slip past a store clerk once in a while, but the Delta and the wildlife and the fish within it are dependent upon the real thing. If the chamber you're meeting in right now were at 10,000 feet elevation and as warm as the Central Valley in July, I imagine you'd all be very uncomfortable, most of you being wanting to doze off or, worse, pass out. Should we expect the fish in our rivers and the Delta to react any differently? I can only wonder what we would feel like if it were a 45 percent reduction. Why have our state's tribes and environmental organizations been excluded from the Voluntary Agreement negotiations? Why should 5 percent of our state's gross domestic product dictate water policy terms to the other 99 percent of our population? When rivers and wildlife, commercial, sport, and subsistence fishers, and Delta communities suffer poor water quality, all the state suffers the loss and shoulders the cost. Instead of accepting dehydrated promises, think of the dramatic and near-immediate turnaround of the Klamath River after the removal of four dams. The Board should proceed expeditiously with adoption and implementation of the Bay-Delta Water Quality Plan, including new science-based protections that require flows of at least 55 percent in our Central Valley rivers in most years. In the spirit of Robert Burns, whose birthday we celebrated just	

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		this past Sunday, "Now is the day and now is the hour." Thank you.	
1449	1	CASTANEDA: Hello, Chair Esquivel and members of the Board. My name is Ashley Castaneda, and I'm the Communications Manager with Restore the Delta. I'm speaking today to share my concerns about the proposed updates to the Bay-Delta Plan and Voluntary Agreements and how they are not backed by sound science and are incredibly harmful to Delta communities, tribes, and environmental justice communities. As community members and panelists come together to oppose these harmful updates, I want to also highlight how disheartening it was to see the Board release these updates in December 2025, overlapping with the holidays. Impacted communities and environmental groups were forced to review more than 3,000 pages of highly technical documents under extremely limited time constraints, and when the same communities and groups that you all claim have always had to see or been invited to the table requested additional time to review the updated Plan, that request was quickly denied. Reviewing and understanding documents of this magnitude required significant time, expertise, and resources that many affected communities simply do not have, not to mention the amount of time it takes to then share the updates with the general public. This process placed an unfair burden on communities that are already marginalized and under-resourced. Many of our members expressed their frustration with this unjust process, and many were frustrated with the limited time they were being allocated to respond to the documents. Thirty-three business days for written comments and three minutes for verbal public comment is just not enough. Alongside community members and tribal partners, we continue to feel that California lacks a truly independent water regulator, and instead we see a Board cut the public out of critical planning processes while prioritizing special interest water districts over the people and ecosystems that depend on the Delta for survival.	The State Water Board has conducted extensive public and tribal related outreach and appreciates the significant input from tribes and environmental justice communities related to the Sacramento/Delta Update to the Bay-Delta Plan. Tribal and public participation activities related to the Sacramento/Delta Update to the Bay-Delta Plan are summarized in Staff Report Chapter 11, Tribal Engagement, Traditional Ecological Knowledge and Tribal Beneficial Uses, and Chapter 12, Public Participation. The State Water Board received several requests to extend the public comment period and delay the associated public hearing on the December 2025 revised draft Plan and supporting Chapter 13, Revised Proposed Plan Amendments, of the draft Staff Report. As discussed in the State Water Board's January 7, 2026, response to these requests, updating the Sacramento/Delta components of the Bay-Delta Plan is one of the State Water Board's top priorities and the State Water Board has worked expeditiously to complete this update. While the State Water Board is very interested in receiving productive public comments, the Board was not prepared to further delay the process for receiving those comments by extending the December 2025 comment period or rescheduling the public hearing dates identified in the December 12, 2025 Notice.

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		Thank you so much, Board, for the opportunity to provide this comment today.	
1450	1	CLARKE: I'd like to first thank the members of the Water Board for their dedication and patience regarding carrying the testimony of so many stakeholders regarding the matter of the Delta Plan versus the so-called Voluntary Agreements. Your willingness to listen is noteworthy and is a credit to you as public servants. I'm testifying today in support of the minimum water flow requirements described by the Board's own 2010 Delta Water Flow Criteria Report in which it was stated by the Board staff that unimpaired runoff should be 75 percent of available water and that this water needs to flow into San Francisco Bay. Since the time of this report, as Board members know, there has been significant political pressure brought to bear by large water users who are well connected to the Newsom political machine. The science is clear. The era of over-promising water to large corporate users resulting in environmental disaster to large segments of the California economy and ecosystem needs to come to an end. The Board has a fiduciary responsibility to all the people of California, not just to those with deep pockets who can pull strings in private to ensure that they control the water that actually belongs to all people in California. I'm not going to review all the various elements of the Bay-Delta Plan that have been well described by many stakeholders who have testified to Board members and are well aware of the science, just as they are well aware of the politics taking place behind closed doors in order to meet the interests of a rich and well-connected group of corporate interests who care mainly for their own profits. This group is willing to sacrifice the needs of many other stakeholders on the altar of their own profit. For example, why should the citizens of California be allowing the water that we all own to be used to create crops that are exported to other nations? This results in very limited, if any, benefits to those who actually live and work here in California.	Please see Common Response 1.1, General Comments, for information on the Delta Flow Criteria Report and for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		Hopefully, the Board realizes that its decisions impact everyone and that a small group of well-connected corporate users cannot and should not dictate the difficult decisions the Board must make in order to assure a healthy resource that is owned by all its citizens. Thank you for giving me the opportunity to speak and for listening.	
1451	1	COLWELL: Are we good? COLWELL: Thank you. Thank you, Board commissioners. My name is Glen Colwell. I salmon fish, when we have a season, out of Humboldt Bay, Shelter Cove, and Trinidad for personal use and to share with friends and family. I urge you to adopt common sense stronger protections to ensure sufficient cold water and river flows to restore the Sacramento Basin salmon runs. It would take very little extra water to have a very positive effect on those salmon runs. I have fished for salmon and lived in coastal salmon fishing communities my entire life. The area I live in now, for tribes and for the rest of us, salmon aren't just a food resource, but are a cultural cornerstone. Being able to catch and share Chinook salmon with my family and neighbors and having access to such an amazing and healthful food is a treasure that must be protected and advocated for. With healthy salmon runs, our North Coast economy could be strengthened and revitalized. Sadly, I'm old enough to remember the catastrophic fish kills of 2002 on the Klamath, the consequences of putting Big Ag interests over science and salmon survival. In September of 2002, an extreme ecological disaster unfolded on the Klamath, which flows into Northern California. Tens of thousands of adult salmon, mostly fall-run Chinook, died as they returned from the Pacific Ocean to spawn in the river. Official estimates documented at least 33,000 dead fish. Some analysis suggests true losses could have been over 70,000. Scientists and state officials concluded the die-off was tied to low	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		river flows and high water temperatures, which were in turn linked to water diversions for agricultural irrigation upstream during a severe drought year. This caused diseases like gill rot and other infections to sweep through the fish pulled up in crowded stagnant water. We can't let this tragedy be repeated in the Sacramento Bay-Delta system. Your staff's analysis shows that the Voluntary Agreements in the current Water Plan will fail and worsen conditions for salmon. Don't fall for the scam. Don't create a path for another catastrophe like the 2002 Klamath fish kills. Ignore the political pressure on you. We're asking you to have the courage to listen to the science and do what's right. When salmon spawning fails, when return numbers are dropping each year, the consequences of fishing season cancellation for multiple years in a row are far-reaching and economically catastrophic for salmon communities. Frankly, I'd rather have salmon water supporting a sustainable salmon fishery than going to alfalfa farms, wine grapes, and tree nut farmers in the Central Valley. I'd happily trade away wine, nuts, and alfalfa for sustainable salmon runs any day. Salmon sustain coastal communities up and down the California coast. Healthy wild salmon runs are essential for a sustainable salmon fishery. Good fishing years follow two and a half years after winters and springs with good river conditions for spawning, rearing, and out-migrating salmon. Adequate flows are essential to healthy salmon runs, fishing jobs, and a healthy salmon industry. You, the State Water Board members, are the only agency with the authority and responsibility to protect fall-run and the fishing industry. The future of salmon runs and salmon fishing is in your hands. Please act responsibly to ensure salmon can thrive in California into the future. Thank you.	
1452	1	LLORT: No, no, I'm here. Sorry.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not

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		LLORT: It just took a second to unmute. LLORT: Oh. LLORT: Good to see you. Thank you. Good afternoon, Chair Esquivel, Vice Chair D'Adamo, and members of the State Water Resources Control Board. My name is Victoria Llort. I'm the Director of Public Affairs and Conservation at Desert Water Agency, or DWA. I want to thank you for the opportunity to provide comments today in support of the updated Water Quality Control Plan and in support of the Healthy Rivers and Landscapes Proposal, otherwise known as HRL. Desert Water Agency is a State Water Project contractor and groundwater sustainability agency that serves the Palm Springs area in the Coachella Valley. It's an arid desert region that receives less than five inches of rainfall per year. We provide drinking water and recycled water to Palm Springs, Cathedral City, and portions of Riverside County, serving a diverse population that includes disadvantaged communities. Reliable and affordable water is essential to every aspect of life in our region, from homes and schools to hospitals, small businesses and tourism, which is a key economic driver for our region. DWA strongly supports completion of the Bay-Delta Plan update with the inclusion of the Healthy Rivers and Landscapes Program, formerly known as the Voluntary Agreements. This is a central component of that plan. We appreciate the Board's continued consideration of this proposal in addressing California's water challenges, which reflects a more collaborative, science-informed and balanced approach to water management. As you may know, DWA does not have a direct link to the California Aqueduct. Instead, we exchange our State Water Project water for Colorado River water, and that is also essential for recharging our local groundwater basins. Unfortunately, the reliability of these critical supplies has decreased, forcing us to seek alternative solutions to secure our region's water security. Our water supplies must support both environmental outcomes	raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		and the essential needs of the communities we serve. The Healthy Rivers and Landscapes proposal is ready to be implemented, and more importantly, it achieves environmental benefits without causing the significant economic and water supply disruptions that would result from more rigid approaches. DWA relies on the State Water Project for our groundwater replenishment, which is essential to maintaining basin sustainability and preventing overdraft in the Coachella Valley. Further reductions in the State Water Project reliability would have real consequences for affordability and long-term water security in our community. The HRL offers a practical path forward, one that improves ecosystem health while preserving flexibility and reliability for water agencies across the state. For these reasons, DWA is unequivocally supportive of the Healthy Rivers and Landscapes Program. It aligns with California's state goals, balances all beneficial uses of water, and provides a path forward for water resilience in the face of climate change. DWA respectfully urges the Board to move forward with the updated Water Quality Control Plan in a way that would fully incorporate and support the Healthy Rivers and Landscapes Program. Thank you for the opportunity to provide comments today.	
1453	1	WELBORN: Good afternoon. WELBORN: I appreciate you as you are working to preserve water, quality water, for many, many constituents. I'm Tes Welborn. I live in San Francisco and also have backpacked in Yosemite for years. I respectfully request that you actually go and lobby for any additional powers that you need to be able to achieve the goals that have been stated today. The healthy rivers and waters, that's obviously a no-brainer. You've got to send at least 55 percent of the water to the Central Valley rivers without having diversions. You must reject the so-called Voluntary Agreements with Big	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		Agriculture. It's not based on scientific data. It ignores their overdrawing of groundwater. It is not sustainable. It's not monitored in any way. You can't, you know, tell what they've actually done. And we must stop water subsidies to water hog crops, such as almonds, cotton, alfalfa, et cetera. You can do some things about that. Subsidies to Big Ag actually support these wasting water crops, the crops that don't belong in California. Listen to all the advocates that have been speaking. I'm just so impressed by them and wish I could be as eloquent. Listen to their reporting on the devastation. And remember the coming droughts. We've already had a couple of good ones in many of our lifetimes. We also ask you to boost conservation measures in Southern California in particular, but all throughout the state. Raise the water district rates, as Craig Breon said, and address the saline intrusions. You've got a big job. And I thank you very much for having public hearings, being more transparent about your decision-making process. Thank you.	
1454	1	BOLBOL: Hi there. Can you hear me? BOLBOL: Okay. Thank you. I just want to say I echo Mr. Colwell's call. I would happily give up livestock, dairy, wine, nuts, and alfalfa for a healthy Bay-Delta Estuary and waterways. And I am a native Californian born and raised here. And I remember when we used to care about the environment, but apparently not enough because we've been destroying it for so long. As you all know, the Bay-Delta is the largest estuary in the West Coast of the United States and the Americas. And it's the most endangered ecosystem. How ironic. The richest state in the country fails to take care of this important habitat. It's shameful. You've heard many, many good comments detailing the chronic destruction of the Bay-Delta Estuary and waterways, from toxic water blooms to the crash and extinction of native species. These are the facts. The only comments that ignore these and push for	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		the irresponsible management and dangerous trajectory are business interests. If you push forward with this Plan, it will only confirm what Americans believe today, that government doesn't care about the people and only cares about business and those with political power. Is that what this California Water Board represents too, only catering to political power and ignoring the people? We the people are speaking loud and clear. We urge you to reject these deceptive Voluntary Agreements, which maintain the failed status quo that has caused the massive water diversions and exports driving species to extinction -- wait, what happened to me? Oh, sorry. BOLBOL: Okay, sorry BOLBOL: I saw a different lady up there. BOLBOL: Thank you. Extinction, causing toxic algae blooms, destroying the fishing industry, impacting tribal and cultural uses of water. We the people urge the Bay-Delta Water Control Plan require at least 55 percent in the Central Valley rivers at the very minimum. Well, I am a water district customer of one of the water districts that is probably supporting this horrible plan as it is today. But the Water Board must reject these Voluntary Agreements. They will only maintain the status quo, which continues the trajectory of destroying our Bay-Delta Estuary. When you hear environmentalists, anglers, and hunters all calling for the same thing, you know you're on the wrong side of the issue. You individuals, you hold the power, but how will you use the power that you hold? Will you do what is right or what is being pushed by business and the anti-environmental governor and others who don't care about the Bay-Delta? Please, I'm urging you to immediately adopt and implement the Bay-Delta Water Quality Control Plan that includes strong new protections requiring increased flows of at least 55 percent in the Central Valley rivers and in most areas.	

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		And, you know, we all have little bit of power in this world. You on this Board hold more power than most of us. And if we all do the wrong thing, then the world keeps on the downward trajectory we're on right now. But if we stand up for what's right, then we can see a difference in the world. And I just hope that you will do that. Thank you so much for listening.	
1455	1	KRAUT: Hi. Good afternoon. Thank you for your time. Can you hear me all right? KRAUT: Wonderful. My name is Jillian Kraut, a resident of Modesto, California, for over 30 years. My dad instilled a love of nature in me from a young age. I grew up hiking, swimming, and fishing in lakes and rivers throughout Stanislaus, San Joaquin, and Tuolumne counties. Some of my fondest memories were made at Pinecrest Lake. My dad also took me deep sea fishing out of San Francisco on numerous occasions. We fished for salmon. And I'll always remember how, when I was 10 years old, I won the prize pot for catching the biggest salmon on the boat. It was so big, I needed my dad's help to hold up the fish for the photo. I still have that photo, and I cherish it. These experiences shaped who I am as a person, someone who is connected to place, who values outdoor experiences, and who wants to protect water quality, fisheries, and recreational opportunities for myself and future generations. As a child, I envisioned having a family of my own and taking my children to these same lakes, rivers, and ocean to create lasting memories like I did with my dad. I'm worried that I won't have the opportunity to do so because of the massive diversions and water exports that reduce water flows and are driving the species I fish for to extinction. They're destroying the fishing industry itself, and they're causing toxic algae blooms that pose a public health hazard and prohibit recreation in places I love to visit.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		Flow is vital to protect water quality in fisheries. Reduced flows harm native fish, including salmon and sturgeon, as was pointed out by the captain earlier today. It does this by raising water temperatures, limiting habitat for spawning, restricting fish passage, and reducing food production. This affects other species because salmon is a keystone species. More than 100 other species depend on salmon for survival. The huge decline in salmon because of reduced flows has canceled the commercial salmon fishing season for the past three seasons, harming people's livelihoods. Reduced river flows cause toxic algae blooms in the Delta that make people sick and kill pets and wildlife. I live in Modesto, but I spend a considerable amount of time in the East Bay Area. Friends and family of mine who live in the East Bay have repeatedly lost access to water recreation because of these blooms, a harsh reality, and triple-digit heat. I'm calling on you, members of the State Water Board, to act and to protect the Bay-Delta Watershed and our rivers by rejecting the proposed Voluntary Agreements. These agreements only maintain the harmful status quo and do nothing to encourage true innovation and problem solving. Water is a public trust resource, and it's your responsibility to protect it. You can have a lasting, positive legacy, one that all of our descendants can enjoy. Please do not choose the easier path. As Martin Luther King, Jr. said, "The ultimate measure of a man is not where he stands in moments of comfort and convenience, but where he stands at times of challenge and controversy." Thank you.	
1456	1	CHARLES: Good afternoon. I'm Cindy Charles, Board member of the California Sportfishing Protection Alliance and the Yosemite Rivers Alliance. I'm a long-time fly fisher. I've spent decades working to help restore native fish, including wild salmon and steelhead in California. I do this important work because, as a volunteer,	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		because these fish are desperately in peril, but I believe they can be restored if given enough cold water at all times in their life cycle. I grew up in San Francisco and fished off the Pacific coast for Chinook salmon with my father in our family's boat. Sadly, the ocean salmon fishery has been closed now for three years with only a very limited recreational opening last year. In just one lifetime, we have reached the point where there are hardly any wild salmon. In my past comments to you, over all these years, I spoke of how my father was an avid recreational salmon fisherman well into his 80s. He would have a broken heart to see the state of the fishery if he were alive today. Given the state of the salmon fishery today, that activity is not really possible anymore for my family. The time is long overdue for the State Water Board to take meaningful actions to save these fish. I ask you again not to adopt the VAs for the Bay-Delta Plan. Those VAs are scientifically unsound and only benefit, yet again, the water users of this state. They don't set water quality standards and don't have science-based objectives to restore the fisheries once and for all. The regulatory backstop is weak and will fail. The fish need adequate cold water flows to recover. Continued massive diversions will further drive wild salmon to extinction, causing toxic pollution and destroying the salmon fishery industry. It's time to give up on the VAs and update the Bay-Delta Plan with science-based protections. That's it for this time around. Thanks.	
1457	1	HEATH: My name is Holly Heath. I live in Murphys, California, a historically central Sierra Miwok territory. I am a Restoration Project Manager with the Yosemite Rivers Alliance. We are a nonprofit that works to restore and protect habitats in the Tuolumne, Stanislaus, and Merced River watersheds, as well as connect people with our local rivers. That being said, I am	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		speaking here today on my own personal behalf. Over the past two years, I've had the opportunity to work on river restoration projects on the Lower Tuolumne River below the La Grange Dam. There, our organization coordinated the construction of floodplains and riffles to provide spawning and rearing habitat for the imperiled salmon populations on the Tuolumne River. I have seen salmon fry using these floodplains and seen what these habitats can be during the experimental pulse flows on the river. This essential work is made possible through the use of grant funds comprised of California's taxpayer dollars. It is said that at one time, salmon ran so thick in this state that a person could walk on their backs to the other side of California's rivers. Today, however, I count myself lucky every time I see a salmon swimming in the Tuolumne. Now is a key time to act. Restoration projects on our rivers are creating vital habitat for salmon to recover. Spring-runs have returned for the first time in decades to the Tuolumne. What is needed now is consistent flows of cold, clear water to help our salmon go from imperiled to thriving. The Board can make a huge difference for this keystone species that can provide vast benefits, not only to our ecosystems but also to our economy. I ask that the Board adopt and implement the Bay-Delta Plan with its strong science-based requirement of 55 percent minimum flows. I ask that they reject the Voluntary Agreements that fall short of providing the changes that we and our ecosystems need. Regulatory decisions work. Voluntary Agreements rarely do. Please support these investments that our taxpayers have made to improve our river ecosystems by providing them with the water that they need. Please adopt and implement the Bay-Delta Plan. Thank you so much for your time.	
1458	1	RAEDER: Hello, my name is Scarlet Raeder. I am 13 years old, in seventh grade, and I live in Chico, California.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not

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		Last October, my class went on a four-day rafting trip on the Sacramento River. We learned a lot about river ecosystems and the salmon living in California's rivers. We learned that over 130 species eat salmon. Some of these include iconic species like bears, eagles, wolves, orcas, and even humans. But salmon are in danger of dying out on California's rivers because of dams and water diversions. On the rafting trip, we saw several examples of floodplains and learned that baby salmon do better when they grow up in floodplain habitat. The slow-moving water gives them time to get bigger and eat and get bigger before going out to sea. We understood the importance of protecting and restoring this habitat. But we also know that floodplains will never be habitat for baby salmon if it's not covered in water. It doesn't matter how nice a job people do planting willows. Dry land is not habitat for fish. I've learned this in seventh grade, but I've known that since I was preschool; fish need water. I'm only 13, but I understand that a deal like the Voluntary Agreements that promise habitat instead of water are a joke because fish need water. They have a lot of promises for restoring habitat, but without rules that restore the necessary water to the river, salmon are on a path to extinction. People are smart enough to figure out how to farm with less water, but the fish can't live without it.	raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
1459	1	DROZ: Hi, my name is Merry Kate Droz. (Speaking a Native American language.) I'm coming from Northern California. And I want to say great job, Scarlet. One of the things I've done is been an educator for a lot of years with youth adults about TEK and Native STEAM. And I see you pulled up the PowerPoint, and I'm not sure if I'm just going to have to say click when you need to click through. DROZ: Okay, so I'll just say click. I'm coming to the final point being that the Voluntary Agreements are asking a kid to clean up	Please see Common Response 11.1, Tribal Engagement and Tribal Beneficial Uses for a discussion on tribal comments on the VAs and Common Response 1.3, Revised Proposed Plan Amendments, on enforceability of the VA pathway.

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		his room without having accountability, and the adult check the room, so that's not going to happen. The 80 percent of the developed water in this state is used by agricultural interests. We can't talk about rivers without talking about flows. We can't talk about healthy environments without talking about flows. And when we talk about flows, we talk about water temperature and water quality, which is not something that can be addressed by Voluntary Agreements.	
1459	2	I'm here as a tribal community member and to promote tribal co-management. If you were listening to what the panels were saying earlier, again, we have thousands and thousands of years of experience knowing the river. I take kids out on the water, and it doesn't take rocket science to understand how the fish kill happened in our area in 2022, where our community was devastated. You can click to the next slide. Our experiences for thousands of years is called indigenous science. Kids participated by learning and living. And when we see that after the dams are taken down in the Klamath River, the smallest tributaries even that flow in, like Prairie Creek, have seen salmon come back, so we know what the Bay-Delta is capable of in recovery. You can click. Indigenous technology, such as fire science, is something that was suppressed for -- since 1906 when the State Parks were established. But now it's being adopted and learned from because we know that that's what's healthy. So the precedent of tribal science and technology, such as fire science, being understood as appropriate and the most successful natural resource management system yet is what I'm talking about when I'm talking about learning from tribal science. You can click. The California State Parks are forefront in this area where local tribal communities are able to practice cultural burns, traditional	Please see Staff Report Chapter 11, Tribal Engagement, Traditional Ecological Knowledge and Tribal Beneficial Uses, and Staff Report Chapter 13, Revised Proposed Plan Amendments, for information on the State Water Board's efforts to designate Tribal Tradition and Culture beneficial use, engage more robustly with California Native American Tribes, and integrate Traditional Ecological Knowledge/tribal knowledge into the State Water Board's Bay-Delta Plan update and implementation processes.

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		management, in partnership with local parks. You can click. The State Water Board has an opportunity to do this on a statewide level. When tribes are talking about how to manage waters that are part of origin stories, traditional culture for thousands and thousands of years, it's time to listen, because the DNA of tribal peoples today is connected to the DNA of salmon thousands of years ago. It's part of the language. It's part of the community. It's part of the ceremonies. You can click. People today, youth, have been participating in this water protective movement. I was here last year with my children. My children participated on the California Indian Water Commission panel. You can click. Our children are learning about the tradition of fishing technology, natural management of the salmon for thousands of years, the ceremonial management where people didn't create fish dams until the salmon had reached the upper headwaters of the rivers. And that tribal co-management was connected through different tribes up and down the rivers. This is thousands of years of ceremonial natural resource management. This is what is the basis of tradition of tribal co-management today. You can click. You can click. You can click. These traditions are passed down today as well as knowledge of the river. You can click. These are some of the children that are learning bout this ancient tradition of natural resource management that I'd like the State Water Board to consider giving weight to the Tribal Panel and what those recommendations are.	

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		You can click.	
1459	3	I've been part of the movement to bring youth into the conversation, and so that's why I'm so glad that Scarlet was able to make it. The Bay-Delta has shown that there's no time to waste in making changes to the way the water is diverted out of our warming rivers, resulting in declining salmon populations, collapsing ecosystems, and failed drinking water supplies. You can click. You can click. In this slideshow there's video footage that I'd encourage the Board to watch that I won't have time on this three-minute speaking comment period, but the proposed -- I hope that you listen because the way the water is diverted from the Trinity has already impacted the salmon and the Big Ag and being chosen over traditional food resources that feeds people to this day. In the cities, you don't think about how that how nature feeds you because you don't you're not connected to it, but when you go out and there's people that fish and they feed their family that way and have for thousands of years and people do today. The proposed Bay-Delta Water Quality Control Plan should not be relying on Voluntary Agreements and the cooperation of the Trump administration at the time when they're gutting environmental laws. They're non-binding, lack regulation, and how is that going to be -- and lack enforcement. Without water, water temperatures rise. The kids see it when we do what we do our experiments. It's not rocket science. I would please ask the Water Board to listen to what tribal scientists, what tribal communities, what tribal leadership is recommending and have this thousands of years of Indigenous science and natural resource management, the most successful natural resource management system to date, would have recommendations for what the Board will do today. Thank you for listening and that's all.	Please see Common Response 1.5, Trinity River for responses to comments on how the Bay-Delta Plan update relates to the Trinity River. Please also see Common Response 1.3, Revised Proposed Plan Amendments, which contains a discussion on the enforceability of the VA pathway.

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1460	1	RICHARDSON: Hello Water Board members. Thank you for allowing us to give a public comment. I know it's been a long day. It's almost five o'clock. I hope we can have your attention just for a little bit longer. I was born and raised in the Bay Area, mostly in East Bay, and my grandpa taught me how to fish when I was in second grade. I fished in the Upper Sac, the Lower Sac, all throughout the Delta. I have gone swimming and sailing in the Delta and on the San Francisco Bay. I have four generations of cousins that's gone swimming in the San Francisco Bay. And I've also swum from Alcatraz three times. The reason why I'm mentioning these things is because middle stream and downstream users need good cold water pressure flows just as anyone else. In 2022, we had our first I think largest algae bloom in the Bay. I was actually on a sailing boat. I've never seen anything like it. The Bay water was brown, green-brown. I have a picture of it on my phone. We need cold water flow coming down through the Bay to keep everything clean and healthy. This also allows salmon and steelhead to swim upstream back to their spawning grounds. It also helps young crabs migrating to the San Francisco Bay. I'm sure most people really enjoy California crab. I do appreciate the other speakers that mentioned the Klamath. I do remember the fish kill in the Klamath and I think there's some real strong parallels between the Klamath River and the San Francisco Bay. The dams needed to come down in the Klamath because they had fish kill and they were having massive algae blooms. And it was an unhealthy dying river and the fish were dying. And similarly in the Bay-Delta, we need fresh water flows to help support the salmon populations, steelhead populations, because we're killing them as it is. In summary, I would like to just say that Water Board members, you have a real exciting opportunity here. I hope you make decisions for all Californians and that includes middle and downstream users. I would really like you to reject the Voluntary Agreements. I think they're a political side deal and not -- and	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		there's not -- for the next eight years and there's not enough enforcement mechanisms in there. We need strong cold water flows that your scientists have already established. The percentages and the water flow, I'm not going to get into that, but there are multiple generations, people in multiple counties, people who are not born yet who are relying on you to make the decision, a good decision for all of Californians. Thank you so much for your time. Appreciate it.	
1461	1	ROSAPEPE: Hello, Chair. Thank you very much, along with the other members on the Board, for taking our testimony. My name is John Rosapepe. I was lucky enough that I grew up fishing with my parents and my grandparents. I later was a fisheries biologist and commercially fished. I didn't get to see or come to the Bay-Delta area until midlife back in 1987. It was a lot more vibrant before then than it is now, as many people have talked about the problems of not getting enough flow, about not getting enough cold water, and the different algal blooms we've seen in recent years. I'm opposed to Voluntary Agreements. It's kicking the can down the road while we look at further extinction of many of our salmon. I've spent a lot of time and still do, both as a biologist and a volunteer, doing a lot of stream restoration, planting trees. And as other people have mentioned and I'm sure you know, that habitat without healthy cold water isn't going to revive our salmon. Again, I'm concerned that I'm in my mid-70s now, and I've seen areas where people -- where salmon used to be part of life. And in California, that's not anymore as the salmon have disappeared. You know, it's part of our culture, and it's disappearing. And, you know, so I worry about -- I'm lucky to have nieces. You know, they have kids. What's going to happen with them in future generations without salmon? As other people have mentioned, the Voluntary Agreements	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project. Also see Common Response 1.3, Revised Proposed Plan Amendments, for information on the VA pathway, including enforceability.

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		don't have enforcement, don't have a requirements to restore clean, cold, healthy waters. As other people have said, there needs to be a minimum of at least 55 percent inflows. Once again, thank you. I hope you have, I'll say it, the courage to vote against the Voluntary Agreements. Be well, and thank you for your time. ROSAPEPE: Yeah. ROSAPEPE: Thank you very much.	
1462	1	SYDNEY: Hi, everyone. It's Sydney. Thank you so much for the opportunity to speak and have us in the discussion. Like so many others on this call, I am calling because I am urging you to reject the Voluntary Agreements, and for many reasons. Time and time again, big corporations, Big Ag, water agencies, and so many people in government have proven that they cannot be trusted when making big decisions and when the lives of our communities and countless species are in their hands. Time and time again, they have shown greed and corruption. They will take however much they want and they do not value the safety, health, and stability of people, the planet, our future, and so, so much, as much as they should. Also, I am really saddened to hear how much in danger the Delta -- sorry, the Bay-Delta is. We need at least 55 percent flow rate of unimpaired water. In fact, 65 percent would be better, especially in the driest, hottest months of the year, because we need enough water to flow to keep the salmon and other countless species that our ecosystem, that our environment, and our food supply rely so much on in good shape. Also, you have the power to make a decision that will spell stability or catastrophe for our future. I'm very concerned, as well, about when water levels get too flow -- or get too low, when water levels get too low, the algal blooms, all kinds of other things that grow and decay, how much carbon emissions is that	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		going to put in our air? Is this going to negatively impact the surrounding communities, especially Indigenous communities? Will people be able to still enjoy fishing and water activities the way that they used to? Probably not. This is going to negatively affect people's mental health as well, as they may not be able to enjoy the outdoors without fear of getting terrible diseases. And also, like so many others, I want my tax dollars to fund a plan that is so needed. The Bay-Delta Water Quality Control Plan has not been updated since the 1990s. That is way, way, way too long. It's way overdue. I want my tax dollars and our water rates to fund a plan that will regulate how much water Big Agriculture and water agencies can take out of a delicate ecosystem, that will have sustainability in mind, and that will also implement infrastructure that is rooted in justice, sustainability, and also the balance of the ecosystem, the water flows, emissions reduction, and so much more, and that will give all communities, including communities of color, low-income communities, and Indigenous communities, and people with disabilities, a voice at the table. You have the power to make a difference, and I urge you to reject the Voluntary Agreements in the next Bay-Delta Plan, because we need to regulate certain agencies, and we cannot just take however much water we want, whenever we want, because it will negatively affect everything, including our lives. Thank you for the opportunity to speak.	
1463	1	ANDERSON: Good afternoon, Chair Esquivel, Board members. Kris Anderson, on behalf of the California Chamber of Commerce. And just apologies up front. I'm traveling and calling in on my phone, so I'm going to remain off camera. But Cal Chamber, myself, just calling to comment and express our continued support for the Healthy Rivers and Landscapes Program before you. You know, we really, we sincerely appreciate the extensive work of the Board and your staff to continue advancing the ball and ensuring the Bay-Delta Plan update provides the requisite balance necessary to protect the environment and water supply reliability. But we remain excited by the innovative water management approach proposed in the	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		HRL program. Dedicated flows focus on maintaining river functions that support ecosystem health, like sediment movement, water quality, flow timing, aligned with species migration and reproduction. Of course, the program also includes substantial investments in habitat restoration, and it was great to hear this week how many projects have already materialized. As you know, as you well know, your hands will remain on the steering wheel after a plan update is adopted. And implicit in the term adaptive management is the continual monitoring that will occur as the program is implemented. And built into the program are regular opportunities to evaluate what's working, what doesn't, and adapt as necessary. You know, this watershed is essential to maintaining the economic viability of California. The health of this system is intrinsically linked to our state's economic prosperity. It's supporting agriculture, urban water supplies, recreation, and countless jobs that depend on water, reliable water resources. A degraded ecosystem ultimately undermines the very water security that our economy depends on. Conversely, strategic investments in the ecosystem restoration and adaptive flow management can deliver both environmental resilience and long-term water supply reliability. So, again, we just urge you to move forward with the Healthy Rivers Landscapes proposal, and really appreciate your leadership, and certainly for consideration of my comments today. Thank you.	
1464	1	NEPOMUCENO: Hello. My name is Andrew Nepomuceno. I live in Palo Alto, California. Although I often see the world in shades of gray, I speak today confident that one of the choices we face is clearly superior. We can taste victory if we choose it, and I'm excited about the prospect of being part of a win for people and planet. However, before painting a picture of victory, I feel it necessary to paint a	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		picture of the dire consequences we face if we choose foolishly. I'm currently conducting a meta-research project about misinformation as I pursue graduate study in epidemiology. Politically-motivated misinformation is a topic near and dear to my heart. As we painfully learned during the COVID pandemic, and continue to learn through the unfolding catastrophe of climate debasement, when people believe misinformation and fail to heed scientific guidelines for health and safety, everyone suffers, and some die. I testified at the previous hearing of the Water Board asking you to heed the already established and science-based guidelines outlined in the Bay-Delta Plan. The science requires very little explanation. Sufficient water is essential to sustain ecosystem integrity, with all its benefits for everyone. If we discard the Bay-Delta Plan in favor of unscientific, wishful thinking, promulgated by those willing to sacrifice public interest for personal gain, we will suffer at least two notable losses. The first is the direct damage to our waterways, with consequent loss of their services to all. The second, and more profound, will be yet another among a thousand cuts in a crisis of confidence, in which Americans continue to lose faith in our already failing institutions. I feel some disappointment and apprehension that I even need to testify again today. Compared to my home state of Texas, California is a state I associate with science and sanity. People still look to us as a beacon during this dark time in American history. The question I pose today is, will we continue to shine? Joaquin, Dorene, Sean, Laurel, and Nichole, we're watching you. I can only imagine the behind-the-scenes pressures you face. I'm here to stand with you for common good. We have the power to do the right thing. Please stand with science and implement the Bay-Delta Plan. We're all counting on you to be the public servants we know you can be. I look forward to the day that we can look back on our actions and celebrate. Thank you for honoring me with your attention.	

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1465	1	DOUGLAS: Hello. Can you hear me? DOUGLAS: Hi. This will be more of a personal perspective. I came out to California in 1978 because I wanted to be on the ocean and I wanted to go fishing. In 1980, I bought my first boat that I could fish salmon with. In 1986, I moved up to a 27-foot ocean-going vessel, which I still maintain at Pillar Point Harbor, or otherwise known as Half Moon Bay. And over the years, I took my mother fishing and my father salmon fishing, my wife salmon fishing, my children salmon fishing, and hopefully again, I will start taking my grandchildren fishing. So the salmon fishing has been an important part of my life. I don't hesitate to put my money where my mouth is. You know, I maintain a boat, slip fees, and maintenance. I support Coastside Fishing Club, Golden State Salmon Association, California Trout, and Trout Unlimited. Salmon, to survive, as you all know, they have to have water in which to swim upstream and water for the babies to swim downstream. You don't need to hear any more science stuff. I implore you, I beseech you, to make sure that we have adequate flows so this species does not become extinct. Thank you very much for your attention.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
1501	1	POULSEN: Wow, look at that. Well, thank you very much. Good morning, Chair Esquivel and members of the State Water Board. My name is Brian Poulsen. I'm general counsel for El Dorado Irrigation District, and we are a participant in the Healthy Rivers and Landscapes Program through the American River Tributary. Though I'm here in-person for the first time during the course of this hearing today, I have attended the duration over the last couple of days, and I've observed that many of the comments over the last few days, some delivered with passion, have valid points on all sides that deserve serious consideration. But the discussion and some of the comments in particular have reminded me of a quote from Tim Quinn, the former executive	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		director of the Association of California Water Agencies. Tim often said war is easy. Collaboration is hell. He explains what he meant by this in a paper that he published in 2020 in Stanford's Water in the West journal. That paper was called 40 Years of California Water Policy. What worked, what didn't, and the lessons for the future. He explains what he meant in that in policy debates such as the one that we're having, adversaries -- it's easy for adversaries to simply dismiss the points and arguments of their opponents. In doing so, they rarely accomplish much, but their jobs are safe because the hardliners within their silos line up behind them in support. Collaborative coalitions on the other hand, Tim argues, require policy entrepreneurs to leave their silos, get others to do the same, and then seek compromises that are often not well received by the hardliners within their own silos. I'm here today not necessarily to extol the benefits of the Healthy Rivers and Landscapes Program, because others have done that and others will be able to do that much better than I, but I am here to say that in my view, Healthy Rivers and Landscapes is a good faith attempt at many of California's policy entrepreneurs to leave their silos and seek compromises in pursuit of a durable solution, and I think that's worth something. Thank you.	
1502	1	PEIFER: Good morning, Mr. Chair, members of the Board. I'm going to tag-team this with my colleague Michelle Banonis. I am Jim Peifer. I'm the Executive Director of the Regional Water Authority and the Sacramento Groundwater Authority. The Regional Water Authority is a joint powers authority representing the interest of 20 member agencies collectively serving 2.2 -- water to 2.2 residents in the -- 2.2 million residents in the region. Sorry about that. The Sacramento Groundwater Authority is a groundwater sustainability agency in northern Sacramento County. I speak in support of the Healthy Rivers and Landscapes Program, and I want to express some concerns over the regulatory pathway. The regulatory pathway (audio cuts out) well-meaning but is not an integrated solution, and I just want to	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		point out some problems, and Michelle is going to speak a little bit more to this this morning.	
1502	2	One challenge is with groundwater. So our region about 30 years ago got together and recognized that we had problems with groundwater management. We had chronic lowering of groundwater levels. The leaders of our region got together under the Water Forum Agreement and crafted a solution which included building programs but also constructing infrastructure to have a light impact on the environment, better manage water, and as a result of that process, our region has recharged about a million acre-feet in the groundwater basin over the last 30 years, and the benefits have been substantial. It has improved groundwater-dependent ecosystems. It is now resulting in an additional 15,000 acre-feet annually of base flow in the lower American River. That doesn't include the contributions of the American River to the outflow with the Healthy Rivers and Landscapes Program, which is above that. The other thing I want to express concern with, so the regulatory approach would potentially undo that.	Please see Common Response 7.12.2, Groundwater, for more discussion on the qualitative and quantitative modeling results used to inform the groundwater impacts and mitigation measures.
1502	3	The impacts of the regulatory approach are illustrated actually in the Board documents that were released for consideration and review, and I want to commend Mr. Oppenheimer and the staff for working hard on putting those results together. I really encourage everyone to look at that, including speakers here today and other interested parties, the impact on the basin. The other thing I want to note is the regulatory pathway is pretty hard on cold water and storing cold water and making it available. The data in the Board documents also illustrates the challenges there, too, and increases in the lower American River temperature. I think some of the conclusions need to be more clarified in the document. That's pretty tough on fish, on salmonids. There is a better way to approach this, and that's the Healthy Rivers and Landscapes Program, which is more integrated. Nearly a decade ago, this Board invited alternatives, and that has been worked on by Board staff, by DWR, other interested parties to develop that more. The last thing I want to say is thank you, Board. Thank you, Chair	Please see Staff Report Section 13.7.6.2, Aquatic Biological Resources, for an evaluation of temperature impacts on fish. See also Common Response 7.6.2, Aquatic Biological Resources and Cold Water Habitat, for more information on temperature impacts and implementation of the cold water habitat objective.

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		Esquivel, for this difficult job of reconciling the public interest. I've observed it over the last couple of days, and I know it has been tough. I have observed, Chair Esquivel, you, especially a champion of social justice and fairness and equity, taking some heat on this. But I just want to, again, thank you for the work that you're doing, this difficult job, again, of reconciling the public interest. With that, I'd like to invite my colleague, Michelle Banonis, to make a few remarks. PEIFER: Generally, the American River is actually closest to an unimpaired inflow of all the other tributaries. I couldn't tell you exactly what that is. Also, the American River, the consumptive use of it is roughly seven percent of the river flow on average, and a lot of that gets returned into the Delta. Thank you.	
1503	1	BANONIS: Thank you for having us today, and thank you, Board Chair Esquivel and Vice Chair D'Adamo and all the Board members. I really appreciate it. I actually was not intending on speaking today, but I have been watching these proceedings, and I actually wanted to get up and probably just say a few things based on things I've been hearing and just kind of respond to some of that. I think one of the things we've really been hearing is follow the science, and I've heard that from so many folks throughout this proceeding, and I just want to share a little bit of what the science says, because on the American River, as Jim pointed out and I'm going to expand on further, the science for the regulatory approach and unimpaired flow is not -- it's not great, and so I wanted to delve into the depths of the technical a little bit better to just kind of give you a bit of more of a comparison, at least for the American River portion, you know, how unimpaired looks versus, you know, how the Healthy Rivers Program looks.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project. See the 2017 Scientific Basis Report (Appendix B to the Staff Report), Staff Report Chapter 3, Scientific Knowledge to Inform Fish and Wildlife Flow Recommendations, and Common Response 3.1, Fish Protection, for information on the benefits of flow.
1503	2	And so I'm going to start with temperature. Jim mentioned temperatures, water temperatures in the Lower American. So even with water supply adjustments, and I'll -- sorry, I'm getting	Pease see Common Response 7.6.2, Aquatic Biological Resources and Cold Water Habitat, for a description of how American River temperature effects presented in the Staff Report associated with

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		old, and the glasses need to come off for up close, and I apologize, so tables H1-B53, and 54, specifically of the appendices related to the new modeling that was presented for Chapter 13 related to the Staff Report, 55 percent with water supply adjustments, and in even some of the lower percentages of unimpaired inflow actually have pretty significant impacts. You can, I know you can't see this, like this is crazy, but these red bars here are the exceedances of temperature on a monthly basis, which doesn't even take into account the daily time steps here, which can be pretty significant, but it is like one to three degrees in excess of current conditions. That is big. As you know, on the American River, temperature is the limiting factor for salmon and steelhead, and so when we're talking one to three degrees in exceedance for the regulatory approach, that's a huge hit to our fishery. We even have challenges now with operations on the river I think trying in normal years to meet those temperature requirements, so exceeding those temperatures would be disastrous for the fishery.	the flow scenarios could be reduced by modifying the target temperatures for Folsom Reservoir releases. In addition, because implementation of the cold water habitat objective is complex, methodology for full implementation will take time. Please see Common Response 7.6.2, Aquatic Biological Resources and Cold Water Habitat, regarding implementation of the cold water habitat objective and flexibility included in the revised proposed Plan amendments related to long-term temperature management strategy and refinement of the carryover storage target ranges.
1503	3	Mr. Peifer also mentioned the groundwater storage by basin. I would also just add figure H1A2-241. This is American River -- and I, again, I'm super sorry, it's hard to see, I did not come up with the presentation -- but this green line here goes all the way down. This is about a million acre-feet of groundwater basin and of your storage reduction as a result of the regulatory approach, you know, versus the Healthy Rivers and Landscapes Program, which is up here. A million acre-foot storage would be, again, hugely disastrous to all the efforts Mr. Pifer outlined, you know, our conjunctive use program, rebuilding our watershed and our basin. We, as you all know, we're kind of the poster child for SGMA, and, you know, folks were saying, look at the American River. This is like a good example of what you can do when you actually recharge your basin and come together and collaborate. So I just want to throw that out there because I do agree we should follow the science, and this is what the science is telling us, so I appreciate you hearing me today, and please feel free to reach out if there are additional questions, if you need additional information from our personal perspective. You know, we are always happy to provide that.	The commenter misinterprets the Appendix H1a2, Sacramento Water Allocation Model Results for Revised Proposed Plan Amendments, modeling outputs by treating SacWAM's groundwater-pumping constraints and/or long-term cumulative groundwater-storage differences as findings of the groundwater impact analysis. The conclusions presented in the comment do not reflect the purpose, scope, or findings of the groundwater analysis in the Staff Report, nor do they represent any predictions or estimations of actual groundwater storage or use in a groundwater basin. The groundwater impact analysis is described in Sections 7.12.2 and 13.7.12.2 (Groundwater). For clarification on the appropriate groundwater impact analysis, SacWAM's consideration of groundwater, and further discussion on SGMA considerations, please see Common Response 7.12.2, Groundwater and Sustainable Groundwater Management Act.

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		BANONIS: I appreciate that. I would just counter that just briefly by saying that, you know, a lot of these -- all the modeling shown here is with the water supply adjustments, and I realize that doesn't include the collaborative solution approach, but this is what we have right now, and so as we're running comparatives, it's the only thing we really can compare to, right, based on what we know today. BANONIS: Yep. BANONIS: Models are good tools, but they're not always predictive. BANONIS: (Indiscernible.) BANONIS: Right. Yeah, and as you know, we have the modified flow management standard in our region – BANONIS: -- which does do things like carry over storage targets and, you know, temperature management, so we definitely want to make sure that whatever happens is integrated, certainly. BANONIS: That's okay. I'm this close to it and I failed. BANONIS: Yeah. Yeah. BANONIS: And if it's helpful, it's right -- it's the first figure under H1A 2.7.13, but I'm happy to send that as well. And I would just add as just a quick aside to that, the other thing as far as we can deduce in the modeling related to this graph and this line is that the impacts that are shown are primarily related to loss of recharge and not necessarily a loss of -- or loss as a result of additional potential pumping that would occur as a result of lost surface supplies. So consider this and then potentially magnified depending on what would actually happen with all of the conditions we talked about. Yeah. Yeah. All right.	

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1504	1	GOTHBERG: Good morning, members of the Board. Thank you for your time and thank you for the opportunity to speak. My name is Martin Gothberg and I live in Santa Clara. I normally participate online and have in all the past ones, but I felt it was just important to be here today. And Chair Esquivel, I took your comments to heart, your opening comments. I respect them. I respect the work that you all do. I followed state efforts to update the Bay-Delta Plan for years. I've sat through presentations on the Voluntary Agreements and the scientific basis reports analysis of those agreements. I remain skeptical of the VAs, and the scientific basis report still confirms that skepticism. I would hope that the tilt be towards rejection of a lot of what's in the VAs or the VAs themselves, and implement the requirements that are in the Bay-Delta Plan so as not to perpetuate what feels to many of us as a failed system that we have in place today, failed being the relative health of the rivers compared to when I grew up. I understand this is not a binary thing for you. I took that decision or that comment you made to heart. But I still have several aspects of the VAs that I'm concerned about, such as I'm skeptical of the modeling results as presented in one of the hearings, last one or one that I just heard recently. And there's one slide in particular that I can't recall the page that claimed better results from a flow slightly lower than the minimum flow under the Bay-Delta Plan, and that just didn't make sense to me. All things being equal in terms of non-limiting physical factors like in-stream habitat restoration, gravel replacement, and other cosmetics, higher flow wins, that right there, flow, is the real limiting factor. We need the higher probability provided by greater flow. Okay? The off-ramps in drier years result in little or no additional relative flow and are inadequate over all years and operating conditions is what I got out of the scientific basis report. Okay? Third, the VAs lack viable enforcement mechanisms, and there are too many opportunities for double counting the flow. Maybe I'm rehashing something that's been corrected, but that's what I	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project. Also see Common Response 1.3, Revised Proposed Plan Amendments, for information on the VA pathway, including enforceability.

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		remember from prior workshops. We need regulatory decision with timelines that can be enforced. Really important. You alluded to that in your opening remarks. Thank you. Lastly, much of what the cost of the proposed VA projects would be assumed by the state and federal taxpayers, which does kind of violate the principle of beneficiary pay. So, there's a lot more I could say. Twelve seconds. I did pretty well. So thank you all for your time again.	
1505	1	SANDERS: Thank you, Chair Esquivel and Board members. My name is Brian Sanders. I'm here representing the City of Sacramento. For over 20 years, water agencies in the American River region have successfully implemented a program of conjunctive use management, meaning we replenish our aquifer in wet times and use groundwater in dry times. This practice alleviates pressure on the lower American River by reducing in-stream diversions and has actually increased groundwater levels significantly. The groundwater replenishment has been critical to not only our water utility but the region as a whole and beyond. Preliminary modeling results show that these actions are significantly contributing to increasing base flows in the American River. Because of these facts, we were surprised to see in Chapter 13's appendices that with unimpaired flows, end of year storage in the American River groundwater basins would be reduced by over a million acre-feet. This is only a function of recharge loss and does not include additional pumping beyond that, which would be inevitably needed to make up for lost surface water supplies. This is over a million acre-foot loss -- this over one million acre-foot loss is even with the position of the Board's water supply adjustments. One million acre-feet of groundwater depletion is not sustainable and would completely undo over two decades of sustainable groundwater recharge and conjunctive use in our own groundwater basins and squarely put the region at serious risk of violating SGMA	Please see Sections 7.12.2 and 13.7.12.2, Groundwater, for relevant information on groundwater impacts and discussion. Also see Common Response 7.12.2, Groundwater and Sustainable Groundwater Management Act, for information on the SacWAM consideration of groundwater and for a discussion of SGMA considerations.

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1505	2	As many of you know, the city helped found the Water Forum, which has worked for decades to provide critical flow and habitat for the American River. The flow management standard has been instrumental in coordination with our work with Reclamation, as has been our collaboration constructing, spawning, and rearing habitat, collecting data, monitoring river conditions, and engaging in breakthrough science. This is why we were surprised to see that even with the water supply adjustments and temperature downstream of Folsom, under the unimpaired flow approach would increase temperatures in the lower American River that in some months could be as much as four degrees. Temperature in the -- temperature is the number one limiting factor on the American for salmon and steelhead survival and even small increases in temperature negatively impact fish. The American River's regions Healthy Rivers and Landscapes proposal was developed with learned, adaptive, and impact-oriented mindset. Water contributions in the American River will be provided with an emphasis on ensuring the enhanced flows in the driest year types, this on top of the current flow management standards. This dry and critical year water will benefit the American River in points downstream in times when this system needs it most. These flow contributions will be provided in balance with upstream reservoir operations and in consideration of continued groundwater sustainability. They will also be made in consideration of cold water for fish when they need it the most. And I'm out of time, so we just thank you for hearing my comments and we urge you to adopt the Healthy Rivers Landscapes Program as the preferred approach to reasonably protecting beneficial uses of water. Thank you.	Please see Staff Report Section 13.7.6.2, Aquatic Biological Resources, for an evaluation of temperature impacts on fish and Common Response 7.6.2, Aquatic Biological Resources and Cold Water Habitat, for more information on temperature impacts and implementation of the cold water habitat objective. See also Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
1506	1	DREKMEIER: Good morning. Good morning, Chair Esquivel, Board members, and staff. My name is Peter Drekmeier. I'm the Policy Director for Yosemite Rivers Alliance, formerly Tuolumne River Trust. Good to be with you today. The owner of any dam shall allow sufficient water at all times to pass through a fishway or in the absence of the fishway allow	Please see Common Response 1.1, General Comments, for information on the Delta Flow Criteria Report and for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		sufficient water to pass over, around, or through the dam to keep in good condition any fish that may be planted or exist below the dam. Fish and Game Code 5937, established in 1957, based on language dating back to the 1872 Penal Code. The State Water Board has done a very poor job at enforcing 5937, and water users have learned that they can get away with what they want, and they think they control the playing field. It's time to take back the playing field to prevent a tragedy of commons of monumental proportion. That's your number one job. The Bay-Delta Plan update started off with promise. There was a 2010 flow criteria report that looked at how much water would be needed to fully protect fish and wildlife, ecosystems, and other beneficial uses. Found 75 percent of unimpaired flow for the Sacramento Basin, 60 percent for the San Joaquin. Biological goals and objectives were to be established to measure success, and adaptive management implemented a range of flows. If the water users could meet the biological goals with less water, then that's okay, but if they're not meeting them at the target, they have to increase flows, a strong incentive to do the non-flow measures when they refer to the Bay-Delta Plan regulatory approach being flows only, that's disingenuous. In 2012, the draft SED for phase one of the Bay-Delta Plan recommended 35 percent of unimpaired flow as a starting point. After months of public input and debate, staff was sent back to the drawing Board to create a more robust study and report. That came back in 2016 with a recommendation of 40 percent up. Why? Based on the science it should have been even higher. Under the leadership of Felicia Marcus, phase one was adopted in December of 2018. A month later, newly elected Governor Newsom canned Felicia Marcus, sending a chill throughout the Board, and everything's changed. Seven years later phase one is yet to be implemented. Now the Water Board negotiates against itself. Parents who continuously compromise with their previous compromises end up raising brats. The Board's position continues to weaken, so	

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		criteria reports 75 percent unimpaired flow. Originally, there was a 55 percent unimpaired flow for the Sacramento Basin. Now we're down to water supply adjustments as low as 35 percent, and that's just a backstop, and I'm not encouraged that the Water Board would have the backbone to even impose that. The Voluntary Agreements don't prioritize limiting factors. Limiting factors are water temperature, floodplain rearing habitat, and outmigration flows, all flow-dependent. Water is the master variable. The Bay-Delta Plan is on the brink of total ecological collapse. We can't afford more wishful thinking. It's time for you to take back the playing field. Thank you.	
1507	1	WOODCOCK: My name is Charlene Maine Woodcock (phonetic). I live in the East Bay, but I was raised in Southern California. I've known the importance of water from childhood. I knew as a child that Southern California was basically desert, and the water was exceedingly important, and we needed to take care of it and conserve it. I've known the importance of protecting our Great Delta and preserving California's fisheries, and I've seen the terrible waste of our precious water by industrial agriculture and the dedication of huge quantities of land to growing water-needy products for export such as almonds. Since that first concern -- since their first concern is for their bottom line and profits, clearly we cannot trust big growers to reduce their water use unless the State requires them to do so. The Voluntary Agreements represent a betrayal of the residents of California who depend on the Water Board to protect all our interests in a healthy Delta in rivers that have enough of a flow of water to retain the coolness required for fish spawning and health, and enough of a flow through the Delta to prevent the encroachment of saline water, to prevent toxic algae blooms, and to reduce the effects of pollutants. Tribal agreements and cultural traditions need to be respected. It is unacceptable for the Board to continue to ignore your responsibility to fully review and update according to current scientific standards the rules of water use in California. We want	Please see Common Response 1.1, General Comments, for information on the Delta Flow Criteria Report and for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		you to reject the Voluntary Agreements as inadequate to the environmental needs of a Delta and to the possibility of recovering our fisheries. We need actual regulations with a flow based on science, as specified in the 2010 Delta flow criteria report calling for a 75 percent flow through to the San Francisco Bay, if we are to continue the health of the Delta ecosystems and fisheries -- if we are to maintain the health of our fisheries and our Delta. Thank you.	
1508	1	WYRD: Good morning. Thank you. Thank you for the opportunity to speak today about the Bay-Delta Plan. Thank you to the Board. Thank you for all the work that you do, and for everyone who's been here speaking the last couple days. My name's Launa Wyrd. I'm a professional water resources engineer in the State of California. I'm a resident of Humboldt County. I'm also an educator along the Klamath and Trinity Rivers. My family moved to San Francisco in 1873, one year after the agreement that was mentioned by Mr. Drekmeier, before we had damned the Tuolumne River. That was before we had built many of the State Water Project, the Federal Water Project, and that's when San Francisco Bay was thriving, and the Delta was thriving. There were still thriving fisheries at that time, thriving ecosystems. And I think of what has happened over the last five generations as my family has been on these lands, and how we haven't stewarded this state properly. And we watch toxic algal blooms happening now. We're watching destruction of our salmon, and it's sad. I have a lot of emotion when I speak to this, because I feel it in my blood. I feel it in my bones. I feel it as I walk on the land. And I want to trust that the children in this room, the children of the people who have spoken, are going to inherit healthy ecosystems. And the Board has failed to implement unimpaired flow that would allow that to happen. And I want to echo what Mr. Drekmeier has said, that it's time to take back the playing field and it is time that we keep cold flow in our rivers, for us, for	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		the future. I'm not here speaking because anyone is paying me. I'm not here as an engineer. I'm not here representing anyone. I'm here speaking as a concerned citizen from my heart. And for those who have signed on to MOUs for the Healthy Rivers and Landscapes, I want to say thank you for doing that. That's good work to do. It's important to do habitat work. It's important to plant willows. It's important to make spawning habitat in the streams. It's important to undo some of the degradations that's been done in the past. That is not a replacement for leaving cold water in the rivers. And so for everyone who is working for watershed restoration, please keep doing that, and please keep water in the rivers. And as I've heard some of the municipalities speak over the last couple of days, this may be a hard pill to swallow sometimes, but I've heard a lot of greed. I've heard a lot of desire for continued expansion and continued extraction, and it is time to take a really hard look at that and start living within the means of the local watersheds and stop the continued theft and extraction from distant waters. And you'll hear more from the tribal members today, and I'm really just hoping that we see a better future and we see less systemic racism and we see more environmental justice. So thank you to the Board for hearing me today, for hearing everyone. Got a lot of work ahead of us. So thank you.	
1509	1	WHITE: Hello, Board Chairman Esquivel, members of the Board. My name is Dr. Steven White. I'm a professor emeritus from the Department of Biological Sciences at San Jose State, and I'm here to talk to you about some of the issues I have with the Bay-Delta Plan. First of all, if I could get the next slide, please. First of all, I'd like you to consider here a hypothetical situation, if you will. Let's say you have two massive water diversion	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project. The cumulative impacts of future water supply projects are discussed in the cumulative analysis in Staff Report Section 13.7.21, Cumulative Impacts, Growth-Inducing Impacts, and Significant Irreversible Environmental Changes, and the impacts of such projects on benefits are discussed in Section 13.5.5, Range of Possible Benefits. Also see Common Response 1.3 Revised Proposed Plan

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		projects that would pull water out of the Sacramento to the level of 6,000 and 2,000 cubic feet of water per second, respectively. That's a massive diversion from the Sacramento River and a huge loss into the Delta. Wouldn't it be prudent to present models of that effect in the Bay-Delta Plan since they would -- that diversion would reduce flows into the Delta and result in inaccurate, if not actually irrelevant, models? So that's the first kind of hypothetical question I wanted to pose to the Board. If the Board wants to respond, great. If not, I'll continue. Next slide. Thank you. So it's been stated -- I have a lot of slides, I'm going to go through some of them, because it's been stated so many times that the Delta is in trouble. It's now become almost hackneyed to go over them. But I mean, you know, the populations of fish crashing, the harmful algal blooms, the salinity intrusion, the reduced outflow of agricultural industrial pollutants, it goes on and on. So I'll skip all that. Go to the next slide. And in fact, these next four slides are more or less just telling you what you've just heard, that the VAs really will not provide for adequate flows. There's tables that show ecological threshold flows. They're required to sustain a variety of critically important fish, and yet, in the tables in the Plan, they are -- the flows suggested are one-third to one-tenth what's required for ecological sustenance. So we'll go to the next slide. There are so many examples of flows being reduced below the 45 percent level. The idea is that environmentalists thought, okay, as a compromise, if we go with 55 percent unimpaired flow with a bracket, if you will, adjustable range of 45 to 65 percent, you know, that would probably work. It isn't ideal, but it would probably work. And then we see that there's so many examples of flows being reduced well below 45 percent, 35 percent. Next slide.	Amendments, regarding VA flow commitments, flow, accounting, and non-flow habitat restoration measures.

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		Even down to zero, depending upon the conditions. I mean, zero percent flow. Next slide. There are just so many loopholes. I could go on and on, but it's a sham. The adjustable bracket range has now been a bait and switch. It's a scam. Next slide. So what I'd like to move to are things that really haven't been pressed on so much, and the one thing I'd like to reiterate from the speaker just before that habitat does not substitute for flows. There's just no scientific evidence for that at all. So the other thing that the VAs project or propose is habitat building. And while everyone likes habitat building, one thing that I find kind of curious is whether they provide a lot of talk about acreage and where they're going to floodplains -- they're not really presenting a vegetation or revegetation strategy, which as an ecologist, I would really want to see. It isn't just the water. You absolutely need the water in a floodplain, but you also need the proper type, the proper diversity, the proper abundance of vegetation to support the food web that the fish and the other animals need. So that should be included in the VA plan, if nothing else. Next slide. The other thing that I find curious is this production of -- where was it here? The Bay-Delta plan wants to achieve a doubling of the natural population of Chinook salmon relative to the average production of 1967 to 1991. Well, 1967 to 1991 is well after the historical levels. Historically, there were millions of salmon in the river, and in 1967 to 1991 is a period of massive decline of salmon. If you're going to pick a level, pick it at the millions, or half that, half a million or one-tenth of that, one-tenth of a million, you don't pick it at the level of declines. And if you're going to stick to that, at least go for the 10-year level from 1967 to 77, when there's actually some salmon left in the river.	

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		Next slide. So this comes to the problem that no one's talking about, the elephant in the room: water demands and water allocations. Water allocations in our state are irrational. I mean, we're showing here in this figure, our water allocations are five times the state's annual runoff. That's a physical impossibility to deliver. The water demands are equal. They're unsustainable. Next slide. So if you look here, why do we have these water demands? Because agriculture has massively expanded over the 100 years. The amount of planted land from 1920 to 2020 has expanded tremendously as have the water demands. WHITE: Okay. WHITE: Next slide. So this just shows you that during a period of intense drought, water hungry crops, the planted land for water hungry crops, increased by 50 percent during an intense period of drought. Next slide. And where is all this water going? It's going into the Central Valley. This is a map from your own studies, and if you look at the Central Valley, its precipitation profile is exactly the same as Death Valley. They don't get any rain, guys. So they have to take it from the rivers that they've got, which they suck out all of it, and then the rest of it comes from north. Next slide. The water hungry crops I'm talking about -- I'm picking nuts just because there's a bunch of data on it but there's all kinds. They're not a little section of the Central Valley. They're all through the Central Valley. In general, it's 40 percent or higher.	

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		Next slide. If you look at Kern County, 67 percent of the county is planted in nuts. And of that, that's 370,000 acres. Next. And if you know what nuts take in terms of water per acre, it's about 3.5 acre-feet per acre of nuts. Next. So if you do a little back of the envelope math, you've got 370,000 acres at 3.5 acre-feet of water. They need 1.3 million acre-feet of water just for nuts in one county. Now, if you took that amount of water and dumped it on San Francisco, you'd bury San Francisco in 43 feet of water, the entire city. If you don't like San Francisco, you'd say, well, let's take Sacramento. You'd bury all of Sacramento under 20 feet of water. This amount of water is unsustainable. Big Ag needs to be reined in in terms of its water use. So in conclusion, then, what we need to do is the Voluntary Agreements basically facilitate this massive water demand. They can't be accepted. I mean, that massive water demand can't be admitted anymore. We just don't have the water for it if we want an ecosystem. Two, I suggest we go back to the 55 percent unimpaired flow with 45 to 65 percent adaptive range and stick to that range, not a whole bunch of exceptions -- maybe in emergency situations, but stick to that range. And then we're going to have to let Big Ag know that the trough is empty. They can't continue using water at the demand levels that they have. And then finally, I'd like to point out that we really need to shift away from extractive, exploitive degradation of the ecosystem for water and go towards reusable water, renewable water sources, renewable infrastructure. And that's what we should do.	

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1510	1	PANG: Yeah. Thank you, Chair Esquivel, and good morning, Board members. My name is Stephen Pang, I'm a State Relations Advocate with the Association of California Water Agencies. ACWA represents more than 460 public water providers that collectively deliver approximately 90 percent of the water in California for domestic, industrial, and agricultural uses. First, I really appreciate the opportunity to provide comments here today. Thank you for making yourselves available and hosting this public hearing. I also wanted to thank Board staff. This has been an enormous lift to get us here. So thanks for, again, both the hearing and everything that they've done up until this point. I also wanted to recognize Governor Newsom and the administration in advancing the Healthy Rivers and Landscapes Program. ACWA has been a strong supporter of the HRL program. We truly believe that it is the most holistic and comprehensive pathway to managing the Bay-Delta Watershed. It would provide water supply reliability for 27 million people. It would restore native species and protect habitats. In turn, all that would support the state's communities and economy as well. That being said, ACWA still has some outstanding concerns with the Revised Draft updates. First, we request that the State Water Board ensure that the VA pathway in the Final Draft updates is as consistent as possible with the core elements advanced by the HRL parties. For example, it's been the intention of the HRL parties based on engagement with the State Water Board and CalEPA to utilize several agreements. So the global agreement, the enforcement agreements, the implementation agreements. However, currently the structure of the agreements and enforcement mechanisms is unclear. ACWA recommends that the Final Draft updates clarify how these agreements will be incorporated into the Bay-Delta Plan. Building off of that, the flow accounting provisions for some tributaries and the Revised Draft updates have been significantly	The State Water Board is not a signatory to the VA MOU nor bound by its terms. Please see Common Response 1.3, Revised Proposed Plan Amendments, for information on the VA pathway. Also see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		modified from what was previously developed by the HRL parties in consultation with State Water Board staff. As you alluded to yesterday, Chair Esquivel, during individual comments, we understand the Plan can't be a copy -- copy and paste of what was previously submitted, but ACWA does think that and recommends that the Final Draft updates be revised to more accurately capture what was previously vetted. Moving on from that broader comment, ACWA recommends that the State Water Board clarify the process by which new parties could be added to the HRL program, and then finally we just ask that the State Water Board do everything that you can, and I know that you are, to advance and adopt -- excuse me -- the Sacramento Delta update to the Bay-Delta Plan in a timely manner. Finalizing the update will deliver the ecological assets required to restore and protect native species and habitats, while at the same time it provide the regulatory foundation to sustain economic productivity, maintain water affordability, and protect public health. So we'll be submitting a letter on Monday that goes into more detail on the issues that I talked about here, as well as a few other concerns. But once again, thank you so much for the opportunity to provide comments here today, and I really appreciate your commitment to this process. Thank you.	
1511	1	RAMSDEN: Good morning. I'm Reverend Lindi Ramsden, Minister Emerita of the First Unitarian Church of San Jose, and the former Director of the Unitarian Universalist Legislative Ministry of California. During that time, we organized the faith community in support of AB65, the Human Right to Water Bill, and the faith community does care about water in California, as well as many of the other interests. I drove up from San Jose this morning to join my voice with those who believe that Voluntary Agreements are not sufficient and will not be sufficient to protect the Delta, the rivers, and the interests of the tribes. Incentivizing collaborative efforts to restore habitat are worthy, but improvements to habitat do not	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		replace sufficient water flow. Both the scientists and California tribes are telling us that rivers and the Delta have just been asked to give too much. Water that flows through the rivers to the Bay and onto the ocean are neither unproductive nor wasted. Rivers are more than a resource. They're integral to life itself. Thank you all for your service.	
1512	1	UNIDENTIFIED SPEAKER: Thank you for allowing me to talk. UNIDENTIFIED SPEAKER: We are -- we're Yurok tribal members are actually from the Klamath River, but the Trinity River flows into our river, so when the Trinity River is in peril, it affects us. I hear you guys talk a lot about models and predictions about water, you know, when the water gets warm, and this could happen or maybe this will happen. We've seen firsthand what has happened. My kids haven't seen it because, you know, the fish kill happened when they were little. We haven't fished much. We haven't fished much. I haven't fished much since I had my kids. It's physically demanding, it's hard, but we do rely on salmon. Our elders ate salmon. My dad lived into his 90s. His name was Willard Carlson Sr., and he fed us a lot of salmon, and it kept us healthy. We need salmon to survive, and we also have, you know, agreements with our culture to take care of the river, to take care of things that take care of us. Salmon take care of us. My daughter has autism, and both my children are neurodivergent, but salmon is something that they will eat, and it's something that they like to eat. You know, I try and catch it for them so that they can be healthy. The Voluntary Agreement does not take – you know, tribes aren't a part of what's going on, and we should be. We should be considered in that, and we should be able to keep some of our water. We planted a bunch of plants and vegetation when the dams	Please see Common Response 1.1, General Comments, for information on the VA development process and for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		came down. Those need water to grow. Without the water, that's kind of going to be in vain as well, and, you know, we're really hoping that our salmon population comes back. We have, you know, we haven't been fishing it much in hopes that will return. More water coming out, you know, could kill that. And like I said with your models, you know, saying that, you know, it might -- you know, the water might get warm. It might not. If your model is wrong and it does get warm, it can cause something catastrophic that can't be undone. Like, oh, the model was wrong but, you know, it killed all these fish, killed all these plants. Thank you. And please consider, you know, us in your decision because, you know, we don't have a voice in your Voluntary Agreement except for in public comment. And that's not right either.	
1513	1	MIZE: Thank you for giving me your time today. MIZE: My name is Josh Mize, and I'm speaking on behalf of Indigenous Justice and Tribal communities that we serve. We are here to oppose the Bay-Delta Plan and Governor Newsom's Voluntary Agreements because together they represent the same harmful approach decision made about Native lands, waters, and futures without meaningful Native consultation. We oppose Governor Newsom's Voluntary Agreements because they continue to allow river degradation that fuels toxic algae blooms, collapses salmon population, and harms downstream communities. These impacts fall disproportionately on Native nations for whom salmon is not only a food source but a foundation of culture, health, and sovereignty. As salmon disappears, the rivers become unsafe. Treaty rights are lost for fishing and traditional practices. This undermines community well-being. Any water policy that sacrifices rivers and salmon is a continuation of environmental injustice, and must be rejected. The Bay Area -- or the Bay-Delta is not just infrastructure or a	Please see Common Response 11.1, Tribal Engagement and Tribal Beneficial Uses for a discussion on tribal reserved water rights and tribal comments on the VAs. Common Response 1.3, Revised Proposed Plan Amendments, also contains a discussion on the enforceability of the VA pathway.

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		resource system. It is a living, cultural, and spiritual landscape. For Native people, water is medicine, ceremony, food, and responsibility. Yet the Bay-Delta Plan continues to prioritize exports and profits over ecosystem, health, and tribal survival. Voluntary Agreements are being presented as collaboration, but for Native nations they are not truly voluntary. When the state controls the water, the funding, and the enforcement, tribes are pressured to accept agreements that do not fully protect our rights, our cultures, and our future generations. This process undermines tribal sovereignty. Native nations are not stakeholders for tribal governments and people that hold meaningful ties to land and water. I only have a minute left, so I'm going to cut the rest out, but I'd like to say thank you for your time. There was a comment earlier from the scientists in the room about recycling water and what's going on with this agriculture. Not only are they using a lot of water, but they're also poisoning it with the sprays and chemical sprays that they put on the water. So that's not even a feasible option anymore, unfortunately. So yes, thank you for your time. You know, when these plans fail, Native communities suffer first and the longest. Thank you.	
1514	1	BURKART: Thank you for the opportunity to speak. My name is River Burkart. I'm a fourth-year at UC Davis. I'm also Sisseton Wahpeton Oyate, Cherokee, and Choctaw. I'm here to talk about the youth concerns regarding the Bay-Delta Plan. The Delta supplies nearly 27 million people with drinking water, and it also supports salmon runs and our traditional practices, which are incredibly important. From a youth perspective, the proposed plan ultimately fails because it relies on Voluntary Agreements which don't have true enforceable actions. These agreements are non-binding, and they fail to hold agencies accountable when the river health and our cultures are impacted. As an Indigenous person, I am concerned about how these agreements ultimately sidestep tribal consultation and	The revised proposed Plan amendments includes provisions that HRL participants will be required to engage with California Native American Tribes and consider their input in decision-making affecting HRL Governance, including but not limited to tribal participation in the HRL science committee. HRL participants will be required to develop a tribal engagement plan in coordination with tribes that must be approved by the Executive Director prior to implementation of the VA pathway. Please see Common Response 11.1, Tribal Engagement and Tribal Beneficial Uses for a discussion on tribal comments on the VAs and tribal outreach and engagement, including a discussion of the tribal outreach and engagement provisions in the revised proposed Plan amendments for the Bay-Delta Tribal Advisory Group and the tribal engagement plan.

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		undermine our sovereignty. The plan also allows for flows as low as 35 percent, which will really, really impact the surrounding communities within the Bay and push burdens onto tribes, local communities, and the future generations, which are at this table right here. The State Water Board has a duty to protect not only the residents of California, but also our tribes, so we ask that co-governance is included and that you use science-based protections to restore not only salmon runs, but also provide safe drinking water and recreational activities to both residents and tribal members in California. Thank you.	For a discussion on reasonable protection of fish and wildlife and consideration of other beneficial uses, please see Common Response 1.2, Water Quality Control Planning Process. Also see Common Response 1.3, Revised Proposed Plan Amendments for a description of the regulatory pathway and a discussion on the enforceability of the VA pathway.
1514	2	MCLAUGHLIN: Ayuki (phonetic). My name is Kimberly McLaughlin. I'm a Karuk tribal member, and the Bay-Delta Plan is a water plan made by the State of California. Its goal is to manage water for cities, farms, and the environment. While it says it wants to protect rivers and fish, the way it works right now causes serious harm, especially to the Trinity River. The Trinity River is an important river in northern California. It has supported salmon for thousands of years and is deeply connected to native tribes like Hupa, Yurok, and Karuk. For these tribes the river and the salmon are not just food. They are part of culture, traditions, and everyday life. Today a large amount of water from the Trinity River is taken out and sent far away through dams and tunnels. This means much less water stays in the river where it belongs. Taking water out of the Trinity River hurts fish, especially salmon. Salmon need cold, clean, and fast-moving water to survive. When too much water is removed, the river becomes warmer and slower. Warm water holds less oxygen, which makes it harder for fish to breathe. Low water levels make it harder for salmon to travel, lay eggs, and survive as babies. This is one of the main reasons salmon populations have dropped so much over time. Low river flows can also cause algae blooms, which can be toxic. These blooms make the water unsafe for fish, animals, and even people. Scientists have shown that when rivers have more water flowing naturally, fish survive better. When water is taken away,	Please see Common Response 1.5, Trinity River, for responses to comments on state law, including Order 90-5 and protection of the Trinity River generally. Please also see Common Response 11.1, Tribal Engagement and Tribal Beneficial Uses for a discussion on Tribal Beneficial Uses, tribal reserved water rights, and tribal comments on the VAs.

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		fish numbers go down. This shows that the current way the Bay-Delta Plan handles water is not helping the river or the fish. The plan also seriously affects me and my people. When salmon disappear, tribes lose an important food source and a part of their culture. These traditions have existed for generations, long before dams and water diversions were built. Taking water from the river harms tribal rights and makes it harder for tribes to keep their traditions alive. This is not just an environmental issue. It's also about fairness and respect. This issue also affects me and my community. Healthy rivers support fishing jobs, local wildlife recreation, and clean water. When rivers are damaged, everyone downstream is affected. Over time, taking too much water makes rivers weaker and less able to handle drought and climate change. When we are taught to think seven generations ahead, this Plan does not do that. It puts future at risk for generations to come. In conclusion, the Bay-Delta Plan, as it is now, takes too much water from rivers like the Trinity River and does not protect what truly matters. It harms fish and my community and their environment while failing to solve California's water problems. My people don't agree with the Voluntary Agreements and would like to follow the original plan. Protecting rivers means keeping water in them, respecting tribal voices and sovereignty, and making decisions that protect the future, not just short-term water use.	
1514	3	VENTRESCA: Hello. My name is Luciana. I'm a Yurok tribal member and I live along the Klamath River. I come from the village Yurok and Pekwuteu. The Voluntary Agreements aren't scientifically seen. That means it could be dangerous by multiple reasons. One of them is the river could be so low if you agree with them. I come from a long line of traditional fishermen. We would fish for salmon, lamprey, sturgeon, and steelhead. These are foods I grew up eating.	Please refer to Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project. Please see Common Response 3.1, Fish Protection, for more information on the supplemental scientific basis report for the VAs.

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		I understand that all of the life in the ecosystem depends on cold, clean water, like animals, but also humans. The health of the river impacts our ceremonial and cultural practices. If the river isn't protected, it will directly affect my life by taking away my opportunities to connect with the river. I heal the river, and I grow with the river.	
1514	4	YOUTH PANELIST 1: I am a Yurok tribal member. I live along the Klamath River, and I come from the villages of Wohkero' (phonetic) and Katimin. I am here with Save California Salmon to stop the Voluntary Agreements. The Bay-Delta Plan and the Voluntary Agreements could negatively impact me and my family. If you agree to the Bay-Delta Plan, it will lower water levels, endangering fish, and fish is a big part of our nutritional health, so it could physically affect me. It also could affect our cultural ceremonies because we need the river to participate in our ceremonies, and we won't be able to go near the river because it will be toxic. Please reject the Voluntary Agreements.	Please see Common Response 11.1, Tribal Engagement and Tribal Beneficial Uses, for responses to tribal comments on the VAs.
1514	5	LYONS: I agree. My name is Nikki. I am a Yurok tribal member, and I live along the Klamath River. The Trinity is a very big tributary to the Klamath River. The Bay-Delta Plan will affect me and my family because the river will drop, and the water will get warm. This will have a dramatic effect on the salmon's population. I am a fisherman, and my family relies on salmon to survive. It is one of the main food sources in my area. The VA is stealing and taking water. It is not fair that we were here first, but you come and steal our water without listening to us. It is our responsibility to protect the land and the rivers. As Native people, we say no to the Voluntary Agreements. The choice you make today will affect me and my family.	Please see Common Response 11.1, Tribal Engagement and Tribal Beneficial Uses for a discussion on tribal comments on the VAs. Please also see Common Response 1.5, Trinity River, for comments related to how the Bay-Delta Plan update relates to the Trinity River.
1514	6	LAFEY DONAHUE: My name is Lafayette Donohue, and I am a part of the Yurok tribe. The VA will affect my people and my family in many ways. The VA	Please see Common Response 11.1, Tribal Engagement and Tribal Beneficial Uses for a discussion on tribal comments on the VAs.

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		will affect my family because it will kill our salmon, and with no salmon, we cannot live because we need salmon to eat. Also, the salmon are already endangered, so the VA will just kill more. And it will affect our fishermen. They would not have adequate water to fish in, and we need good water to swim in in the summer. This is why I think the VA is a bad idea.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
1514	7	ANDREY DONAHUE: (Speaks in Karuk.) I am from Árapa in Katimin, but I live in Pnamníik. I am a Karuk tribal member, and I live along the Klamath River. As a ceremonial dancer, a part of my culture is the boat dance. Without adequate water, we will not be able to participate in this dance. I come from a family of fishers who fish at the mouth of Klamath, and I want to be able not just to fish with my family now, but for years to come. As Native people, it is our job to protect the people, fish, and of course our river, and this will dramatically impact my life and many others. We oppose Voluntary Agreements.	Please see Common Response 11.1, Tribal Engagement and Tribal Beneficial Uses for a discussion of Tribal Beneficial Uses, including the proposed designation of Tribal Tradition and Culture (CUL) beneficial use and responses to tribal comments on the VAs. Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
1514	8	BRIONES: My name is AJ Briones, and I've been living in the Delta for my whole life, and I'm speaking here today to share my experience on the Bay-Delta Plan because the rivers and waters of California are our future. The Bay-Delta Plan affects my community, my family, and my home. Growing up I was taught that water is just not a resource, but it's a life source that should command our utmost care. Because we are living in the Delta, me and my family see this change firsthand. HABs, or harmful algae blooms, turn our waters green, and our families are not advised to swim in it. This affects cultural practices, fishing, and swimming. The water is a central part of many of our lives. It affects fishing, wildlife, and even simple acts of just enjoying the Delta life, and	Please refer to Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project. Please see Common Response 11.1, Tribal Engagement and Tribal Beneficial Uses, for a discussion of Tribal Beneficial Uses, including the designation of Tribal Tradition and Culture (CUL) beneficial use to protect tribal cultural uses throughout the watershed. Please also see Common Response 4.1, Harmful Algal Blooms for information on HABs and California Native American Tribes.

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		I'm impacted by this daily. Fishing is an important part of our culture. Salmon is our identity, and without salmon, it -- we lose a part of our identity, and we need to -- there's so many endangered fish now, like the chinook salmon and steelhead trout that are now on the endangered list, and commercial salmon fishing has been closed for three years, and that's very important to our culture because without fish, we lose a part of our identity. Rivers are too warm, and they're too low to allow salmon to survive and migrate successfully. And also, water is being diverted to different communities, and it's hurting our people greatly. And also we need to hear more native voices, because I believe that sometimes native voices aren't very heard, and we are kind of put on like a back burner. If we don't prioritize the ecosystem, we will lose our fish, our birds, and the balance of the Delta ecosystem. This is a living place where thousands of people live, work, and also raise families. This is why I believe that the Bay-Delta Plan must prioritize stronger protections or enforce stable flow to keep fresh water moving to help prevent toxic algae blooms, and also while protecting fish and wildlife. Your decision will determine if I will be able to raise my family in the Delta and be able to raise my children in our cultural practices, such as fishing. My brother is eight years old, and he cannot enjoy the same places that I was able to enjoy when I was his age. Our waters are changing drastically so fast, and it is so important that we have to change it, because we are losing a part of our culture. Thank you for hearing me today.	
1514	9	YOUTH PANELIST 2: Oh, okay. YOUTH PANELIST 2 (Speaks in Yurok.) We are members of the Yurok tribe, and we say no to the	Please refer to Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		Voluntary Agreements. Please think about our futures as Native youth.	
1514	10	JEVON DONAHUE: It is on? My name is Jevon, and the reason why I do not agree with the new Delta is because it kills my salmon, and it affects my fishing.	Please refer to Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
1514	11	CHICHIZOLA: Malcolm Chichizola doesn't seem to want to speak right now. CHICHIZOLA: He's been coming to these hearings for seven years and testifying against the Bay-Delta Plan. He wasn't so shy back then, but seven years, that's a long time of a kid's life to be testifying.	Please refer to Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
1515	1	CHICHIZOLA: There's a good chance Morning Star will be coming in any minute. She wasn't expected to need to be here until 11:15, so she can go on to the next panel if she misses this one. CHICHIZOLA: Okay, and we will be starting with Winnemem Wintu.	Please refer to Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
1515	1.1	MULCAHY: Good morning, Board members, Laurel, Esquivel. I don't know if I should thank you for allowing me to talk today or chastise you, because it's been too many times. It really has. And not only has it been too many times, we have had to talk about the same thing over and over and over and over again. I didn't write anything down today, because I didn't want to talk to you cerebrally. I wanted to talk to you from here. I want a grandfather to take his words and put it through my mouth. So if I get wandering off somewhere, you know, just, you know, say, hey, Gary, you know, come on back. Come on back. Come on back. Okay, good enough. And we'll go from there. You know, members of the Board here have been to our villages. You've been on river tours with us. You've heard our stories. You've been involved at our fires. You've listened to our culture. You've listened to our histories. You've listened to our religious beliefs, and you know what is important to us, and you know that these Voluntary Agreements are based in racist policies. You have allowed the people -- the pre-1914 water rights people, and	Please see Common Response 11.1, Tribal Engagement and Tribal Beneficial Uses, for a discussion on tribal reserved water rights and tribal comments on the VAs. Please see Common Response 10.1, Economically Disadvantaged Communities, for responses to comments related to the Board's Racial Equity Resolution and Racial Equity Action Plan. As expressed in the State Water Board's September 7, 2023 letter to the U.S. Environmental Protection Agency in response to the Title VI civil rights complaint about the Bay-Delta Plan update process, the State Water Board disagrees with the allegations made in the Title VI complaint.

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		the post-1914 water rights people, the ones that massacred our families and our ancestors, that took our land, that took our water, that pushed us away, and helped California in its attempt at racial genocide back in the 1800s and 1900s. These are the ones that you have talked to about Healthy Rivers and Landscapes. Oh, give me a break. They're the ones that have discriminated against us forever. We weren't included. Tribes weren't included in those negotiations, those contract frameworks, those VA agreement frameworks. Environmental justice communities were not involved in those contract agreements, those VA agreements. Disadvantaged communities weren't involved in them. Who are the disadvantaged communities? Do you remember the old red line process? Okay. You Asians, you need to go over here. You African-Americans, you need to go over here. And that's where the industrial parts of cities were built, on their place, because they did not want to affect the other populations. And that's what you would be continuing with your acceptance of the Voluntary Agreements. I mean, you've got a Title VI civil rights complaint suit filed against you based on that specific thing. Discrimination and disparate impacts. And the foundation of that civil rights complaint is the VAs. The failure to allow the people that would be affected by those policies and those procedures a seat at the table to talk about it. I mean, you've got a racial equity resolution. Racial equity for who? Because if you accept the VAs, you've taken your racial equity and you've thrown it out the window. Because those VAs are based on racist policies, exclusionary policies that did not include tribes, disadvantaged communities, environmental justice groups, and even fishing communities. It's water agencies and ag agencies. Yeah, Laurel, you're shaking your head there. But you know, I'm disappointed in you. You know why? Because I heard you in a meeting day before yesterday saying, well, I'm willing to give the VAs a chance, and if they don't work, you know, we'll throw them out. Yeah, that's like saying we're willing to give you an	

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		opportunity or a chance to survive cancer treatment, but the cancer treatment itself is going to kill you, so we'll throw you out. Think about that logic. Think about an eight-year experiment that does not have public interest in mind because the public wasn't invited into the process. I've talked to you about this before. Tribes have talked to you about this before. We've talked to you over and over and over again. And when I stop talking, you're going to say, thank you for your input, we'll consider it, and that's what it's always been. But with the VA still proposed in the Bay-Delta Plan, you haven't taken our interest into consideration because tribe after tribe after tribe, environmental justice group after environmental justice group after environmental justice group, disadvantaged community after disadvantaged community after disadvantaged community, has told you that these are not the way to go. You are the way to go. Your policy, your unimpaired flows, your water policies, your water thing, your responsibility is what goes. Your responsibility is what we depend on. Your decisions is what we depend on. Not some back door deal or back street agreement. And, you know, as I was telling Board member D'Adamo in the hallway, you are our last line of defense for many things, especially when it comes to water. If you follow your responsibilities, if you follow your oath that you took to this Constitution of California and the Constitution of the United States to enforce and uphold the Constitution, that Constitution is set there to protect all people, and in California, all beneficial uses. Not the beneficial uses of ag, not the beneficial uses of water diversions or deliveries or those kind of things. You're here to protect us all, and we're going to hold you to that. You know, I heard Max talk yesterday. He got a little upset. I don't blame him because we've been here. We've been here. And Max was on the Water Board before himself. So he -- you know, we've been here. MULCAHY: I mean, not a member, but he worked with them. I'll appoint him. Would you like him appointed?	

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		But, you know, it's amazing how much information on the ground and through verbal communication, through site communication, through presentations, and even out on the land, that information that you all have been given and you still have these things on the table. And now you've got to deal with BOR's ROD on Article or Action 5, an additional 130,000 to 180,000 acre-feet to divert down past the Delta. That blows your VAs right out of the water. It's gone. They're gone. Because any benefit that you thought that you were going to get from the VAs has just been usurped by the federal government. That's why you are our last line of defense. You need to protect us against the federal government. You need to stand up and say, this is this and this is that and make policies that will protect Californians and protect our water and protect our fish and protect our resources and protect our spiritual places. Thank you. MULCAHY: Thank you. I – MULCAHY: You got it. Referees, you want to check the time clock when you start speaking?	
1515	2	CHICHIZOLA: Actually, I think Tom Stokely was going to talk next. STOKELY: Thank you. Good to see you too. Appreciate the time to speak before you. I'm Tom Stokely representing Save California Salmon. I always start my presentations with this slide to remind you that federal law requires protection of the Trinity River, starting with the 1955 Trinity River Division Act. And it also requires restoration of the Trinity River, and all the laws and regulations that require protection and restoration of the Trinity River are included in our January 2025 comment letter, which we will attach to our latest written comments. And I want to thank you and the staff for including the Trinity River in your revised project area. We appreciate your efforts to avoid redirected impacts to the Trinity River.	Regarding Trinity River modeling, please refer to Common Response 6.2, Baseline and No Project Alternative, regarding the baseline assumptions. Please also see Common Response 7.6.2, Aquatic Biological Resources and Cold Water Habitat, regarding water temperature evaluations included in the project. Please also see Common Response 1.5, Trinity River, on consideration of the Trinity River watershed and on how additional evaluation and consideration of existing water quality problems on the Trinity River does not fit within the purposes and goals of the update to the Bay-Delta Plan.

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		However, your assurances that the Trinity River won't be harmed are not comforting, and quite frankly we don't believe you. The previous modeling from 2024 showed a decrease in Trinity Lake storage and miraculously the new modeling does not. Suddenly there are no impacts. And next slide, please. Did you know that North Coast Basin plan temperature objectives for the Trinity River are not enforced? And this Plan, while it considers use of Trinity water to implement the VAs and the regulatory approach, does not provide any protection for Trinity or lower Klamath salmon from temperature-dependent mortality. Nowhere in your documents did I see any reference explanation or analysis of these temperature objectives, and these temperature objectives are really the benchmark that you need to measure your impacts against. And as near as I could see, you didn't do that. Next slide, please. In addition to the unenforced temperature objectives on the Trinity River, even if they were enforced, it would kill 100 percent of the Coho at the Trinity River hatchery. This graph, which I believe I've shown you before, shows that in 2021 while meeting the 56 degree Fahrenheit temperature objective, 75 percent of the Trinity coho eggs perished due to meeting the temperature objective. The temperatures finally went down and the mortality went down because the power plant was bypassed. I don't see any mitigation measure in your document that would require power plant bypasses to make sure that Trinity River temperatures are adequate to protect coho and chinook. Next slide, please. You can skip this slide. Next slide.	

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		Okay. Did you know that this Plan cumulatively with climate change, the American River Water Forum, which was mentioned earlier, which also took more Trinity water to balance their needs in the American River Basin, robust CVP deliveries and no temperature protection requirements for the Trinity River will ultimately exhaust the coldwater pool at Trinity Lake during multi-year drought, leading to massive mortality of salmon in the Trinity and Klamath Rivers, threatening restoration of both rivers post dam removal, and also requiring the Bureau of Reclamation to annually report on redirected impacts to the Trinity River Basin is pretty much a useless mitigation measure. We're not assured the VAs will restore California's water quality salmon runs and tribal and commercial and recreational fisheries that depend on them. Some other comments. The modeling for your Trinity River analysis is junk and precludes any meaningful analysis. This figure shows reported and annual total baseline Voluntary Agreement Clear Creek diversions. This is the water that's diverted from the Trinity River to the Sacramento River. Your baseline, which is the yellow dotted line, is supposed to be the existing condition, but in fact we took data from California Data Exchange Center and found that in fact, it's the black line up above, so you've grossly underestimated the export of Trinity River water in your analysis. Next slide, please. There wasn't a slide there. Go back one. I don't know what happened. STOKELY: Two figures there. Well, I'll tell you what the next slide is going to show is that it also shows that your baseline -- oh, actually, yeah, go back a couple of slides. I skipped it. The modeling also shows very high -- so go down one more there. There. Okay. This is the Trinity River flow at Lewiston. Your baseline is the yellow line dotted line. And that shows, according to your	

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		modeling, how much CFS is going down the Trinity River. But in fact, if you looked at the black line at the bottom, as well as the dotted black line, the black line is 1964 to 2021. The dotted black line is the observed since the Trinity Record of Decision 2002 to 2004. Again, your modeling shows much greater in-stream flows in the Trinity River than actually is in reality, so we can't rely on your modeling to demonstrate there's no impact to the Trinity River. You can end the slideshow. How much more time do we have? I'll just give you a couple of more zingers here. In summary, we'd like to ask that you don't approve the Voluntary Agreements. But if you do approve them, you need to adopt enforceable Trinity River coldwater carryover storage requirements. Right now there are none. They can drain the coldwater pool to nothing, which will not only kill Trinity River fish, but also Klamath River fish. Because the Trinity is the cold water tap, the Klamath is the hot water tap. You need to update and enforce Trinity River temperature objectives below Lewiston Dam. You need to also raise reservoir priority rankings to include the Trinity Reservoir as a high priority, and you need to include Trinity River and lower Klamath River cultural, tribal subsistence, and subsistence in your plan objectives.	
1515	3	And I just want to say that I've been working on California water issues for over 40 years. I've seen the Bay-Delta Accord, CALFED, Water Right Order 90-5, the CVPIA, the 2000 Trinity Record of Decision, the 2017 Klamath Rod, fish doubling plans, Klamath Dam removal, the BDCP, and now the misnamed Healthy Rivers and Landscapes. All of the other plans at least had some promise of restoring salmon runs even though they failed. The VAs in our eyes don't even do that, and as you can see by the testimony, the VAs are a big nothing burger. And worse than that, you have an unreliable federal partner, you have faulty modeling, you have climate change, and a politically driven process that will surely lead to the extinction of salmon and steelhead, or at least permanent fishing closures in the Trinity and Klamath Rivers, as well as the Central Valley. I hope that you will do otherwise and	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project. Also see Common Response 1.5, Trinity River, for a discussion of the Trinity River.

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		approve something that really protects our aquatic resources in salmon. Thank you.	
1515	3.1	STOKELY: Thank you. Yeah, I just wanted to say that a separate Trinity River temperature proceeding was promised in Water Quality Order 8918 in 1989 and subsequently in Water Right Order 90-5 in 1990, and we're still waiting. If you had that in place, I probably wouldn't be talking to you today the way I am, so thank you.	The State Water Board acknowledges that Order 90-5 does not provide comprehensive water quality protection for the Trinity River. Water quality objectives contained in the North Coast Basin Plan still apply and have not been waived. The U.S. Bureau of Reclamation is responsible for independent federal statutory obligations for the Trinity River and must comply with those obligations.
1515	4	CHICHIZOLA: I'm going to wait for my presentation. Okay. And then I think that Morning Star will go on the next panel since she's been held up. CHICHIZOLA: Yeah. I'm not sure what's up with the slideshow, but a couple of them are empty, which is not going to be helpful. So, I'll have to -- okay, cool. So, our slideshow is called a call for science and community input-based decision making from this Board, and it is the same call we've been making since 2018. I think some of you were there, but you know, at that point, I feel like the Board did vote the right way. But here we are, no implementation to this day. So next slide. So the Bay-Delta Plan now, and I'll be quick on this one because I think a lot of people have mentioned it. It's unenforceable, really. I mean, yes, there's some enforcement mechanism, but without clear in-stream flows and clear water quality standards, what is there to enforce? Like, if we don't know what the VA is, what is there to providing, what is there to enforce? I looked through a lot of the modeling, and the modeling actually shows the VA versus the shifting baseline, as was mentioned earlier, and does not compare the two different alternatives that is presented to this Board which leaves us with the question, what are the actual in-stream flows that the VA provides? We looked at the 2017 scientific basis report. It confirmed 75 percent of unimpaired runoff is needed to go into the San Francisco Bay and the Bay-Delta. 55 percent was actually a compromise, and now we're down to 35 percent. It's just not	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project. Please also see Common Response 1.3, Revised Proposed Plan Amendments, regarding the VA pathway, including enforceability. The flows expected to result from the VA pathway are presented in Section 13.4, Changes in Hydrology and Water Supply, of the Staff Report.

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		protective. And furthermore, looking at the baseline versus the VAs, we still see actual drops with the VAs in some of the watersheds. So, actually, the VAs are providing less water at certain times a year in certain watersheds rather than being additive. I also wanted to mention that we are not unsupportive of Voluntary Agreements, necessarily. You know, this process, since it started, we've lost 95 percent of spring-run salmon since 2018 because there were not flows in place, and because of the fact that this Board continually will let temporary urgency plans go forward and does not make it so we're actually protecting water quality and beneficial uses.	
1515	5	So we can go to the next slide. I'm going to try to rush through it, but that one graph did show that in the time that the salmon runs have gone down between 65 to 95 percent depending on species. Almond acreage and water use has gone up, and that is the direct consequence of the stalling that the VAs have caused. This is just since 2018 when Phase 1 was passed that we've been using this data. So what is needed in a Water Quality Control Plan, because I feel like maybe there should be a reminder? You know, we should have updated and protected flow and water temperature objectives, full accounting of cumulative impacts and required water obligations, including tribal impacts and tribal water within there. And by cumulative impacts, I mean, okay, so now we're going to be allowing, like, future water users and future water rights to enter the VA. We know who's putting in for new water rights. We know what water rights proceedings are in front of us. We should be looking at the cumulative impacts because those are taking away from any VA benefits.	The revised proposed Plan amendments direct the State Water Board to consider imposing requirements on new water supply projects to ensure that future authorizations for the diversion and use of water are consistent with and support the salmon protection, fish viability, inflow, inflow-based Delta outflow, and interior outflow objectives of the Bay Delta Plan. Please see Common Response 1.3, Revised Proposed Plan Amendments, for information on the protection of base flows applicable to new water supply projects. Section 7.23.1, Cumulative Impact Analysis, of the 2023 draft Staff Report and Section 13.7.21.1, Cumulative Impact Analysis, of the 2025 partially recirculated draft Staff Report address cumulative impacts of past, present, and reasonably foreseeable probable future projects. Please refer to Common Response 7.23, Cumulative Impact Analysis, for responses to comments related to the consideration and analysis of cumulative impacts associated with other past, present, and reasonably foreseeable probable future projects. Please also see Common Response 11.1, Tribal Engagement and Tribal Beneficial Uses, for information on tribal beneficial uses.
1515	6	Tribal beneficial uses should not just be established, but protected. It's just an exercise on paper if you don't actually protect them. There should be mitigation measures with enforceable outcomes. And truthfully, any water, any Voluntary	The reasonable protection of Tribal Tradition and Culture (CUL) as it relates to the tribes' cultural and spiritual connection to salmon overlaps with the reasonable protection of the aquatic life beneficial uses identified in the Bay-Delta Plan or designated

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		Agreements that do not meet in-stream flow objectives and protect beneficial uses should be rejected. We've seen on the Scott River that we've been able to have, you know, local cooperative solutions at times actually meet in-stream flow objectives, so it's not like it's not possible. So -- and then we need explicit protection of the Trinity River and we need to make sure that our beneficial uses on the Trinity and Klamath Rivers are protected. We can't continue to kick the ball down the road. So next slide. We've been commenting on this, like I said, for eight years. We've gone now presented four times to this Board. We've done written comments, and I don't feel like the Plan has gotten any better with the exception of adding cultural beneficial uses. But like I said, no protection. So, what does it mean in the end? I think we need to go back to the 2017 scientific basis report and then go back to the VAs and just make sure that all the VAs actually meet in-stream flow requirements. And I'm going to go on because I have very limited time instead of reading everything.	in the applicable Regional Water Boards' water quality control plans, including EST, COLD, WARM, MIGR, SPWN, WILD, and RARE (also referred to as fish and wildlife beneficial uses), forming the basis for implementation actions related to flow, water project operations, and physical habitat restoration. Accordingly, the objectives needed to protect both categories of beneficial uses overlap and are addressed by the objectives and program of implementation in this plan. In addition, other tribal uses and activities encompassed within the CUL use may be directly supported by flow actions, including for example, navigation, gathering of natural resources, and immersion ceremonies. In the future, additional flow-based water quality objectives or site-specific water right requirements may be considered if needed to protect other tribal uses and activities encompassed within the CUL use. In addition, the Regional Water Boards may amend their water quality control plans to recognize other CUL tribal uses and activities where they occur within the Bay-Delta watershed, and may need to consider new water quality objectives or site-specific discharge requirements for the reasonable protection of CUL uses in the watershed. Please see the revised proposed Plan amendments for more information. Staff Report Section 13.3.7, Designation of Tribal Tradition and Culture (CUL) and Incorporation of Tribal and Subsistence Fishing Beneficial Uses, describes the proposed designation of CUL beneficial use and incorporation of Tribal Subsistence Fishing and Subsistence Fishing beneficial uses into the Bay-Delta Plan. Please see Common Response 11.1, Tribal Engagement and Tribal Beneficial Uses, for a discussion on Tribal Beneficial Uses including the protection of CUL. Also see Common Response 1.5, Trinity River, for responses to comments on how the Bay-Delta Plan update relates to the Trinity River and Common Response 1.3, Revised Proposed Plan Amendments, for more information on the enforceability of the VAs. The scientific analysis of the environmental benefits of the flow scenarios and the regulatory pathway is contained in the 2017 Scientific Basis Report and the scientific analysis of the benefits

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			under the VA pathway is contained in the Scientific Basis Report Supplement. Please see Common Response 3.1, Fish Protection, on the use of best available science.
1515	7	CHICHIZOLA: Okay. So yeah, Voluntary Agreements, like I said, should meet in-stream flow and biological needs. You do have the opportunity to have Voluntary Agreements and in-stream flow criteria. It has happened, but what we've seen in other Voluntary Agreements, including like in this watershed, you know, like in the upper watershed places like Battle Creek and Mill Creek, we've seen Voluntary Agreements be tried out. We've tried the experiment and they've failed to the point where there's single digit numbers of salmon left in some of those watersheds and way less than a hundreds. And I'm talking the last watersheds that provide for spring Chinook in the State of California. So this is a near extinction experience and it's because we've tried this experiment and it does not work. It does not work.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
1515	8	Next slide. So now I want to go into some of the laws we should be looking at: water quality standards, TMDLs, 303D listings, including for temperatures in the Sacramento and the Delta, racial equity resolution and action plan. I feel like that includes that our input should be being worked into these plans. And I do want to mention the racial equity resolution still has that illegal and not true wording that tribes in California have lost water rights, even though we've been asking for that to be changed and providing case law that goes directly against it for four years now, I think, so -- but still the racial equity action plan does allow for our input to actually be worked into these. And then the California Endangered Species Act. And I think this is probably on my next slide, but I'll go into it now. You know, it was mentioned that right now the Delta is regulated under the Endangered Species Act and federal laws. Those laws aren't here anymore. The Endangered Species Act has been gutted to the point where it almost doesn't even matter by the Trump administration. Not only that but we now have action five, which puts way more water into the hands of not cities even, but	The State Water Board has heard, acknowledged, and is aware that there are serious Tribal concerns with the language of the racial equity resolution; however, the process to develop a revised racial equity resolution, if any, would be separate from the Bay-Delta planning process. Cumulative impacts are analyzed in Staff Report Section 13.7.21, Cumulative Impacts, Growth-Inducing Impacts, and Significant Irreversible Environmental Changes. If the VA flow, habitat, science, and other related commitments are not met, the VA pathway could be subject to modification or termination. See Common Response 1.3, Revised Proposed Plan Amendments, for information on the provisions for continuation, modification, or termination of the VA pathway, and on the 2025 ROD and 2025 ITP.

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		just agriculture. So we are actually threatening our cities too by allowing the Trump administration to be a party to the VAs, the very people who said that they're not going to do early implementation and they're not going to engage and that they're going to take more water and they didn't even allow for NEPA or public comment for action five. So really this is the only place where we get to talk about the Endangered Species Act, we get to talk about the needs of the watershed, and we get to protect our fish and our water quality anymore because NEPA is practically gone, or at least they're not following it. No more federal public comment. No more ESA. The Clean Water Act was just gutted. We're going to have offshore drilling now, which salmon will also have to deal with. So you guys really are all we have to protect our fish and our water at this point, at least until Trump's gone, and it's going to take a long time to fix the damage he's done. So next slide. So yes, this is just some of the cumulative impacts. Action five, the Trinity River is about to have a biological opinion. The climate change assessments, I have the Bay-Delta Plan, but Sites Reservoir, which I won't speak to, and then we also have executive orders from the Trump administration. So it's a huge system and it is all in danger. Anything that touches the federal government is in danger. But if this Board had actual in-stream flow criteria, the federal government does have to follow that. So that's what we could have. And so then I'll just move on. So also we have a whole issue of the defunding of restoration, which was discussed. So I'll be really quick on this, but the Trump administration has pulled almost all the funding related to climate dam removal, for instance, for restoration. It's pulled a lot of the funding for restoration on the federal level in the Delta. And it's pulled early implementation funding for this very VA. So to say that we're going to rely on habitat and then not require that habitat to actually be wet, which what is fish habitat if it's not wet, and not require that that habitat actually be funded --	

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		like, what does that mean? It's just kind of empty promises if we don't have the federal government engaging. So with that, and I think this might be on my next slide, the Trump administration, the Bureau of Reclamation, should absolutely not be allowed to engage in the VAs and should have to go through the regulatory pathway. They have shown that they will not follow the VAs. They've shown they won't even care about the California Endangered Species Act or California cities. I mean, the state water operations are now threatened so that ag can come first because of the Trump administration. This is all kinds of stuff that I'll send you. Harmful algal blooms, salinity, mercury concentrations, warmer temperatures, pesticide impacts will be worse with less water. There'll be more salinity in the drinking water system. I think we know we're in a crisis, and in-stream flows, numeric in-stream flows and Delta outflows, is a way to pull ourselves out of this crisis.	
1515	9	But I just thought it was really important to remind us what's at stake here as far as water quality, because we're not talking about that a lot. So next slide. So I think this is one of my final ones, and a lot of the photos aren't showing up, unfortunately, but they're photos of us doing our aim engaging in our beneficial uses. These kids that spoke here today in the Delta, in the Trinity, on the river, we recreate in the Delta, we recreate in the tributaries, we fish in the tributaries, and people are very afraid of the toxic algae blooms, of getting sick. They're afraid that there's hardly any salmon left, that commercial fishing has been shut down for three years. Recreational fishing is no longer happening, which is decimating northern California economies. We talk about economies and economic impacts, but it's not just agriculture, and especially not in the north state. You know, our rafting industries, our kayaking industries, our tourism industries, commercial fishing, it's what keeps our towns and our communities going, and, you know, subsistence fishing is what keeps food on the table. And these	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		are -- all the beneficial uses are now at risk, because we are not taking the regulatory pathway, and we're not paying attention to the science in the Delta. And I think that's my last slide, correct? So in the end, you know, like I said, I've been coming here for since 2018, including with like a lot of the different tribal members that are in the room right now and tribal representatives. You guys made the right decision in 2018, and it left room for Voluntary Agreements that met in-stream flows, and because of the pressure from the Newsom administration and water users, we've backed down. And it took 30 years to get here, and within that time, the water quality has degraded to the point where we no longer can enjoy the beneficial uses in the Delta and we still don't have protections for the Trinity River. Westlands can engage in Voluntary Agreements, but we don't have protections for the Trinity. We need to do better. We're asking you to do better and to think of the future. Thank you. CHICHIZOLA: Yeah. And just to clarify that I do feel like the Board has made real steps to allow public engagement and to allow us to have our voices heard, and the racial equity action plan was a huge step forward, so I thank you for that. I'm just asking us to move past hearing us and to actually implement some of the things we're saying.	