

From: [Kennedy, Claire M](#)
To: [WB-DWR-SacDeltaComments](#)
Cc: [Schaffer, Carolyn A](#); [Jefferson II, Jay L](#); [Martin, Maureen A](#); [Sheehan, Rebecca D](#); [Hawk, Nina E](#)
Subject: Comment Letter – Final Draft Bay-Delta Plan
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Attachments: [image001.png](#)
[Member Agency Comment Letter - WOCP 09182026.pdf](#)

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Good afternoon,

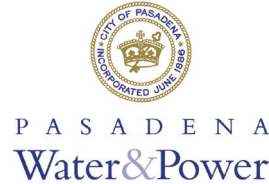
Please see attached a comment letter from the undersigned agencies regarding the Final Draft Bay-Delta Plan. Please do not hesitate to reach out should you have any questions.

Kind regards,

Claire Kennedy, MPA (she/her/hers) | Assistant Legislative Representative
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September 18, 2026

Via Email: SacDeltaComments@waterboards.ca.gov

Chairman E. Joaquin Esquivel
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

Re: Comments on August 19, 2026, Draft Bay-Delta Plan and Staff Report

Dear Ch. Esquivel and Board Members:

Our agencies appreciate the opportunity to comment on the August 19, 2026, Draft Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Watershed and Staff Report (Draft Bay-Delta Plan). This final draft plan is a milestone, and we appreciate the years that the State Water Resources Control Board (Water Board) and its staff have spent developing it. However, there are concerning elements in the Draft Bay-Delta Plan that must be addressed prior to adoption.

THE HRL PROGRAM

We support the Healthy Rivers and Landscapes Program (HRL Program), as proposed by the California Environmental Protection Agency, California Natural Resources Agency, California Department of Fish & Wildlife, California Department of Water Resources, and the regional and local water agencies that supply water to the majority of the urban, agricultural, and wildlife regions within California.

The HRL Program was developed as a comprehensive approach to managing habitat, flow, and other factors required to protect native fish and wildlife species, while concurrently protecting water supply reliability in the Bay-Delta. It is based on four main tenets:

- **New Governance** – The HRL Program supports a new transparent and collaborative governance structure aimed at causing a paradigm shift from the ridged, traditional “regulator-regulatee” relationship that exists under the current Bay Delta Plan.
- **System-Wide Functional Flows** – The HRL Program provides additional flows to be managed in conjunction with new habitat on a watershed-wide scale to ensure ecosystem improvements for native species are realized.
- **Comprehensive Science** – Decision under the HRL Program would be supported by a single science program for the Bay-Delta Plan, governed by a science committee comprised of scientists and science program managers representing diverse interest groups.
- **Reliable Funding** – Federal appropriations, state general funds, and contributions from the HRL Program parties, in large part through “self-imposed” fees, would fund the acquisition of water and the governance and science programs.

Unfortunately, provisions in the final draft of the Bay-Delta Plan released on August 19, 2026, undermine these basic tenants of the HRL Program and jeopardize the ability to implement the Bay-Delta Plan. We urge the Water Board to consider and accept specific edits proposed by the Metropolitan Water District of Southern California and the State Water Contractors to remedy the description and implementation of the HRL Program.

THE UNIMPAIRED FLOW APPROACH

The alternative to the HRL Program, and default for implementation responsibility for new water supply projects, is the unimpaired flow approach (UIF). The Staff Report includes modeling of the UIF approach that shows significant water supply reductions to Southern California by 276 TAF/year on average and up to 515 TAF/year. If UIF is implemented as modeled, there would be significant adverse impacts on the water supply and affordability of water for Southern California. The Staff Report incorrectly assumes there will always be alternative water supplies available to Southern California no matter how significantly its imported supplies from the Bay-Delta are cut. Section 7.20.3 of the Staff Report concludes:

“[a]lthough some communities appear to have reserve supply from other sources that could replace Sacramento/Delta supply reductions, other communities do not have enough reserve supplies. These communities would need to intensify demand management and/or look for other water supplies, either through accelerating existing planned acquisitions or initiating the planning process for additional water supplies. If additional water supplies need to be obtained, new or modified facilities could be needed.”

Assuming the impacted parties and communities will self-mitigate the impacts of UIF by developing new supplies and increased demand management ignores the limitations of water and financial resources. Water is a finite resource, and Southern California will not always be able to develop or purchase water from yet-to-be identified alternative water sources nor continue to conserve without limitation. Regional or local water supply projects, such as surface water storage, groundwater storage, and water recycling projects, often depend on high-quality water supplies imported from the Bay-Delta. Continued access to Bay-Delta supplies is essential for existing and future regional and local water projects. Affordability and reliability are significant concerns in our service areas, particularly when considered against the backdrop of the aridification occurring within the Colorado River watershed and the decreased supplies available from that river system. The significant water supply impacts of UIF remain unmitigated and unaddressed in the final draft of the Staff Report and the Bay-Delta Plan. We urge the Water Board to ensure the HRL Program remains the viable program as proposed in 2022 and include appropriate mitigation to offset this significant water supply impact for those water agencies that would meet their implementation responsibility through the dedication of a percent of UIF.

This is a critical junction in the process of updating the Bay-Delta Plan. It is not too late to make the corrections needed to ensure the Bay-Delta Plan is modernized and California is best positioned to meet the challenges that are facing the Bay-Delta watershed. Thank you for your consideration of these comments.

Sincerely,

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California

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