



October 28, 2026

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

Via email to: commentletters@waterboards.ca.gov

Re: 10/28-29/2026 Board Meeting Item: 1: Consideration of Proposed Resolution to Adopt Water Quality Control Plan

Dear Chair Esquivel, Board Members, Executive Director Oppenheimer, Chief Counsel Lauffer, and State Water Resources Control Board:

During this Bay-Delta Plan process, Sierra Club California, the California Water Impact Network, the Planning and Conservation League AquAlliance and the Center for Biological Diversity have been on earlier joint comment letters of January 10, 2025, January 29, 2026, and September 17, 2026. There has also been the Sierra Club California letter of August 20, 2026.

The many failures of the Water Board to proceed in the manner required by

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CEQA includes the failure to prepare a revised Draft Staff Report/Substitute Environmental Document (SED) for public review and comment because of significant new information and changes in the project. That was addressed in our joint comment letter of September 17, 2026, at pages 54-70, and our joint comment letter of January 29, 2026, at pages 45-51.

We submit this CEQA comment letter having learned that as of October 27, 2026, the Water Board has received about 16 uninvited comment letters starting on October 22, 2026. Several of those comment letters establish that significant new information and changes in the project require the Water Board to prepare a revised Draft Staff Report/SED for public review and comment before considering adoption of a Resolution to adopt the Plan and/or certify the environmental document—the Staff Report/SED.

The CEQA guidelines, 14 Cal. Code Regs §15088.5(a) require in pertinent part, “A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. As used in this section, the term ‘information’ can include changes in the project or environmental setting as well as additional data or other information.”

The Water Board’s proposed adoption Resolution issued October 16, 2026, includes the voluntary agreement (VA) pathway and a regulatory pathway for water rights not included in the VA pathway. Our prior joint comments have objected to both proposed pathways and included numerous statements of CEQA violations that we continue to assert. The VA pathway now appears to have collapsed. We had previously pointed out the Bureau of Reclamation’s September 4, 2026, letter ceasing participation in the VAs. (September 17, 2026, Sierra Club California et al. joint comment letter p. 58.)

Now, the largest water exporter, Westlands Water District has reiterated in its October 22, 2026, comment letter (at p. 7) its non-participation in the VAs set forth in its September 4, 2026, press release, saying it “will not participate in the VA Pathway as currently proposed.” Westlands also informed that “neither

Westlands nor any other party to the 2022 MOU has made a formal commitment to VA Pathway.” (Westlands October 22, 2026, letter at p. 3.) Likewise, the October 22, 2026, letter (at p. 1) from the San Luis and Delta-Mendota Water Authority and six other water exporters informed that “no water rights holder has yet agreed to be bound by the VA Pathway...”

The State Water Contractors in their October 22, 2026, letter assert they want to be able to exit the HRL (so-called Healthy Rivers and Landscapes) VA Pathway without obtaining Water Board approval, do not want to be responsible for deficits in water purchase obligations, and raise two other “major issues.” The Solano Irrigation District in its October 22, 2026, letter raised strong objections and called on the Water Board to “retract the Plan.” Likewise, the Wheeler Ridge-Maricopa Water Storage District and Semitropic Water Storage District raised strong objections to the Plan in their October 27, 2026, letter.

If the Water Board caves to the water exporters to further weaken the voluntary agreements and regulatory pathway, that would be a significant change to the project and significant new information increasing adverse environmental impacts requiring preparation of a revised Staff Report/SED and recirculation for public review and comment. If the Water Board does not cave to the exporters the voluntary agreements and regulatory pathway basically become nonexistent. That also would require preparation of a revised Staff Report/SED and recirculation for public review and comment as part of the process of considering and adopting a different alternative project.

Also, pursuant to CEQA, “[a]n accurate, stable and finite project description is the *sine qua non* [absolutely indispensable requirement] of an informative and legally sufficient EIR. However, a curtailed, and enigmatic or unstable project description draws a red herring across the path of public input. Only through an accurate view of the project may the public and interested parties and public agencies balance the proposed project’s benefits against its environmental cost, consider appropriate mitigation measures, assess the advantages of terminating the proposal and properly weigh other alternatives.” (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 654 [internal citations omitted].)

The proposed project has become so uncertain that there is not the accurate, stable and finite project description required by CEQA.

So, there is significant new information and changes in the proposed project that require preparation of a revised Staff Report/SED and recirculation for public review and comment in order to comply with CEQA. In addition, the changes and new information set forth in the Water Board's October 16, 2026, released documents, though made available, were not circulated for public review and comment. That is yet more new information and project changes requiring preparation of a revised Staff Report/SED and recirculation for public review and comment.

CONCLUSION

If the Water Board proceeds to adopt the current proposed Plan and Staff Report/SED, it will fail to proceed in the manner required by CEQA for the reasons set forth in our January 10, 2025, January 29, 2026, and September 17, 2026, joint comment letters and Sierra Club August 20, 2026, comment letter as well as this letter. A revised Staff Report/SED or draft EIR must be prepared by the Water Board and circulated for public review and comment.

Sincerely,



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