

**HEALTHY
RIVERS &
LANDSCAPES**

Bay-Delta Water Quality Control Plan Update

October 28-29, 2026

§ 4.4.2.3; Tables 7–8, Cold-water pool management

Delete the provisions establishing mandatory reservoir carryover storage for cold-water-pool management, including Tables 7 and 8.



§ 4.4.4, Interior Delta Flow Objectives

The interior Delta flow objectives for the reasonable protection of fish and wildlife beneficial uses include a narrative interior Delta flow objective and numeric interior Delta flow objectives for operation of the Delta Cross Channel Gates and SWP and CVP export limits. ~~As necessary, as part of the process to implement the Sacramento/Delta updates to the Bay-Delta Plan, the State Water Board will update the water right or other regulatory requirements of the SWP and CVP, as appropriate, to implement these objectives consistent with the Bay-Delta Plan.~~



§ 4.4.4.1, Narrative Objective for Interior Delta Flows

The narrative objective for interior Delta flows maintains water quality conditions, including flow conditions in the interior Delta, together with other measures in the watershed and is implemented as described Section 4.4. ~~primarily through compliance by the SWP and CVP with the numeric interior Delta flow objectives and implementation measures described below and required pursuant to State and federal Endangered Species Act requirements for the operations of the CVP and SWP export facilities. As appropriate, during the annual or periodic review of the Bay Delta Plan and its implementation, the State Water Board will evaluate the effectiveness of the interior Delta flow objectives and implementation actions and any needed changes to the Bay Delta Plan or its implementation to ensure the reasonable protection of fish and wildlife beneficial uses, including to provide for consistent operations of the CVP and SWP export facilities for the reasonable protection of fish and wildlife.~~



§ 4.4.9, Implementation of Healthy Rivers and Landscapes Commitments Under the Voluntary Agreement (VA) Pathway

By ~~June~~ July 1, 2027, HRL participants must submit a ~~final~~ confirmation of water rights identified in Appendix B.1 that will be participating in the VA pathway.



§ 4.4.9.1, Protection of Base Flows

This provision applies to substantive changes in CVP or SWP (collectively, Projects) operations resulting from a new Record of Decision (ROD) for the operation of the CVP or a new Incidental Take Permit (ITP) or ITP amendment for the operation of the SWP, ~~or other operational changes that require or result from similar changes that result in a substantial reduction in Delta outflow,~~ compared to the base flows upon which the HRL flows were assumed to be additive as analyzed in the 2026 Staff Report and 2023 Final Draft Scientific Basis Report Supplement in Support of Proposed Voluntary Agreements (recognizing that the 2024 ROD for the Long-Term Operation of the CVP and the 2024 ITP for the SWP each permit operational flexibility, and that this section does not apply to operational changes within this flexibility because they ~~that~~ do not result in a substantial reduction in the flows assumed in the 2026 Staff Report and 2023 Final Draft Scientific Basis Report Supplement in Support of Proposed Voluntary Agreements). Each such change is a Relevant Change.

This provision does not apply in the absence of a Relevant Change.

A Relevant Change shall initiate review of whether the revised operations, together with HRL measures, provide reasonable protection of fish and wildlife beneficial uses, considering all factors under Water Code section 13241. Reduced Delta outflow alone shall not require replacement water or other mitigative action.

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§ 4.4.9.1, Protection of Base Flows

- The interim plan shall document the magnitude and timing of any reduction in Delta outflow attributable to the Relevant Change and describe the source, volume, and timing of additional Delta outflows that will be provided to address reductions in outflows caused by the Relevant Change and if the timing or magnitude differs, the scientific and technical information demonstrating that the proposed outflows along with other measures are anticipated to provide a level of protection for the fish species ~~ecological benefits~~ comparable to what would have occurred absent the Relevant Change.
- If the Executive Director determines the plan does not adequately address the reduction in Delta outflow attributable to the Relevant Change and provide the level of protection for fish species ~~ecological benefits~~ comparable to what would have occurred absent the Relevant Change, the Executive Director shall identify in writing the basis for the determination, and (i) Reclamation, DWR, or both, (ii) the affected HRL parties, and (iii) the State Water Board staff shall meet and confer regarding the determination and any appropriate next step. The Executive Director's decision may be subject to petitions for reconsideration to the State Water Board.

THANK YOU.

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