



Via Email: CommentLetters@waterboards.ca.gov

October 22, 2026

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

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

Dear Ch. Esquivel and Board Members:

The State Water Contractors (SWC) appreciate the significant effort the State Water Resources Control Board (Water Board) and staff have put into the Final Draft Bay-Delta Plan. There is a significant amount of information to review, and we are still conducting that review.

Nevertheless, the SWC would like to share the following four major issues that, if addressed, would significantly improve the success of the Healthy Rivers and Landscapes (HRL) program.

1. **Participation in HRL:** The Draft Final Bay-Delta Plan states in Section 4.4.4.9 that all water rights listed in Appendix B.1 are automatically enrolled in HRL, and that no HRL Participant may leave HRL without Water Board approval. The Draft Final Bay-Delta Plan also states that the Water Board may adopt Enforcement Agreements, or use other implementation approaches, to implement HRL. The SWC requests that the Draft Final Bay-Delta Plan be revised to make clear that HRL Participants enter the HRL program by signing Enforcement Agreements and that HRL Participants may exist HRL program without Water Board approval.
2. **No Backstopping:** The Draft Final Bay-Delta Plan states in Section B.1.6.1 that if the State is unable to meet its water purchase obligations, the HRL Participants will be responsible for any deficit. This is contrary to the Water Board's commitment to ensure that HRL parties are not held responsible for backstopping the obligations of others.
3. **Improper Layering of Regulatory Obligations:** Throughout the Draft Final Bay-Delta Plan, there are numerous instances where the Water Board's is layering its regulatory obligations onto existing regulatory processes, thereby impeding the effectiveness of the underlying laws and regulations that currently manage and protect the fishery. Examples

include the changes to sections 4.4.4 and 4.4.9.1. This layering by the Water Board will make adaptive management and real-time decision-making by the California Department of Fish and Game, the United States Fish and Wildlife Service and the National Marine Fisheries Service difficult, if not impossible. Historically, the Water Board coordinated and consulted with these fish agencies, including consultations regarding how to implement the Bay-Delta Plan, which is the appropriate and most effective role for the Water Board.

4. **Inconsistent and Contradictory Descriptions:** The Draft Final Bay-Delta Plan includes numerous instances of ambiguity and internal inconsistencies that if not addressed would create risks and are certain to create issues during implementation. It is difficult to understand many of the major requirements of the Draft Final Bay-Delta Plan.

We appreciate your serious consideration in addressing these issues.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jennifer Pierre". The signature is fluid and cursive, with a large initial "J" and a stylized "P".

Jennifer Pierre
General Manager