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## State Water Resources Control Board

**REVISED**

### **NOTICE OF AVAILABILITY AND OPPORTUNITY FOR PUBLIC COMMENT, HEARING, AND STAFF WORKSHOPS ON**

### **DRAFT STAFF REPORT IN SUPPORT OF POTENTIAL SACRAMENTO/DELTA UPDATES TO THE WATER QUALITY CONTROL PLAN FOR THE SAN FRANCISCO BAY/SACRAMENTO-SAN JOAQUIN DELTA ESTUARY**

**NOTICE IS HEREBY GIVEN** that the State Water Resources Control Board (State Water Board or Board) has released a draft Staff Report/Substitute Environmental Document (Staff Report) in support of possible updates to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta Plan). The updates are focused on the Sacramento River watershed, Delta eastside tributaries (including the Calaveras, Cosumnes, and Mokelumne Rivers), interior Delta, and Delta.

**NOTICE IS ADDITIONALLY HEREBY GIVEN** that the State Water Board will receive public comments on the draft Staff Report, both orally at a public hearing and in writing, in accordance with this notice. Board staff will also hold two staff workshops during the comment period to provide interested parties with an opportunity to ask questions to facilitate their review of the report.

#### **BACKGROUND**

State law requires that the State Water Board adopt water quality control plans to reasonably protect beneficial uses of water, including municipal, industrial, agricultural, and fish and wildlife uses. The Board is required to periodically review its water quality control plans and to update those plans as needed through a public process. The Board protects water quality that affects beneficial uses of water in the Bay-Delta, in part, through its Bay-Delta Plan. The Bay-Delta Plan identifies (1) beneficial uses of water in the Bay-Delta; (2) largely flow based water quality objectives to reasonably protect the beneficial uses; and (3) a program of implementation to achieve the objectives, including monitoring and reporting requirements.

In response to precipitous declines of native fish and wildlife populations over the past several decades, the State Water Board has been developing and implementing updates to the Bay-Delta Plan for the reasonable protection of fish and wildlife. The draft Staff Report includes scientific information and environmental and economic evaluations to support updates to the Bay-Delta Plan. The report assesses a range of alternatives for updating the Sacramento/Delta portions of the Bay-Delta Plan, including:

**E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR**

an alternative based on a 2018 Framework document identifying a 55% of unimpaired flow level (within an adaptive range from 45-65%) from Sacramento/Delta tributaries and associated Delta outflows; and a proposed voluntary agreements alternative that includes voluntary water contributions and physical habitat restoration on major tributaries to the Delta. In addition, based on input from California Native American Tribes, the draft Staff Report identifies the proposed addition of tribal and subsistence fishing beneficial uses to the Bay-Delta Plan.

The report provides the public with an opportunity to review and comment on the analyses. It does not identify a specific proposal for moving forward with the updates. Public input on the draft Staff Report will help inform the Board's planning process and eventual consideration of adoption of Sacramento/Delta updates to the Bay-Delta Plan. The Board has not yet made any decisions on how to move forward with the Sacramento/Delta updates to the Bay-Delta Plan and all alternatives described in the draft Staff Report are available for consideration during the public planning process.

The Board has been actively engaging with California Native American Tribes on its Bay-Delta Plan efforts through listening sessions, meetings, and one-on-one discussions to incorporate their perspectives and interests in the plan update and implementation. In early 2023, the Board sent letters requesting consultation on the Sacramento/Delta update with tribes located in the Bay-Delta and Trinity River watersheds. The Board is committed to ongoing engagement with tribes throughout the planning and implementation processes for the Bay-Delta Plan. Tribal representatives who are interested in consulting with the Board should contact Rob McCarthy via email at [Robert.McCarthy@waterboards.ca.gov](mailto:Robert.McCarthy@waterboards.ca.gov).

Additional information and resources, including Frequently Asked Questions, can be found on the [Bay-Delta webpage](#).

## **PROCEDURAL REQUIREMENTS**

The draft Staff Report fulfills the requirements of the California Environmental Quality Act (CEQA) and the State Water Board's regulations (Cal. Code Regs., tit. 23, § 3775 et seq.), as well as the Porter-Cologne Water Quality Control Act and other applicable requirements. The Board's water quality control planning program is a certified regulatory program and is exempt from certain CEQA requirements, such as preparation of an environmental impact report (EIR). The draft Staff Report has been prepared in lieu of an EIR because it is recognized under CEQA and the regulations implementing CEQA as providing the functional equivalent.

## **DOCUMENT AVAILABILITY**

The draft Staff Report is available for review on the [Board's website](#). Parties who wish to make formal comments must do so in writing by the deadline specified below or orally at the public hearing. If you need any assistance accessing the draft Staff Report, please contact Board staff at [SacDeltaComments@waterboards.ca.gov](mailto:SacDeltaComments@waterboards.ca.gov).

## WRITTEN PUBLIC COMMENTS

In order to be fully considered, written comments on the draft Staff Report must be received no later than ~~December 15, 2023~~ **January 19, 2024**, as specified below. Electronic submission of comments (and any supporting material) is preferred if less than 15 megabytes in total size.

Email: [SacDeltaComments@waterboards.ca.gov](mailto:SacDeltaComments@waterboards.ca.gov) with the subject  
**“Comment Letter – Sacramento/Delta Draft Staff Report”**

Mail: State Water Resources Control Board  
Division of Water Rights  
Attn: Bay-Delta & Hearings Branch  
P.O. Box 100  
Sacramento, CA 95812-2000

## PUBLIC HEARING

The State Water Board will conduct a public hearing to receive oral comments on the draft Staff Report. (Cal. Code Regs., tit. 23, § 3779.) There will be no sworn testimony or cross-examination of participants. Although a quorum of the Board is expected to be present, the State Water Board will not take any action at this time. Consideration of approval of the draft Staff Report will take place at a future Board meeting following consideration of public comments on the draft Staff Report and associated updates to the report. Oral comments should be submitted at this hearing. The Board is not required to consider any oral comments that are received after the public hearing.

The hearing will begin on November 17, continue on December 1, and conclude on December 11, 2023, at the times and locations identified below. The hearing will include both a physical meeting location and an option to participate remotely via Zoom.

**Friday, November 17, 2023, beginning at 9:30 am**

Joe Serna Jr. CalEPA Building  
Coastal Hearing Room  
1001 I Street, Second Floor  
Sacramento, CA 95814

**Friday, December 1, 2023, beginning at 9:30 am**

Joe Serna Jr. CalEPA Building  
Coastal Hearing Room

**Monday, December 11, 2023, beginning at ~~4:00 pm~~ **12:00 pm****

Joe Serna Jr. CalEPA Building  
Coastal Hearing Room

**If you are interested in viewing the hearing only**, a [webcast](#) will be available. This option does not require registration and should be used for viewing the hearing unless you plan to provide oral comments.

**If you wish to make oral comments during the hearing**, please submit a [registration form](#) as soon as possible by ~~noon on November 3, 2023~~. Speakers should provide oral comments at only **one** hearing date and should indicate on the form which hearing date they plan to attend and whether they plan to attend virtually or in-person.

The hearing will begin with opening remarks by the Board Chair, followed by a staff presentation, then public comments. Panel presentations will be scheduled during designated time periods throughout the day with individual commenters speaking in between.

In order to ensure a productive, efficient, and fair hearing in which all participants have an opportunity to be heard, oral comments will be limited to up to **three five minutes** per speaker unless otherwise directed. Participants with similar comments are strongly encouraged to provide their comments as a panel. Panel presentations will be limited to up to **twenty minutes** unless otherwise directed. To request to make a panel presentation, please submit a [registration form](#) as soon as possible by ~~noon on November 3, 2023~~, indicating the name of each presenter and the entity being represented. Only one form needs to be submitted for each panel presentation. If there are a large number of commenters, speakers may be asked to shorten comments to accommodate all speakers.

If you wish to make a PowerPoint presentation during your oral comments, indicate so on the [registration form](#). PowerPoint presentations must be submitted to [SacDeltaComments@waterboards.ca.gov](mailto:SacDeltaComments@waterboards.ca.gov) no later than **noon on November 13, 2023**, **if you are speaking at the first hearing date on November 17, 2023**. Presentations must be in PowerPoint format and should not include any animations, transitions, or external media sources. **If you plan to make a PowerPoint presentation on December 1 or December 11, presentations must be submitted by the following dates:**

- **November 27, 2023, for the hearing day on December 1, 2023**
- **December 5, 2023, for the hearing day on December 11, 2023**

### **STAFF WORKSHOPS**

Prior to the hearing, State Water Board staff will hold two workshops to provide information and answer questions related to the draft Staff Report. The purpose of these workshops is to provide an opportunity for questions during the public comment period. Any oral comments should be provided at the hearing described above.

At the first workshop, staff will provide an overview of the draft Staff Report and explain how it is organized. At the second workshop, staff will describe the modeling used to support the draft Staff Report. Both workshops will begin with a staff presentation followed by an opportunity for attendees to ask questions. Both workshops will be held virtually and there will not be a physical meeting location for either.

**Overview of Draft Staff Report**

**Thursday, October 19, 2023, beginning at 9:30 am**

Remote participation only

[Register here](#)

**Modeling**

**Thursday, November 2, 2023, beginning at 9:30 am**

Remote participation only

[Register here](#)

**If you are interested in viewing the workshops only**, a [webcast](#) will be available. This option does not require registration and should be used for viewing the workshops unless you plan to ask questions.

**If you wish to ask questions during the workshop**, submit a registration form using the links provided above. If you are interested in attending both workshops, you must submit both registration forms. After submitting the registration form, you will receive an email with a link to use for joining the workshop.

Both workshops will be recorded and posted to the [Board's website](#).

In addition to the public workshops, staff will hold a separate workshop for tribal representatives only to explain the draft Staff Report and answer questions. A separate notice inviting tribal representatives to participate in the workshop will be sent directly to tribal representatives.

**NEXT STEPS AND FUTURE NOTIFICATIONS**

After considering the comments received on the draft Staff Report, as well as other relevant information (see the FAQ document for more information), State Water Board staff will develop and circulate draft proposed Sacramento/Delta changes to the Bay-Delta Plan, including the program of implementation, and will hold a public workshop to receive input. These draft Bay-Delta Plan amendments will include the specific draft regulatory text for the Sacramento/Delta updates to the Bay-Delta Plan itself and will be subject to a full public process. The input received on the draft Staff Report and the draft Bay-Delta Plan amendments will inform the final Staff Report and final proposed Bay-Delta Plan amendments, which will be brought before the State Water Board for consideration at a future Board meeting.

To receive future email notifications about the Bay-Delta Plan processes, [subscribe](#) to the "Bay Delta Notices" topic (listed under Water Rights). Any change in the date, time, and place of the public meetings described above will be noticed via the email subscription list.

**AVAILABILITY OF LANGUAGE SERVICES**

To request oral interpretation or sign language services, please submit your request at least 10 business days before the meeting by contacting the Office of Public Participation at (916) 341-5254 or [OPP-LanguageServices@waterboards.ca.gov](mailto:OPP-LanguageServices@waterboards.ca.gov).

Telecommunications device for the deaf (TDD) users may contact the California Relay Service at: TTY (800) 735-2929 or voice line at (800) 735-2922.

**VISITING THE CALEPA BUILDING**

All visitors to the CalEPA Building are required to sign in at the security guard station located just inside the main entrance. Visit the [CalEPA website](#) for additional information on traveling to the CalEPA Building.

**CONTACT INFORMATION**

For questions regarding this notice, email [SacDeltaComments@waterboards.ca.gov](mailto:SacDeltaComments@waterboards.ca.gov).

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November 14, 2023  
Date

  
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Courtney Tyler  
Clerk to the Board