STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2026-0042

ADOPTION OF FINAL STAFF REPORT/SUBSTITUTE ENVIRONMENTAL DOCUMENT AND AMENDMENTS TO THE WATER QUALITY CONTROL PLAN FOR THE SAN FRANCISCO BAY/SACRAMENTO-SAN JOAQUIN DELTA WATERSHED

WHEREAS:

1. The State Water Resources Control Board (State Water Board or Board) has conducted an extensive public process and associated technical and environmental analyses to develop and consider updates to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Watershed (Bay-Delta Plan or Plan) focused on the Sacramento River and Delta and associated tributaries, including the Delta eastside tributaries comprised of the Calaveras, Cosumnes, and Mokelumne Rivers (referred to as the Sacramento/Delta watershed or Sacramento/Delta).

2. The State Water Board and the nine Regional Water Quality Control Boards (Regional Water Boards) administer the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.) (Porter-Cologne Act) to achieve an effective water quality control program for the state and are responsible for the regulation of activities and factors that may affect the quality of the waters of the state. (Wat. Code, §§ 13000, 13001.)

3. The State Water Board is authorized to adopt a water quality control plan in accordance with the provisions of Water Code sections 13240 through 13244, insofar as they are applicable. (Wat. Code, § 13170.)

4. The Bay-Delta Plan establishes primarily flow-dependent water quality objectives and a program of implementation for the reasonable protection of beneficial uses in the San Francisco Bay/Sacramento-San Joaquin Delta (Bay-Delta) watershed. Diversions of water within the Bay-Delta watershed are a driver of water quality. As a result, much of the implementation for the Bay-Delta Plan relies upon the exercise of combined water rights and water quality authorities of the State Water Board.

5. The State Water Board first adopted a water quality control plan to address flow-dependent water quality in the Delta in 1978 and adopted subsequent plans for the Bay-Delta in 1991, 1995, and 2006. The 2006 Bay-Delta Plan prioritized emerging issues requiring additional State Water Board action, including San Joaquin River flows and Delta salinity, as well as the decline of native fish species in the Delta, referred to as the pelagic organism decline.

6. In 2009, the State Water Board issued a Notice of Preparation (NOP), and in 2011 a revised NOP, signaling its intent to amend the Bay-Delta Plan to address flows for the reasonable protection of fish and wildlife in the lower San Joaquin River and its three salmon-bearing tributaries (the Stanislaus, Tuolumne, and Merced Rivers) (referred to as LSJR), and salinity for the reasonable protection of southern Delta agriculture. In December 2018, the State Water Board adopted revised Bay-Delta Plan objectives and programs of implementation addressing LSJR flows and southern Delta salinity.

7. The State Water Board further evaluated the need for additional changes to the Bay-Delta Plan in the 2009 Bay-Delta Plan Periodic Review Staff Report. That report identified the need to provide for the reasonable protection of fish and wildlife due to the decline in pelagic organisms and other native species resulting from hydrologic modifications, non-flow physical habitat degradation, water quality impairments, and other factors.

8. The Plan establishes water quality objectives and a program of implementation for achieving those water quality objectives. For the reasons identified in the Plan and Staff Report, the Plan's implementation may condition or limit the exercise of certain water rights in the Delta watershed, just as prior versions of the Plan and implementation actions did. The intent of the State Water Board is not to intrude on day-to-day operations of water projects that are otherwise compliant with the Plan's requirements.

9. In August 2010, the State Water Board completed a technical report on the Development of Flow Criteria for the Sacramento-San Joaquin Delta Ecosystem (Delta Flow Criteria Report). While the report did not have regulatory effect, its purpose was to inform various decisions, including updates to the Bay-Delta Plan. The report found that inflows should generally be provided from Sacramento/Delta tributaries to the Delta to provide for continuity of flows from tributaries through the Delta in proportionate amounts, diversification of the sources of flows from tributaries, and increased Delta outflows for migratory and estuarine species.

10. The State Water Board provided numerous opportunities for public input on the development of updates to the Bay-Delta Plan (Plan amendments), including through written comments, hearings, workshops, listening sessions, technical working meetings, and other forums. The State Water Board appreciates the active engagement of interested and affected parties, including local, state, and federal agencies, water users, environmental and fishing organizations, California Native American Tribes, and members of the general public. Some of the key actions that occurred during the environmental review and water quality control planning processes for the Plan amendments are summarized below.

a. On January 24, 2012, the State Water Board issued a supplemental NOP stating that the State Water Board would prepare environmental documentation for the Sacramento/Delta update to the Bay-Delta Plan and seek input on significant environmental issues, reasonable alternatives, and mitigation measures that should be addressed in the environmental document. The public had an opportunity to submit written comments and participate in the scoping meeting held on May 16, 2012.

b. In October 2017, following public comment and peer review pursuant to Health and Safety Code section 57004, the State Water Board finalized the Scientific Basis Report that describes the science supporting possible Sacramento/Delta updates to the Bay-Delta Plan (2017 Scientific Basis Report) to provide for the reasonable protection of native fish and other aquatic species. In July 2018, the State Water Board released a framework summarizing possible updates to the Bay-Delta Plan for Sacramento/Delta inflows, cold water habitat, Delta outflows, and interior Delta flows based on the 2017 Scientific Basis Report.

c. In December 2018, the State Water Board adopted Resolution No. 2018-0059, that in applicable part, directed staff to provide technical and regulatory information to assist the California Natural Resources Agency in completing a proposed Delta watershed-wide voluntary agreement (VA) to provide flow and non-flow habitat to support possible updates to the Bay-Delta Plan and its implementation.

d. In March 2022, the State Water Board received a Memorandum of Understanding (MOU) proposing VAs, also referred to as the Healthy Rivers and Landscapes (HRL) proposal, from state and federal agencies, local water agencies, and other water users, as an alternative for updating and implementing the Bay-Delta Plan.[1] The HRL proposal includes a combination of flow and non-flow habitat restoration actions on the American, Feather, Sacramento, Yuba, Mokelumne, and Bear Rivers; Putah Creek; Auburn Ravine; and in the Delta. In April 2024, the State Water Board held a three-day workshop to receive public input on the HRL proposal.

e. On January 5, 2023, the State Water Board, in coordination with the California Department of Water Resources and California Department of Fish and Wildlife, released a draft Scientific Basis Report

[1] The State Water Board received two updates to the MOU in 2022 and two updates to the MOU in 2025 to include additional participants and commitments.

Supplement for public review and comment. The Supplement report documented the science supporting anticipated benefits of the HRL flow and non-flow commitments. The Board solicited public comment and held a public workshop on the draft Supplement report, after which the draft report was revised and submitted for independent peer review pursuant to Health and Safety Code section 57004 in October 2023 before being finalized in August 2026.

f. On September 28, 2023, the State Water Board released for public review and comment a draft Staff Report/Substitute Environmental Document (2023 draft Staff Report) that analyzes the potential environmental impacts and economic effects of possible Sacramento/Delta updates to the Bay-Delta Plan. State Water Board staff hosted two workshops to provide information related to the 2023 draft Staff Report during the public comment period. The State Water Board received written comments and oral comments at a three-day public hearing. (Cal. Code Regs., tit. 23, § 3779.) The public review and comment period lasted for 113 days, closing on January 19, 2024.

g. In October 2024, the State Water Board released a draft of possible updates to the Bay-Delta Plan for public review and comment (2024 draft Plan). The State Water Board received comments on the 2024 draft Plan in writing and orally at five days of a multi-day public workshop. The public review and comment period lasted for 77 days, closing on January 10, 2025. Based on public comments and additional information from HRL participants, the State Water Board released a revised draft Bay-Delta Plan in July 2025 (July 2025 revised draft Plan). Although the State Water Board delayed the public comment period on the July 2025 revised draft Plan to coordinate the public process with the planned limited recirculation of the draft Staff Report, the July 2025 revised draft Plan remained available online for public review.

h. In December 2025, the State Water Board released for public review and comment a revised draft Bay-Delta Plan (December 2025 revised draft Plan) and a new chapter of the draft Staff Report for a limited recirculation to provide clarifying information and further analysis of the Plan amendments (2025 partially recirculated draft Staff Report). The State Water Board received comments on the December 2025 revised draft Plan and 2025 partially recirculated draft Staff Report in writing and orally at a three-day public hearing. (Cal. Code Regs., tit. 23, § 3779.) The public review and comment period lasted 52 days, closing on February 2, 2026.

i. In August 2026, the State Water Board released for public review and comment a final draft Bay-Delta Plan and solicited comments on the changes made since the December 2025 revised draft Plan. At the same time, the State Water Board released the supporting final Staff Report, including responses to previously received comments, and the final Scientific Basis Report Supplement. The State Water Board also provided notice of the opportunity to provide oral comment at the Board meeting starting on October 28, 2026 to consider adoption of the Plan amendments and final Staff Report.

j. At a public meeting on October 28–29, 2026, the State Water Board heard oral comments and considered adoption of the final Staff Report and Plan amendments, including Change Sheets #1, #2, and #3.

11. The Plan amendments add new narrative objectives for tributary inflows, Delta outflows, cold water habitat, interior Delta flows, and fish viability, as well as an inflow-based Delta outflow objective.

12. The amendments to the program of implementation include two pathways: (1) a VA pathway that implements HRL flow and non-flow commitments and applies to HRL water rights identified in the Plan; and (2) a regulatory pathway that applies to water rights not included as part of the approved VA pathway and to water rights for which the VA pathway is discontinued.

a. The VA pathway allows the HRL participants to meet the flow, habitat, and other required HRL commitments for an eight-year period with the possibility of extension in lieu of meeting the regulatory pathway provisions. The VA pathway includes differing amounts of flow commitments, depending on water year type, and non-flow habitat restoration actions targeted at improving spawning and rearing capacity for juvenile salmonids, estuarine species, and other native fish and wildlife, on a portion of the Sacramento/Delta tributaries and in the Delta.

b. The regulatory pathway requires new year-round inflow and cold water habitat requirements for the Sacramento River, its tributaries, and Delta eastside tributaries, including inflow requirements of 55 percent of unimpaired flows, adaptively implemented within a range of 45 to 65 percent, and water supply adjustments providing for lower flows during all but wetter conditions for existing water rights.

13. The Plan amendments also include general provisions that apply regardless of pathway, including: provisions for interior Delta flows; monitoring,

evaluation, reporting, and special studies; biological goals; annual and periodic review; and other general provisions. The Plan amendments include a Bay-Delta Monitoring and Evaluation Program (BDMEP) to require monitoring, evaluation, reporting, and special studies pursuant to the State Water Board's authorities, including but not limited to Water Code sections 1051, 13165, and 13267.

14. The Plan amendments incorporate beneficial use definitions for Tribal Tradition and Culture (CUL), Tribal Subsistence Fishing (T-SUB), and Subsistence Fishing (SUB) that were established by the State Water Board when it adopted Resolution No. 2017-0027. In addition, the Plan amendments include the designation of the CUL beneficial use in the Bay-Delta watershed due to the cultural and spiritual importance of native fish and wildlife, particularly salmon, to California Native American Tribes, based on the substantial evidence provided to the State Water Board through tribal outreach and engagement efforts.

15. The Plan amendments do not substantively affect or modify the 2018 LSJR flow and southern Delta salinity objectives and provisions. However, the Plan amendments include minor non-substantive updates and edits to improve clarity and readability of the Bay-Delta Plan and to increase administrative efficiencies by, for example, including the LSJR in annual and periodic reviews and integrating the San Joaquin River Monitoring and Evaluation Program into the BDMEP.

16. The Plan amendments are based on peer reviewed science and contain sufficient parameters to reasonably protect fish and wildlife beneficial uses. The analyses in the Staff Report support the implementation under the regulatory pathway of new year-round inflow requirements for the Sacramento River, its tributaries, and Delta eastside tributaries of 55 percent of unimpaired flows, adaptively implemented within a range of 45 to 65 percent. The analyses also support requirements related to tributary inflows protected as Delta outflows, cold water habitat in the Sacramento/Delta watershed, and other changes.

17. The Plan amendments include water supply adjustments for existing water rights subject to the regulatory pathway in recognition of the water supply effects and reservoir storage effects of the new inflow and associated Delta outflow requirements. The water supply adjustments will reduce water supply impacts and allow more water to be stored in reservoirs at the outset of Plan implementation. The VA pathway is also expected to result in benefits for fish and wildlife. To address uncertainty, the Plan provides supplemental science and monitoring to inform assessment of compliance and effectiveness. The VA pathway is included in the Plan amendments in combination with the

regulatory pathway and with opportunities for modifications. The water supply adjustments under the regulatory pathway are properly provided as components of staged implementation toward fully achieving the new water quality objectives in the Plan. The VA pathway exists in parallel with the regulatory pathway, which provides a backstop to ensure the reasonable protection of the fish and wildlife beneficial uses.

18. The Plan amendments direct the State Water Board to develop an implementation methodology to determine when water is not available at water right holders' priorities of right, including any needed operational rules for reservoir management. The methodology will be developed through a public process, with opportunity for public input and comment.

19. The State Water Board will develop and adopt one or more regulations, as necessary, to carry out the Plan amendments and implementation methodology. Planned regulations include those to authorize water right curtailments based on water right priorities, which are necessary to implement the regulatory pathway flow requirements, to protect HRL flow commitments, and to ensure that HRL flows are provided consistent with water right priorities. Additional regulations may be necessary to effectuate other relevant portions of the Plan amendments. The implementation methodology and regulations are intended to be integrated with the methodology to implement LSJR instream flows, to the extent possible.

20. In establishing and revising the water quality objectives and program of implementation for the Sacramento/Delta watershed, the State Water Board has duly considered the factors set forth in Water Code section 13241. These factors include: (1) past, present, and probable future beneficial uses of water; (2) environmental characteristics of the hydrographic unit under consideration, including the quality of water available thereto; (3) water quality conditions that could reasonably be achieved through the coordinated control of all factors that affect water quality in the area; (4) economic considerations; (5) the need for developing housing within the region; and (6) the need to develop and use recycled water. The information supporting the State Water Board's consideration of these factors is in the final Staff Report, including the comments and responses to comments contained therein.

21. The State Water Board "has an affirmative duty to take the public trust into account in planning and allocation of water resources, and to protect public trust uses whenever feasible." (*National Audubon Society v. Superior Ct*. (1983) 33 Cal.3d 419, 446.) Throughout the environmental review and water quality control planning processes, the State Water Board has conducted detailed analyses to examine the benefits and potential impacts on different water uses and resources associated with different project alternatives.

Informed by the analyses in the Staff Report, the State Water Board has formulated the Plan amendments that are intended to balance public trust uses and other competing uses.

22. The Secretary of the Natural Resources Agency certified the State Water Board and Regional Water Boards' basin planning process as a "certified regulatory program" under the California Environmental Quality Act (CEQA). (Cal. Code Regs., tit. 14, § 15251, subd. (g).) Thus, the State Water Board is allowed to use a written report in lieu of an Environmental Impact Report (EIR) or a negative declaration as the environmental analysis for its Bay-Delta Plan updates. This written report in lieu of an EIR is referred to as a substitute environmental document (SED). (Cal. Code Regs., tit. 23, §§ 3775 et seq.) The Staff Report fulfills the requirements of CEQA and the State Water Board's CEQA regulations to analyze the environmental impacts of the Plan amendments, as well as requirements of the Porter-Cologne Act and other applicable requirements. The SED portion of the Staff Report is primarily contained in Chapter 7 and Sections 9.7 and 13.7, each titled *Environmental Analysis*, although other parts of the Staff Report also provide support and context for the analyses. The final Staff Report is comprised of three volumes that contain: (1) chapters; (2) appendices; and (3) responses to all written and oral comments received on the 2023 draft Staff Report, 2025 partially recirculated draft Staff Report, and December 2025 revised draft Plan.

23. In accordance with California Code of Regulations, title 23, section 3779.5, subdivision (c), and California Code of Regulations, title 14, section 15091, subdivision (a), Attachment 1 sets forth the *CEQA Findings and Statement of Overriding Considerations Prepared for Amendments to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Watershed* and is incorporated herein. It includes findings for each significant environmental effect that may occur from implementation of the Plan amendments and describes measures to reduce significant effects. The State Water Board recognizes that despite mitigation measures described in the final Staff Report and in Attachment 1, implementation of the Plan amendments would have potentially significant and unavoidable effects on the environment. As explained in the statement of overriding considerations in Attachment 1, the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of the Plan amendments outweigh the potential unavoidable significant environmental effects of the Plan amendments. Attachment 2 is the Mitigation Monitoring and Reporting Program that sets forth and ensures implementation of mitigation measures within the State Water Board's authority and is incorporated herein.

24. The Staff Report's CEQA impact conclusions should be viewed in the context of the overall purpose and goals of the Plan amendments, which are intended

to be a restoration action. CEQA requires identification of any significant or potentially significant adverse environmental impacts of a proposed project. The environmental impacts that could potentially result from implementation of the Plan amendments occur in a system that has been highly altered, and the Plan amendments would be expected to improve conditions for native fish and wildlife in the Sacramento/Delta watershed over time.

25. Water Code section 13149.2 requires the Water Boards to make findings on (1) anticipated water quality impacts in disadvantaged or tribal communities as a result of a permitted activity or facility; (2) any environmental justice concerns within a Water Board's authority that are raised by interested persons regarding those water quality impacts; and (3) available measures within the Water Board's authority to address those water quality impacts when adopting water quality control plans. The State Water Board has reviewed and considered readily available information and information raised by interested persons concerning anticipated water quality impacts in disadvantaged or tribal communities resulting from adoption of the Plan amendments and makes specific findings in Attachment 3 to this Resolution. The Staff Report evaluated several potentially significant impacts under the Plan amendments that are relevant to tribal and disadvantaged communities. The main impact concerns expressed by disadvantaged and tribal communities are (1) harmful algal blooms (HABs) and associated impacts to recreation; and (2) municipal supply impacts to disadvantaged communities from reduced Sacramento/Delta supply and lower groundwater levels. Additional impacts and mitigation measures that may be relevant to tribal and disadvantaged communities and identified mitigation measures are described in the Staff Report and the CEQA findings attached to this Resolution. The State Water Board acknowledges that existing water quality impairments and other issues of concern can affect tribal and disadvantaged communities. The Plan amendments are expected to improve water quality conditions in the Sacramento/Delta watershed but may not address all existing water quality impairments.

26. Formation of HABs in the Bay-Delta region, and throughout California, is an issue of increasing focus and concern for the State Water Board and the nine Regional Water Boards. Key challenges include predicting HAB occurrence, distribution, and drivers, as well as determining which management and mitigation strategies may be most effective. The Bay-Delta Plan includes commitments that emphasize expanded, tiered monitoring of toxin-producing cyanobacteria and cyanotoxins throughout the Delta, including at hotspot locations, and coordination among multiple state agencies, California Native American Tribes, and environmental justice communities; research and special studies to support modeling and test effectiveness of control strategies; and adaptive management through the Plan's periodic reviews (Sections 4.5.1 and 4.5.4 and Appendix A). Additionally, the State Water

Board has previously committed to (1) developing a HABs-specific coordinated management strategy to organize and integrate the Board's approach to addressing HABs; (2) coordinating with other state and local agencies; and (3) communicating with the public. The Board also has prioritized development of a statewide narrative harmful algal bloom water quality objective and numeric objectives for four cyanotoxins (microcystins, cylindrospermopsin, anatoxin-a, and saxitoxins) to protect drinking water and water contact recreation uses in waters statewide, including the Bay-Delta. Public engagement began in 2026 and will continue through 2027, with Board consideration of adoption expected in 2028. Data from the Bay-Delta Plan's HAB monitoring will inform development of the statewide objectives, and the Board will evaluate (1) HAB monitoring results, (2) research findings, and (3) progress on the statewide objectives through the Bay-Delta Plan's periodic review process to determine whether any changes to the Plan or its implementation are needed to address HABs.

27. It is the policy of the State of California that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. (Wat. Code, § 106.3 and State Water Board Resolution No. 2016-0010.) The State Water Board has considered this policy and the Plan amendments include human health and safety and other appropriate provisions for short-term and long-term exceptions to curtailments, including to allow continued diversions for minimum human health and safety water supplies where alternate water supplies are not available. Those provisions may be informed by other relevant regulatory efforts in order to provide for consistency as appropriate. The State Water Board is committed to the human right to water and to exercising its authority to ensure water supplies for human needs.

28. Adoption of the Plan amendments is consistent with the state Antidegradation Policy (State Water Board Resolution No. 68-16) and the federal Antidegradation Policy (40 C.F.R. § 131.12).

29. The Bay-Delta Plan supplements other water quality control plans adopted by the Regional Water Boards that cover the Bay-Delta watershed. Together they include all necessary elements of water quality control plans in accordance with the Porter-Cologne Act and federal requirements.

30. The Bay-Delta Plan and its implementation measures will undergo annual and periodic reviews to assess and report on progress on implementation of the Bay-Delta Plan and any needed changes to the Plan or its implementation to provide for the reasonable protection of beneficial uses, in compliance with Water Code section 13240 and federal Clean Water Act section 303(c) (33 U.S.C. § 1313(c)).

31. The State Water Board has complied with all notice and hearing requirements and carefully considered all timely oral and written comments, responses to comments, the final Staff Report, and all of the evidence in the administrative record. The final Staff Report reflects the independent judgment and analysis of the State Water Board.

32. The Plan amendments will be submitted to the Office of Administrative Law (OAL) and become effective upon OAL approval. The water quality standards, as defined under the federal Clean Water Act, including water quality objectives and the program of implementation, will also be submitted to the U.S. Environmental Protection Agency (U.S. EPA) in accordance with the federal Clean Water Act (33 U.S.C. § 1251 et seq.). To the extent that the Plan addresses matters outside the scope of the Clean Water Act, the entire Plan will be provided to the U.S. EPA for its consideration as a matter of State/federal comity.

THEREFORE BE IT RESOLVED THAT:

1. The State Water Board hereby approves and adopts the final Staff Report, and the CEQA Findings and Statement of Overriding Considerations (Attachment 1), the Mitigation Monitoring and Reporting Program (Attachment 2) and the mitigation measures set forth therein, and directs staff to incorporate all final changes approved by the Board.

2. The State Water Board hereby adopts the Plan amendments, including Appendix A, Appendix B.1, and Appendix B.2, and directs staff to incorporate all final changes approved by the Board.

3. The State Water Board authorizes the Executive Director or designee to submit the Plan amendments and the administrative record to OAL for review and approval.

4. The State Water Board authorizes the Executive Director or designee to make minor, non-substantive modifications to the language of the Plan amendments or the supporting documentation, if the State Water Board, State Water Board staff, or OAL determines that such changes are needed for clarity or consistency, and to inform the State Water Board of any such changes.

5. The State Water Board directs staff, upon approval by OAL, to file a Notice of Decision with the Secretary for Natural Resources and transmit payment of

the applicable fee as may be required to the California Department of Fish and Wildlife pursuant to Fish and Game Code section 711.4.

6. The State Water Board directs the Executive Director or designee to submit the Plan amendments to the U.S. EPA for approval in accordance with requirements of the federal Clean Water Act (33 U.S.C. § 1251 et seq.).

7. The State Water Board directs staff to proceed with and prioritize completing the implementation activities described in the Plan as soon as feasible, including but not limited to development of the implementation methodology, implementing regulation, Sacramento/Delta biological goals, and the BDMEP. A draft version of the implementation methodology will be developed through a public process and made operational upon adoption of the implementation regulation. Additionally, through a public process with the opportunity for public comment, State Water Board staff will develop biological goals for the Sacramento/Delta watershed for approval by the State Water Board. These biological goals will be used to assess the health of the ecosystem for representative anadromous and estuarine fish species, including measures to assess the abundance, productivity, genetic and life history diversity; and the population spatial extent, distribution, and structure for native species. A comprehensive BDMEP will be developed that identifies additional monitoring requirements for the tributary watersheds and the Bay-Delta estuary to fill monitoring and information gaps and produce information needed to inform implementation of the Bay-Delta Plan and potential future updates to the Bay-Delta Plan, including funding and implementation for existing and future monitoring.

8. The State Water Board directs staff to engage interested parties in developing a hypothesis-based Science Plan, and to work with tribes and other agencies with the goal of unifying science endeavors to the extent practicable, to inform annual and periodic reviews and assess narrative and numeric objectives and requirements in the Bay-Delta Plan in achieving reasonable protection of fish and wildlife beneficial uses. The Bay-Delta Tribal Advisory Group will be asked to review and provide input on this effort. Staff will report to the Board on progress and receive direction on prioritization and timeline in each annual review.

9. The State Water Board directs staff to engage with the HRL participants to support adaptive management of HRL actions and to participate in HRL Governance.

10. The State Water Board will undertake several further actions to improve its engagement with California Native American Tribes.

    a. The State Water Board will develop and regularly update a tribal engagement plan in coordination with California Native American Tribes for consultation, outreach, and engagement to incorporate traditional ecological knowledge and perspectives into Bay-Delta Plan update and implementation efforts.

    b. The State Water Board will also form, in conjunction with California Native American Tribes, a Bay-Delta Tribal Advisory Group to provide input to the State Water Board on Bay-Delta Plan update and implementation issues and related matters.

    c. If a California Native American Tribe has concerns regarding VA pathway implementation that remain unresolved after a meeting and presents those concerns through consultation or a formal written communication to the State Water Board, the Executive Director or designee will respond to the Tribe in writing, as appropriate. Staff will also present those concerns and the response to the State Water Board as part of the annual review process.

    d. The State Water Board directs staff to consult with California Native American Tribes to establish a process for identifying and reporting water quality conditions contributing to adverse public health impacts that impede the CUL beneficial use so the applicable Water Board can promptly investigate the incident and pursue government-to-government engagement to identify and to develop potential solutions.

    e. State Water Board will continue working to improve its tribal engagement processes using existing resources and will devote additional resources toward this process as they become available.

11. The State Water Board directs staff to continue to provide appropriate technical information and analysis to assist the Board in consideration of future actions that could incorporate HRL proposals into a VA pathway on the LSJR.

12. The State Water Board directs staff to work with interested water right holders on the development of local cooperative solutions. The State

Water Board intends that a local cooperative solution will reflect the unique hydrology of the stream to which a solution would apply; the stream's level of connection with the Delta; the interests of any California Native American Tribe that relies on the stream; the habitat and temperature needs of the stream's fish; the capacity of diverters on the stream to manage water temperatures; and the extent to which the affected groundwater basin's sustainability depends on supplies from that stream, including the level of reliance of domestic, agricultural and disadvantaged water users on that basin.

13. The State Water Board directs staff to conduct a public Board scoping workshop to consider minimum instream flow, temperature, and other requirements for the Trinity River to provide for the reasonable protection of fish and wildlife beneficial uses within one year of the completion of the ongoing Trinity River Endangered Species Act reconsultation process, but no later than two years following adoption of the updates to the Bay-Delta Plan. The scoping workshop should be conducted in coordination with the North Coast Regional Water Quality Control Board, Trinity River tribal interests, Trinity and Humboldt Counties, the U.S. Bureau of Reclamation, state and federal fisheries agencies, and other appropriate entities to the extent possible.

CERTIFICATION

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on October 28–29, 2026.

AYE:	Chair E. Joaquin Esquivel Vice Chair Dorene D'Adamo Board Member Sean Maguire Board Member Jared Blumenfeld
NAY:	Board Member Nichole Morgan
ABSENT:	None
ABSTAIN:	None



Courtney Tyler
Clerk to the Board