

State Water Resources Control Board

August 25, 2025

Second Revised

Notice To¹:

Re: California Native American Tribes
Revised Draft Sacramento/Delta Updates to the Water
Quality Control Plan for the San Francisco Bay/Sacramento-
San Joaquin Delta Watershed

Hearing Dates: September ~~25~~ **24**, 2025 & September ~~26~~ **25**, 2025

Comment Deadline: September 29, 2025

Contact: Robert.McCarthy@waterboards.ca.gov

Dear Honorable Tribal Leaders, Representatives, and Tribal Organization Leaders (via bcc),

On July 24, 2025, the State Water Board released revised draft Sacramento/Delta updates to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta watershed (Bay-Delta Plan or Plan). The July 2025 revised draft Bay-Delta Plan (2025 revised draft) includes proposed changes to the draft Bay-Delta Plan released in October 2024 (2024 draft) based on tribal and public input and comments received throughout the planning process. The revised draft updates to the Bay-Delta Plan are available for review on the [Board's website](#).

State Water Board staff ~~plan to release~~ **has released** supplemental modeling results for the water supply adjustments under the regulatory pathway described in the revised draft Plan ~~by August 22, 2025~~ to assist the public with their review. **Documentation associated with the supplemental modeling, including a summary of the results, is available for review on the [Board's website](#). The full set of supplemental modeling results and models can be accessed through the Board's File Transfer Protocol (FTP) site. If you need assistance accessing these materials, including to obtain File Transfer Protocol site login information, please contact SacDeltaComments@waterboards.ca.gov. Modeling results for voluntary agreements and other scenarios are available in the [2023 draft Staff Report](#).**

¹ In this Second Revised Notice, changes compared to the First Revised Notice (dated August 15, 2025) are shown using strikethrough for text deletions and red for text additions. Changes from the original notice (dated July 24, 2025) are not tracked in this version.

Additionally, the State Water Board has received term sheets for additional Voluntary Agreement (VA) proposals from Nevada Irrigation District (NID) and South Sutter Water District (SSWD) specific to the Bear River, Yuba River, and Auburn Ravine. The term sheets can be found on the Board's [Proposals for Voluntary Agreements webpage](#).

Summary of Tribal-Related Revised Draft Update to the Bay-Delta Plan

Tribal Beneficial Uses

The October 2024 draft Bay-Delta Plan added the Tribal and Subsistence Fishing Beneficial Uses (TBUs) to Chapter 2 and included a note to reader that the Board is considering designation of CUL as part of the current update to the Bay-Delta Plan. The 2025 revised draft proposes to move forward with designation of CUL in the Bay-Delta Plan based on evidence provided to the State Water Board through tribal outreach and engagement efforts. The revised draft also includes revisions to the definition of CUL consistent with definitions adopted by the State Water Board in 2017, and includes an explanation of how TBUs relate to aquatic life beneficial uses text. The provisions specifically acknowledge information shared by tribal representatives of the significance of salmon within tribal culture, including in creation stories, as a centerpiece of traditional ceremonies and feasts, and the general correlation of Native American life ways with the timing and locations of northern California salmon runs.

The reasonable protection of CUL as it relates to salmon overlaps with the reasonable protection of fish and wildlife. Accordingly, the objectives needed to protect both categories of beneficial uses overlap and are addressed by the objectives and program of implementation in the revised draft Plan. In the future, additional water quality objectives or site-specific water right requirements may be considered if needed to protect other tribal uses and activities encompassed within the CUL beneficial use.

T-SUB and SUB are not designated by the revised draft Plan. As explained in chapter 2, the Plan incorporates the T-SUB and SUB definitions because they relate indirectly to the reasonable protection of fish and wildlife. However, T-SUB and SUB primarily relate to the risks to human health from consumption of noncommercial fish or shellfish at higher rates and were not developed in and of themselves to protect aquatic life. In contrast with CUL, T-SUB and SUB are more specific and refined use categories that require additional facts regarding timing, frequency, and duration of T-SUB and SUB consumption patterns to determine potential exposure routes and rates associated with specific water body segments. As such it is appropriate for designation of individual stream segments for T-SUB and SUB beneficial uses to occur on a case-by-case basis.

Additional Tribal Related Provisions

In addition to the above, the revised draft Plan includes provisions for the development and regular update of a tribal engagement plan. The engagement plan would be developed in coordination with California Native American Tribes and would inform tribal consultation, outreach, and engagement efforts. Based on recommendations from tribes, the revised draft Plan also includes provisions for a Tribal Advisory Group to

review Bay-Delta Plan documents that incorporate TEK and to provide input to the State Water Board on continued processes to implement the Bay-Delta Plan and consider future updates. The composition, structure, and meeting frequency of the Tribal Advisory Group will be determined by its members.

The revised draft Plan includes specific provisions for incorporating tribal input and traditional ecological knowledge (TEK) into science, monitoring, and decision making. In addition to tribal specific provisions, based on input from tribes, as well as other interests, the revised draft Plan includes required monitoring and evaluation provisions for harmful algal blooms (HABs). The provisions call for the implementation of the Freshwater Harmful Algal Bloom Monitoring Strategy, including requiring specific additional monitoring, and for increased coordination between agencies and organizations to implement the Delta Cyanobacterial HAB Monitoring Strategy to improve HAB science and possibly identify management and mitigation measures to control HABs in the Delta.

For a summary of the other provisions included in the 2025 revised draft Plan, please see Attachment A to the **Second** Revised Notice of Opportunity for Public Comment and Hearing and Supplemental Modeling Results found [here](#).

Tribal Feedback on Revised Draft Bay-Delta Plan Update

The State Water Board appreciates the input received from tribes throughout the process of updating the Bay-Delta Plan. The Board has considered the input provided related to TBUs, the significance of the Bay-Delta watershed to tribal subsistence, spiritual, and cultural practices, and the importance of incorporating TEK into the Bay-Delta Plan update and implementation processes to ensure that tribal perspectives and traditional knowledge inform decision making. The Board has also heard and appreciates concerns raised by tribes regarding the impacts of HABs on tribal cultural practices and ways of life. As discussed above, this input has informed the revised draft Plan. Board staff are available to discuss the revised draft Plan in more detail with tribal representatives upon request.

Submitting Written Comments

The State Water Board invites your tribe's continued engagement in this important matter. Written comments are due by September 29, 2025. Comments should be submitted via email to SacDeltaComments@waterboards.ca.gov with the subject "Comment Letter – Revised Draft Sacramento/Delta Bay-Delta Plan Updates."

Public Hearing On Revised Draft Bay-Delta Plan

The Board also welcomes oral comments on the 2025 revised draft Plan at a public hearing.

- The public hearing will be held on ~~September 25~~ **September 24** and ~~September 26~~ **September 25**, 2025 in person at the Coastal Hearing room at the CalEPA building downtown Sacramento as well as via video and teleconference.

- For those who only wish to watch the meeting, a webcast will be available at youtube.com/user/BoardWebSupport/ and video.calepa.ca.gov/ (closed captioning available) and should be used unless you intend to comment.
- If you wish to make an individual comment, please fill out a [virtual speaker card](#) by the deadlines identified in the **Second** Revised Notice of Opportunity for Public Comment and Hearing and Supplemental Modeling Results.
- Hearing days will include an option to organize panel presentations in front of the Board. If you are interested in organizing a panel presentation, please email SacDeltaComments@waterboards.ca.gov by the deadlines identified in the Notice of Opportunity for Public Comment and Hearing.
 - In your email requesting a panel presentation, please include: (1) the date of the hearing the panel is requesting to present at; (2) the names, affiliations, and email addresses of each member of the panel; (3) and whether each panel member will present in person or remotely. Panel presentations will be limited to 20 minutes (depending on the number of panel requests) unless otherwise directed.

For more information on submitting written comments and participating in the hearing, please refer to the **Second** Revised Notice of Opportunity for Public Comment and Hearing and Supplemental Modeling Results found [here](#). Tribal leaders and members can also contact Board staff directly for assistance.

State Water Board Points of Contact

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