



Protecting California Rivers: Bay-Delta Plan & Voluntary Agreements

How You Can Take Action in the Public Comment Period
River Activist Network, January 2026

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What is the Bay-Delta Plan?

- Sets **water quality and flow standards** for the Bay-Delta estuary and the Central Valley rivers that feed into it – California's largest and most important aquatic ecosystem
- It's the way California's **State Water Resources Control Board** implements federal and state requirements to protect **fish and wildlife, water quality and important human uses of water**.
- The Board, which is responsible for managing **water rights and water quality** in California, enforces the Plan by issuing water rights orders and modifying water rights permits – and **can require any water user to comply**.

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Why does the Bay-Delta Plan need updating?

- Current flow standards are widely acknowledged to be outdated and inadequate.
- Populations of many native species that rely on flowing water are in decline, some reaching record low levels.
- Low flows cause more frequent & longer occurrences of toxic algal blooms that can harm people and animals.
- Commercial salmon fisheries have been completely closed for the past three years. (They have only been closed in two previous years, 2008-2009.)

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Bay-Delta Plan Timeline for (In)action

- **1995** – Last full update of the Bay-Delta Plan
- **2000-2005**: Scientists detect collapse of multiple Bay-Delta fish populations
- **2009** – State Water Board begins latest update of the Plan in two Phases
 - **Phase 1**: San Joaquin Valley flow to Delta
 - **Phase 2**: Sacramento Valley flow to Delta/In-Delta Flows/Outflow to San Francisco Bay



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Bay-Delta Plan Timeline for (In)action

- **2010**: Board reports to state legislature that 75% of Sacramento runoff and 60% of San Joaquin runoff flowing to and through Delta to the Bay is needed to fully protect ecosystem and water quality
- **2012-2017**: Board proposes 35% flow std for Phase 1 and 55% flow standard for Phase 2
- **2018** – Board adopts Phase 1 decision requiring 40% unimpaired San Joaquin River Basin flows to reach the Delta, but never implements the decision in a water rights order
- **2025** – Board proposes to adopt Phase 2 decision with Voluntary Agreements as preferred alternative and weakens 55% backstop

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What are the Voluntary Agreements (VAs)?

- Negotiated agreements between the Newsom Administration and **water user** entities (irrigation districts, water agencies, cities, and trade associations).
- Propose little or no flow improvements but would substitute non-flow actions that don't cost water.
- Parties signing onto VAs don't have to meet the new water quality standards being proposed as a backstop for water users not participating in a VA.
- Much of the cost of VA projects will be assumed by state and federal taxpayers.

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What is the Public Comment Period About?

- The Board released the latest, revised draft of the Plan and the Draft Staff Report in December 2025.
- The Board relies on the analysis in the Report to justify changes to the Bay Delta Plan. That analysis (in a new Chapter 13) was left out of the previous version.
- The Board is proposing to adopt the VAs as the preferred alternative, with a backstop of new standards for water users not participating in a VA.
- This is probably the last significant opportunity for public comment before the Plan is finalized later this year.

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The Proposed Approach #1: VAs

- VAs commit to specific flows and habitat actions. In return, the participants don't have to follow the new rules in the Plan for at least 8 years. The actions they promise are far less than what the new rules would otherwise require.
- There is no scientific analysis in the Draft Report to show that VAs will come anywhere near to protecting fish and wildlife beneficial uses or public trust resources – or will even substantially change the status quo.
- If VA commitments are not met, the Board could make the groups that didn't comply follow the new standards instead. But it's uncertain how likely it is that this will really happen.

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The Proposed Approach #2: Regulatory Backstop

- Water users who do not participate in VAs will be required to comply with new water quality standards.
- Almost all water users are already participating or will participate in VAs – it is a free pass from new regulatory requirements.



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The Proposed Approach #2: Regulatory Backstop

- But the Board is also proposing to substantially weaken the draft standards. Proposed "water supply adjustments" would change the requirement from 55% of unimpaired river flow (within a 45-65% range) to require only
 - 55% in the wettest third of water years (when flows are naturally high)
 - 45% in the middle third (when flows are most altered)
 - 35% in the driest third (when species and water quality are at highest risk)
- Even though this is still better than the VAs, it pulls the rug out from under real protection.

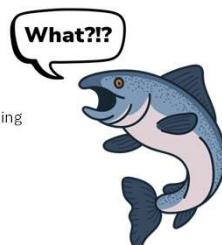
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How does this impact rivers?

#1: Impacts to Rivers & Fish

Reduced flows harm **salmon, steelhead, and other native fish** by

- raising temperatures,
- limiting habitat extent and quality for spawning and rearing,
- failing to cue migration,
- restricting fish passage, and
- reducing food production.



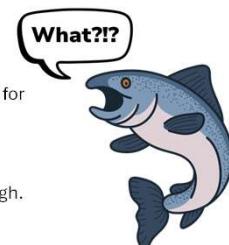
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How does this impact rivers?

#1: Impacts to Rivers & Fish

Reduced outflows to the Bay prevent or limit creation and formation of high quality habitat and productive food webs for a broad range of estuarine species.

Floodplains and wetlands may not be inundated to the right depth or long enough.



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How does this impact rivers?

#2: Impacts Tribal & Cultural

- Flows affect tribal fishing, ceremonies, and cultural traditions.
- Tribal Beneficial Uses (CUL, TSUB, SUB) included in Chapter 13.
- Protection of rivers = protection of tribal heritage.

#3: Water Quality Concerns

- Reduced flows can increase **algae blooms and toxins**.
- Surface water quality may degrade.
- Recreation and public health are affected.

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Why public comment matters

- Comments influence the **State Water Board's decisions** – they can also shape how the **media, legislators and other decision-makers** understand the issue.
- Citizens can explain how they are harmed by bad decisions and need enforceable protections to protect their interests.
- Comments are part of the **legal record** that can be cited in future challenges to a bad decision.

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How you can comment

- Submit a speaker card in advance of the public hearings.
- Speak as an **individual**, unless you are authorized to speak for a particular organization.
- Stay focused – don't bring in extraneous issues.
- Stay in your comfort zone – talk about what you understand and what you value.
- Keep comments concise: **the maximum limit** is 3 minutes.

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Summary

- The Bay-Delta Plan urgently needs to be updated to include strong new science-based protections that require **increased flows (no less than 55-65% of runoff)** for Central Valley rivers and the estuary in most years.
- The Board should reject the proposed VAs because they will instead maintain the unacceptable status quo — where massive diversions and exports are driving species to extinction, causing toxic pollution, destroying the fishing industry and impacting tribal and cultural uses of water
- The Board should also **reject proposed water supply adjustments** to the % of runoff standard that would prevent increased flows most of the time.

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How you can make an impact now!



- **Choose to give in-person or virtual comment**
 - Register by completing a speaker card by Jan 27th
 - FOR will send the link
 - Choose which day you would like to comment (Jan 28, 29, or 30th)
 - You can only speak on one day, with a max time of 3 minutes
 - The Clerk to the Board will respond to your form one day before the hearing with info needed to join the meeting.
- If not available to speak, you can **give written comment by Feb 2nd**

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How you can make an impact now!

• Additional trainings happening

- Jan 21st with FOR & coalition partners
- Jan 26th with Save California Salmon

- Join the **Sacramento Rally Jan 30th at noon**



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