August 29, 2025

Diane Riddle
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Submitted electronically to: SacDeltaComments@waterboards.ca.gov

Re: Request for extension of time and change hearing dates to provide public comment on the revised Phase 2 of the Bay-Delta Plan

Dear Ms. Riddle and the Bay-Delta Plan team,

Defenders of Wildlife, California Sportfishing Protection Alliance, Friends of the River, Golden State Salmon Association, and San Francisco Baykeeper, ("NGOs") write to request an updated comment deadline of December 19, 2025, as well as the scheduling of additional hearing days before the State Board between November 3 and 21, 2025 to offer input on the State Board's misguided draft July 2025 Bay-Delta Plan proposal. Given the amount of information released by the State Board on July 24 and supplemented on August 22, 2025, the current comment deadline and hearing schedule are inadequate for public participation in the adoption of a new San Francisco Bay/Sacramento-San Joaquin Delta Watershed Water Quality Control Plan ("Draft Plan"). The requested extension and additional hearings would provide the necessary opportunity for meaningful engagement.

Since July 24, 2025, the State Board has released two new proposed Voluntary Agreements, over 400 pages of analysis and draft documents, much of it new and different from prior releases and drafts, and over 1.7 GB of data related to those analyses. None shows tracked changes from prior documents released in January 2023 (Draft Scientific Basis Report related to Proposed Voluntary Agreements), September 2023 (Draft Staff Report), or October 2024 (Draft Plan updates and Draft Program of Implementation). The State Board has not yet responded to comments received in January 2024 on the prior Draft Staff Report, in December 2024 and January 2025 on the prior Draft POI and Plan, nor released an updated Draft Staff Report or complete Substitute Environmental Document in support of the July 2025 Draft Plan. And despite the large amount of information released to the public during this period, the State Board has yet to release any analysis of the actual draft plan proposed in July 2025.[1]

[1] The July 2025 Draft Plan proposed to adopt the Voluntary Agreements, which (according to Board staff) would apply to roughly 85% of the water rights in the watershed, but has not analyzed how the updated regulatory pathway and the proposed VAs would interact or operate *together* as envisioned by the July 2025 Draft Plan.

On August 1, 2025, a week after the State Board released the new Draft Plan, the NGOs (plus Save California Salmon) requested a 60-day extension to comment on the new document and its three appendices. The Delta Tribal Environmental Coalition submitted a similar request on August 7, 2025, seeking a 90-day extension of time to provide comments in order to allow for meaningful input from impacted Tribal Nations and environmental justice communities and representatives.

On August 15, in an amended notice, the State Board mostly rejected the requested extensions without explanation as to why. In this First Amended Notice, the State Board explained it would be releasing further information about the brand new Draft Plan the following week, on August 22. Given the pending release of new information, the State Board provided 19 additional days (to September 29) to review and comment on the July 2025 Draft Plan. The State Board also notified the public that comments on the yet to be released information would likewise be due on September 29. Additionally, the State Board changed the dates on which public hearings would be held from the second to the fourth week of September.

On August 22, an email linking to a Second Amended Notice was sent out after 5:00 PM. This notice retained the September 29, 2025 deadline for the public to submit comments on (a) the July 2025 Draft Plan and its three appendices, and (b) the new analysis and modelling information released on August 22.

For comments on significant documents in the Bay-Delta Water Quality Control Plan update process, the State Board has historically provided at least 45 days; indeed, for any Substitute Environmental Document or Scientific Basis Report related to water quality control planning a minimum of 45 days are required by its own regulations (*see* 23 CCR § 3379). In fact, the State Board has often provided far longer comment periods over the last eight years as it has worked release an extremely overdue update of the Bay-Delta Water Quality Control Plan.

Yet in overhauling the approach outlined in its most recent draft updates, both in the regulatory path and the interaction between the regulatory path and the VAs in July of 2025, the State Board has provided 67 days (48 days initially, plus 19 days in response to prior requests for 60- and 90-day extensions) to comment on the new draft Plan. And the Board is providing *just 38 days* since the complete release of information.

Moreover, those 38 calendar days include two state holidays (September 1 and 26), two days on which hearings about these drafts will occur (September 24 and 25), eight Delta Conveyance Project water rights hearing days (September 2, 5, 11, 15, 18, 19, 22, and 29), one Sites Reservoir water rights hearing day (September 4), Rosh Hashanah (September 23 and 24), a State Board meeting (September 3), and twelve weekend days.[2] This accounts for 28 of the 38 days available during the existing public comment period. Additionally, the Yuba Accord water

[2] Additional DCP hearing days are scheduled on September 30, and October 1, 6, 9, 10, 14, and 15. Potential additional DCP water rights hearing days have been proposed by the AHO to occur on Rosh Hashanah on September 23, as well as on October 20, 23, 27, 28, and 29.

rights proceedings include pending deadlines on August 27 and 28, with closing briefs due on September 5, 2025.

In addition, as the Delta Tribal Environmental Coalition explained in its August 7 letter, and as the State Board is aware, late-August and September is a time when Tribes in the Delta and its headwaters engage in annual ceremony and cultural events. These events are part of the sacred obligations that Tribal Nations in the Delta and its headwaters hold—religious and cultural obligations that they must exercise irrespective of the State Board's insistence on conducting extensive administrative processes at the same time. (*See* DTEC Letter, August 7, 2025, at p. 2.)

The undersigned organizations have consistently advocated for swift and significant changes from status quo flow and water quality conditions that are leading to ecological collapse of the Bay-Delta; we have provided substantive and constructive input to the State Board's triennial review process for well over a decade. While further delay in updating the Bay-Delta Water Quality Control Plan will continue to harm the ecosystem it is designed to protect, years of lack of urgency will not be made up for by forcing demands on NGOs and the public into unreasonable time schedules. Thorough review, and substantive input regarding the State Board's July 2025 Draft Plan by the undersigned NGOs, other impacted entities such as Tribes, cities, and counties, and other members of the public will require a meaningful extension time to prepare comments.

Sincerely,

Ashley Overhouse
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Defenders of Wildlife

Eric Buescher
Managing Attorney
San Francisco Baykeeper

Scott Artis
Executive Director
Golden State Salmon Association

Jann Dorman
Executive Director
Friends of the River

Chris Shutes
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