

Bay-Delta Plan Update Process: Importance for Fish and Wildlife



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**Presented to the California Fish and Game Commission on
October 8, 2025 by Ashley Overhouse, Defenders of Wildlife**

Bay-Delta Water Quality Control Plan

Objective

Establishes water quality control measures and flow requirements needed to provide reasonable protection of beneficial uses in the watershed.

Status

- *Phase 1 adopted, not implemented*
- *Phase 2 draft circulated, rescinded, and will be recirculated at a future date*



Bay-Delta Water Quality Control Plan

Key Concerns

- Severely outdated water quality standards repeatedly waived and/or violated
- Draft Plan for Phase 2 incorporates Voluntary Agreements – Exclusionary process not rooted in science
- Any parties not under Voluntary Agreements, unimpaired flow standard only 35% to 55% – No improvement over unsustainable status quo
- No harmful algal bloom standard
- Tribal Beneficial Uses – No reasonable protections or meaningful methods of inclusion or decision-making



As drafted, **not expected to protect fish and wildlife**

Bay-Delta Plan: The Priority for People and Wildlife

“The State Water Resources Control Board (State Water Board or Board) is actively engaged in urgent efforts in the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta) to address prolonged and precipitous declines of native aquatic species and the ecosystem they depend upon. ***The Bay-Delta is an integral part of California’s environment, economy, and way of life. Protecting the Bay-Delta watershed and its many beneficial uses is one of the State Water Board’s primary responsibilities and top priorities.*** Regulatory requirements relating to flow and water diversions are included in the Bay-Delta Water Quality Control Plan (Bay-Delta Plan). The State Water Board is currently updating the Bay-Delta Plan through two separate processes (Plan amendments) that are critically important to the health and survival of the Bay-Delta ecosystem.”

- July 2018 Framework for the Sacramento/Delta Update to the Bay-Delta Plan, p. 1 (emphasis added)

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October 8, 2025 by Gary Bobker, Friends of the River**

Voluntary Agreements (VAs)

Objective

Also known as Healthy Rivers and Landscapes Program, VAs aim to evade regulatory requirements under the Bay-Delta Plan and to profit from selling water.

Status

- *Tuolumne River VA draft available for comment*
- *VAs incorporated into coordinated State Water Project and Central Valley Project operations (not implemented on federal side)*
- *VAs incorporated into draft Phase 2 of Bay-Delta Plan*



Voluntary Agreements

Key Concerns

- Substantively inadequate
- Assumption that habitat will substitute for adequate flows → flow *is* habitat
- Slight increase (~1% avg) in winter-spring Delta outflows – **Reduces** Delta outflow in wet years
- Procedurally inequitable – Subject of a pending EPA Title VI complaint
- **Rely on federal partner now hostile to science-based policy – Unreliable for compliance and funding**



VAs: Trade Flow for “Habitat”

- “...there is no evidence of the efficacy of non-flow measures to protect fish and wildlife beneficial uses, the amount of water that would be saved through the non-flow measures, or how the non-flow measures would achieve the plan amendments' goals and objectives described in [Phase I SED Chapter 3, Alternatives Description]. Moreover, most non-flow measures require flow in order to be effective.”
- “[F]low is a key driver of hydrologic health for fish and wildlife. There is no evidence that non-flow measures, in lieu of, or as a partial substitution for, providing the requisite flows would protect fish and wildlife beneficial uses in the LSJR. Nor is there evidence on the efficacy of non-flow measures to protect fish and wildlife beneficial uses while reducing the required flows and to what extent significant impacts could be avoided.”

See SWRCB 2018 -- Phase I Master Response 5.2, pp. 6, 11.

https://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/bay_delta_plan/water_quality_control_planning/2018_sed/docs/mr5.2.pdf

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October 8, 2025 by Eric Buescher, San Francisco Baykeeper

VAs: Habitat Commitments Arbitrary, Inadequate

- In some cases, VAs add woefully insufficient habitat
- In other cases, more “habitat” is not needed, and VAs add too much
- **In all cases, VA assumption that lack of habitat is limiting factor for increasing native fish populations is unfounded**
- See *also* Tables ES-3, ES-4

Table ES-2. Spawning Habitat Results Compared to the VA Term Sheet Commitments and the Habitat Required to Support 25 Percent of the Doubling Goal

| Watershed | Acres Proposed in VA Term Sheet | Modeled Results (Habitat Suitable by Depth, Velocity, and Temperature Criteria) | | | |
|-----------------------|---|---|---|-------------------------|-------------------------------------|
| | | Acres to support 25% of Doubling Goal | Median Acres Reference Condition | Acres Added by VA | Median Total Acres with VA |
| American River | 25 | 23.5 | 5.22 | 3.35 | 8.57 |
| Feather | 15 | 28 | 43.26 | 13.13 | 56.39 |
| Mokelumne | 0 | 2 | 5.97 | -0.04 | 5.93 |
| Sacramento River - FR | 113.5 | 44.25 | 54.4 | 103.7 | 158.1 |
| Sacramento River - SR | | 6.25 | 41.4 | 90.53 | 131.93 |
| Yuba | 0 | 7.5 | 86.85 | 1.06 | 87.91 |

FR= fall run, SR = spring run

Reminder: Existing Flows are Inadequate

- Current regulatory requirements 1/3 of existing flows
- Current regulatory requirements would not support native fish – do not protect beneficial uses
- Commercial salmon fishery closed 3 years running – Result of inadequate flow requirements and waivers

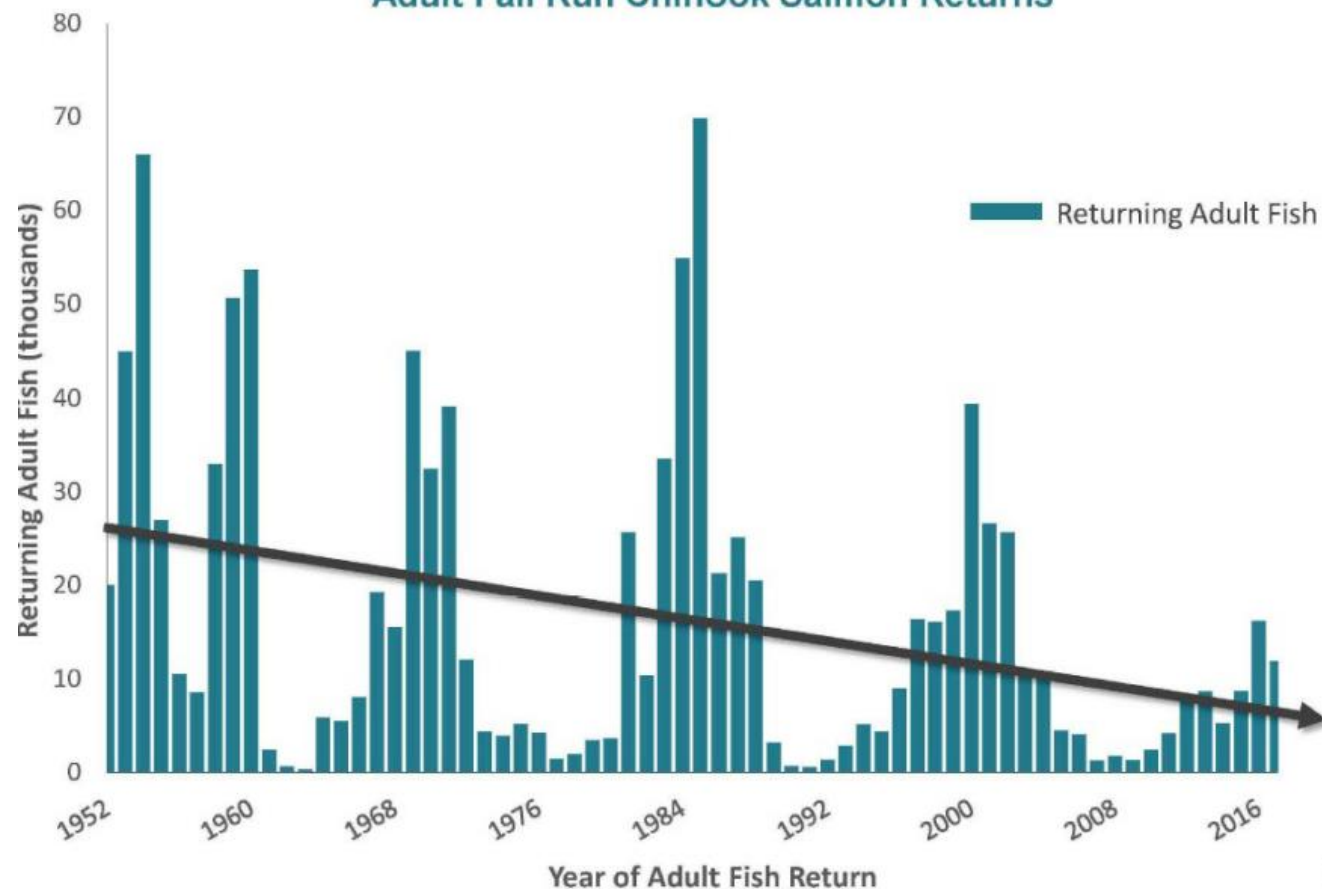
As described in Chapter 2, *Hydrology and Water Supply*, under current requirements, flows can be significantly reduced at certain times in some streams in the Sacramento/Delta watershed, along with significant reductions in Delta outflows, particularly in the winter and spring. At the same time, dams in the watershed disconnect migratory corridors for native aquatic species, blocking access to significant portions of historical habitat. Total average annual unimpaired (without diversions and dams under current channel and infrastructure conditions) outflows from the Bay-Delta watershed are about 28.5 million acre-feet (MAF). Annual average outflows with diversions are a little more than half this amount at about 15.5 MAF, and outflows during the winter and spring from January through June are less than half. However, average regulatory minimum Delta outflows are only about 5 MAF, or about a third of current average outflows and less than 20 percent of average unimpaired outflows. Existing regulatory minimum Delta outflows would not be protective of the ecosystem, and without additional instream flow protections, existing flows may be reduced in the future, particularly with climate change and additional water development absent additional minimum instream flow requirements that ensure flows are preserved in stream when needed for the reasonable protection of fish and wildlife. In addition to instream flows, complementary habitat restoration can improve the effectiveness of instream flow measures at providing habitat conditions that support and promote recovery of native species populations.

Species Need a Healthy Bay-Delta Estuary

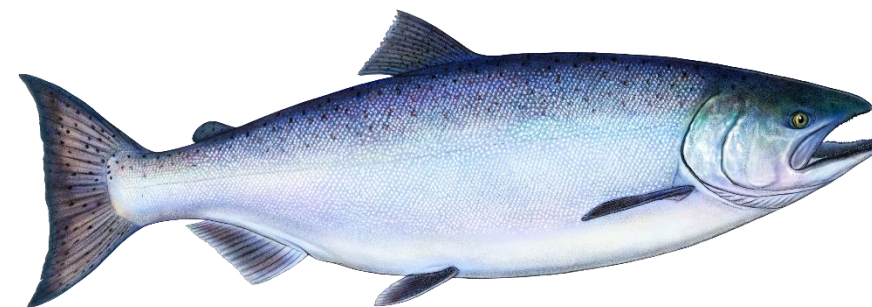
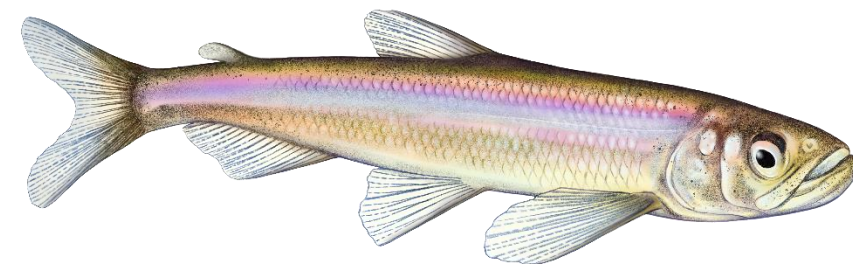
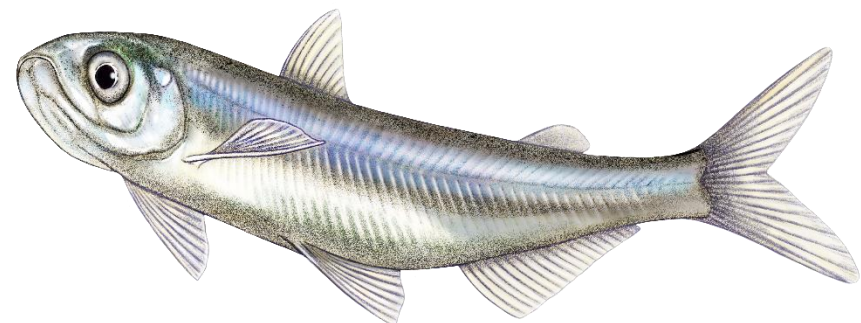
Why Flow Objectives?

Proposed Amendments

Adult Fall Run Chinook Salmon Returns



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As a reminder, the commercial salmon fishing season is once again closed – for a third consecutive year.

Graphics by Fiorella Ikeue for San Francisco Baykeeper.

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**Presented to the California Fish and Game Commission on
October 8, 2025 by Trisha Velasquez, Save California Salmon**

Asks for Commission

No future action by the Commission relating to the Bay-Delta Plan update unless and until it abides by its JEDI and Tribal Consultation policies and conducts early outreach to Tribal representatives and Indigenous community members to provide comments and input.

Also recommend the Commission:

- Commence regular check-ins with State Water Board given crisis of freshwater aquatic species, both native and invasive, as well as federal uncertainty (e.g., quarterly)
- Ensure all perspectives regarding State Water Board-related items are heard by the Commission



THANK YOU!



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QUESTIONS ?