



Subcommittee on Imported Water

Regulatory Update

Coordinated Long-term Operations of the State Water Project and Central Valley Project and the Phase 2 Update to the Bay-Delta Water Quality Control Plan

Item 3a

January 27, 2026

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Item 3a

Update to Subcommittee on Imported Water

Subject

Regulatory Update on the Coordinated Long-term Operations of the State Water Project and Central Valley Project and the Phase 2 Update to the Bay-Delta Water Quality Control Plan

Purpose

Review content of recent amendments to State and Federal Endangered Species Act permits and the December 2025 Draft Water Quality Control Plan for the Sacramento-San Joaquin Bay Delta

Next Steps

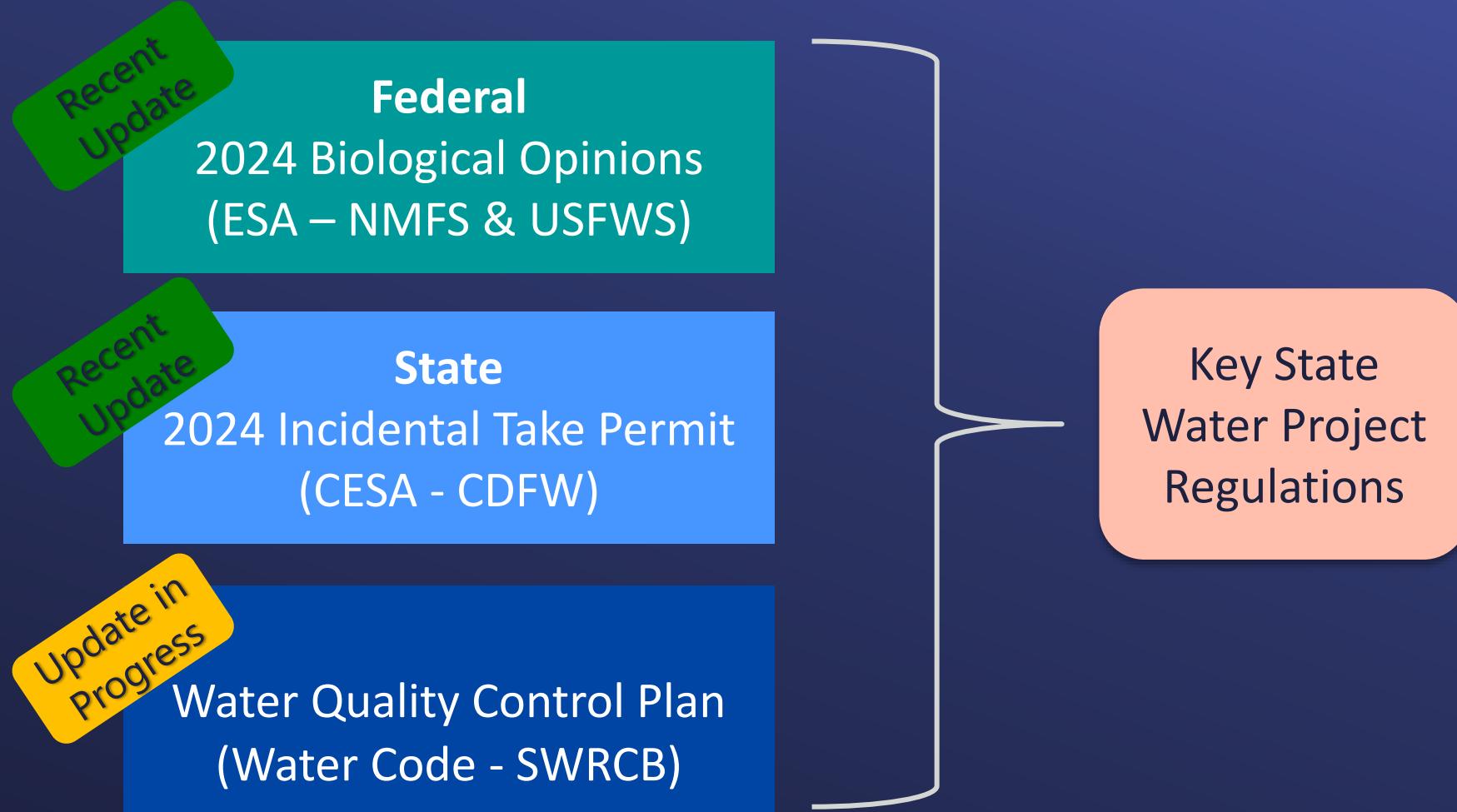
Provide comments on Draft WQCP

Agenda

- Regulatory Overview
- SWP and CVP Endangered Species Act Permit Updates
- December 2025 Draft Bay-Delta Water Quality Control Plan Summary
- Next Steps

SWP Regulatory Overview

Key Permits and Standards Governing Project Operations



ESA = Endangered Species Act

CESA = California Endangered Species Act

January 27, 2026

NMFS = National Marine Fisheries Service

USFWS = United States Fish and Wildlife Service

Subcommittee on Imported Water

CDFW = California Department of Fish and Wildlife

SWRCB = State Water Resources Control Board

Item 3a Slide 4



Photo Credit: DWR

State and Federal Endangered Species Act Permits

State Water Project Recent Permitting Activities

November - December 2024

- Federal Government Issued Biological Opinions, Alt. 2
- State Issued Incidental Take Permit (ITP), Alt. 2 plus White Sturgeon

September - December 2025

- New Federal Record of Decision (ROD), Adopted Action 5
- State ITP Amendment – Single year suspension of Fall X2
- State ITP Amendment – Amendment to decision-making structure for Delta Smelt Old and Middle River (OMR)

Federal Permits Long-Term Operations



Action 5

- Removes Fall Habitat Action (Fall X2)
- Removes Early (before Plan approval) Implementation of Healthy Rivers and Landscapes Spring Outflow
- Updates to OMR criteria such that OMR no more negative than -5,000 cfs, but with a governance structure where pumping could be reduced if there is a “material benefit” to the species

State Permit Long Term Operations



2024 Incidental Take Permit

- Suspended Fall X2 for 2025 only. Mitigation contained in Food and Habitat Plan
- ITP includes the same spring outflow as contained in the 2020 ITP, which will be off-ramped when the Healthy Rivers and Landscapes Program is approved
- OMR is prescriptive and defined by species. Recent permit amendment allows some decision-making flexibility for CDFW related to adult and juvenile Delta Smelt OMR

SWP Operations Under Amended 2024 ITP

December 2025 to January 2026

- CDFW discretion exercised under the recent permit amendment
- SWP export operations maintained at higher level during higher flows
- SWP water supply benefit of 35,000 acre-feet

Delta Smelt Food & Habitat Enhancement Program



Three Year Mitigation 2026-2028

- Requires 6,000 kg of zooplankton added to Suisun region
- Requires invasive species actions that include removal of invasive clams and vegetation
- **DWR proposed Plan:** Flood 2,861 acres in Suisun Marsh and release water and productivity to the channels throughout the Summer (June-August)

Bay-Delta Water Quality Control Plan Update

January 27, 2026



Background Bay-Delta WQCP



Why

- Periodic review of Bay-Delta WQCP required under state and federal law

What

- Identifies beneficial uses of water
- Adopts water quality objectives for the reasonable protection of beneficial uses
- Adopts a program of implementation for objectives
- Monitoring, special study, evaluation, and reporting to assess compliance and effectiveness of implementation actions

Draft Update to Bay-Delta Plan New Components

Newly Designated Beneficial Uses

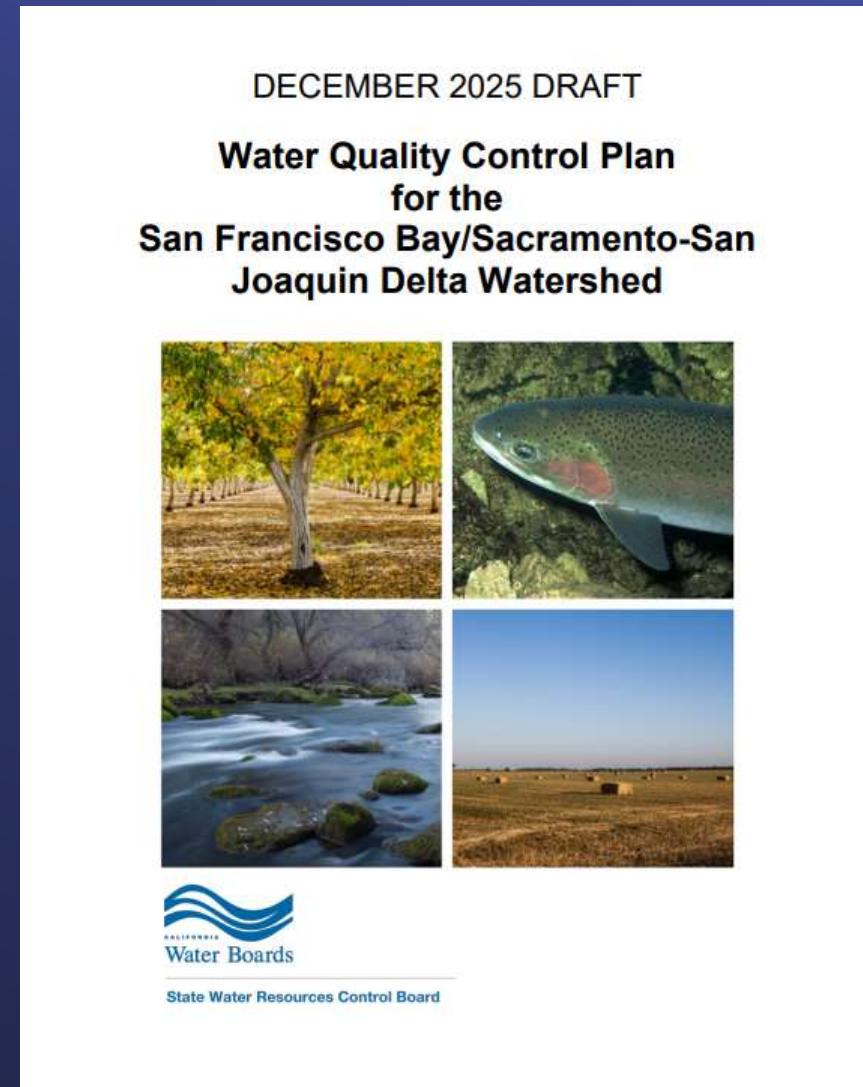
- Tribal Tradition and Culture (CUL)**
- Tribal Subsistence Fishing (T-SUB)
- Subsistence Fishing (SUB)

New Narrative Water Quality Objectives

- Native Fish Viability
- Outflow
- Inflow Based Outflow
- Interior Delta Flows
- Cold Water Habitat

New Implementation Pathways

- Flow Based on percent of hydrograph
45%-65%, with 55%/WSA
- Healthy Rivers and Landscapes Program



Supplemental Analysis Updated Modeling

Impacts of 55% Unimpaired Flow with Water Supply Adjustments

- Southern California -95 TAF to -515 TAF

Benefit of Healthy Rivers and Landscapes (HRL)

- Results show less than full HRL contributions
- Modeling not consistent with Flow Accounting
- Baseline is significantly impacting results

Next Steps Water Quality Control Plan

Review and comment on December 2025 Draft

- Three hearing days: January 28-30, 2025
- Written comments due February 2, 2026



