



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

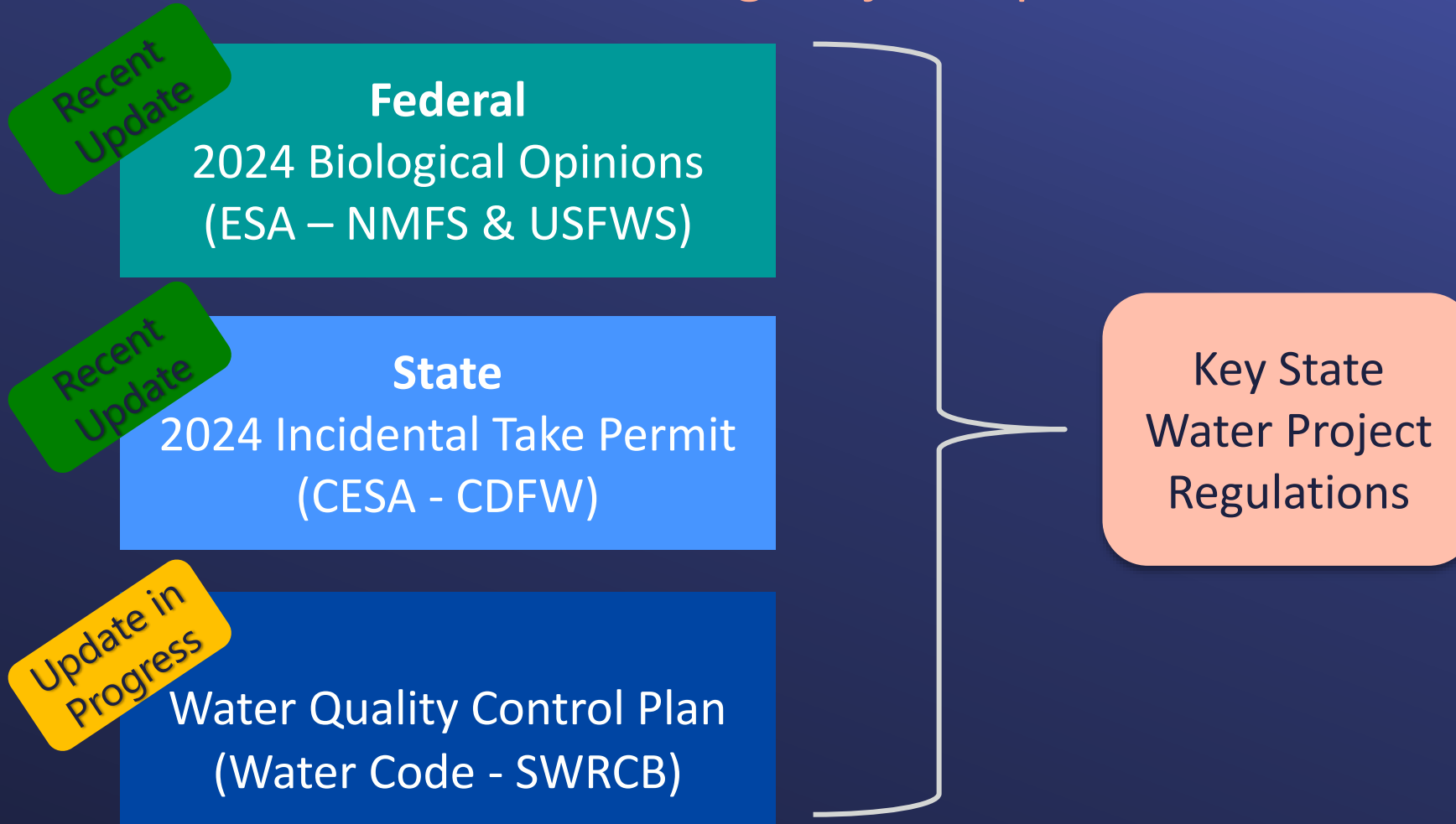
Provide comments on Draft WQCP

# 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

NMFS = National Marine Fisheries Service

USFWS = United States Fish and Wildlife Service

CDFW = California Department of Fish and Wildlife

SWRCB = State Water Resources Control Board





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

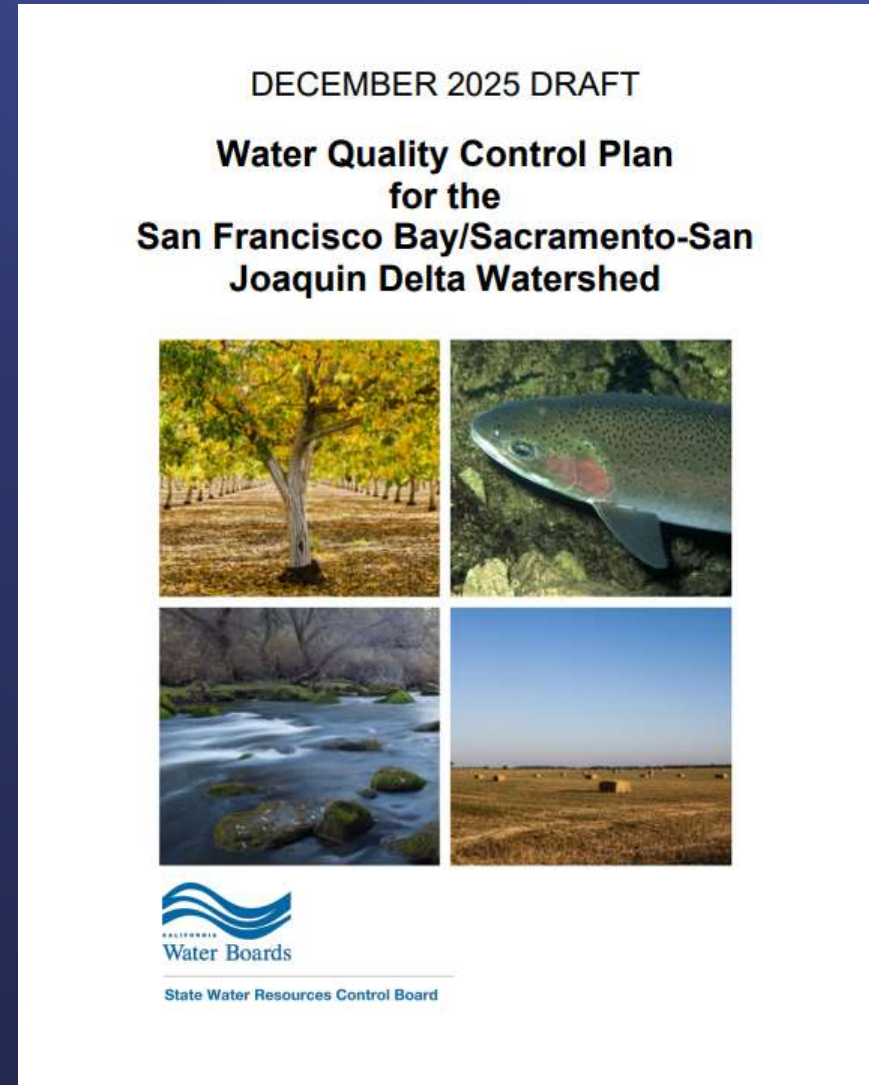
- Tribal Tradition and Culture (CUL)\*\*
- Tribal Subsistence Fishing (T-SUB)
- Subsistence Fishing (SUB)

## 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



