



Subcommittee on Imported Water

1/27/2026 Subcommittee on Imported Water Meeting

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Subject

Regulatory Updates 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

Executive Summary

This report provides a status update on recent changes to the Long-Term Operations of the State Water Project and Central Valley Projects and the ongoing update to the Bay-Delta Water Quality Control Plan. Both of these regulatory updates may potentially impact State Water Project water supplies.

Details and Background

Bay-Delta Regulatory Overview

State Water Project (SWP) operations are, in-part, governed by two federal Endangered Species Act biological opinions, a California Endangered Species Act (CESA) incidental take permit (ITP), and the State Water Resources Control Board (Water Board) Water Right Decision 1641 (D-1641), which implements the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta (Bay-Delta Plan). Together, these regulations and permits dictate the conditions under which the SWP may export from the Bay-Delta estuary, with the most highly regulated months of the year being January through June when fish migrations are most active.

Long-Term Operations of the State Water Project and Central Valley Project (CVP)

The federal 2024 biological opinions and state 2024 CESA ITP govern SWP operations in the Delta. These permits authorize incidental “take” of endangered, threatened, and state candidate species by the SWP, including take of winter-run and spring-run Chinook Salmon, Steelhead, Green Sturgeon, White Sturgeon, Southern Resident Killer Whale, Delta smelt, and Longfin smelt.

Recent Activity

In December 2025, the Bureau of Reclamation issued a revised Record of Decision for its Long-Term Operations Plan that included modified south Delta operational requirements, called “Action 5.” The biological opinions were not amended. Some of the operational restrictions in Action 5 differ from those in the 2024 ITP, resulting in a misalignment of SWP and CVP operations under certain conditions. This could, but not necessarily, result in impacts to the SWP. At the same time, the Department of Water Resources received two amendments to the 2024 ITP that address some of the misalignment. The first permit amendment suspended the Fall X2 Action for 2025, with significant new fish food actions in the Suisun Marsh being imposed as mitigation for the next three years. The second amendment was for export operations for the Delta smelt, allowing flexibility if the entrainment risk is low. The amendment allows for an evaluation of real-time conditions and flexibility regarding requirements based on those conditions. Shortly after a storm event, restrictions to protect Delta smelt were in effect from December 25, 2025, to January 7, 2026. The flexibility from the ITP amendment allowed for the SWP to capture an additional 35 thousand acre-feet. This additional water supply did not result in the entrainment of Delta smelt or Longfin smelt.

Phase 2 Bay-Delta Water Quality Control Plan Update

The Water Board implements and periodically updates the Bay-Delta Plan to identify water quality objectives to provide reasonable protection of beneficial uses of water in the Bay-Delta watershed. The Phase 1 update covering the San Joaquin River and south Delta salinity was adopted in 2018. Phase 2 covers the Delta and tributaries other than the San Joaquin River, including the Sacramento and Feather Rivers. There have been multiple draft documents for the Phase 2 Update released for public comment over the years. Most recently, an updated draft of the Bay-Delta Plan Phase 2 Update was released by the Water Board in July 2025, but was later rescinded in September 2025. The Water Board released a new revised draft Phase 2 Update and an update to the Supplemental Environmental Document for public comment in December 2025. A public hearing to receive comments is scheduled for January 28-30, 2026, and the deadline for written comments is February 2, 2026.

Similar to the report to the imported water subcommittee regarding the July draft, the new draft includes two implementation pathways and multiple new narrative water quality objectives for the reasonable protection of fish and wildlife beneficial uses. The Healthy Rivers and Landscapes (HRL) Program is one of the proposed paths to implement the narrative objectives. The other implementation path is based on flows under an unimpaired hydrograph, with newly proposed modifications to minimize potential negative impacts. The December 2025 draft also includes new modeling and analysis of the potential environmental impacts of the modified unimpaired hydrograph approach and the HRL Program that includes updates to that program since 2023. The December 2025 draft also includes a new beneficial use of water category for Native American cultural uses of water.

Metropolitan will comment on the December draft, either individually and/or as part of the State Water Contractors. Metropolitan is also coordinating with the CVP water contractors both north and south of the Delta. The comments will focus on ensuring that the draft Bay-Delta Plan Phase 2 Update is consistent with the HRL Program proposal and that the SWP is protected from additional impacts resulting from implementation of the Bay-Delta Plan under either the unimpaired hydrograph or HRL implementation pathways.