

12.1 Introduction

This chapter summarizes the public participation activities that have occurred during the pre-scoping and scoping phase of the environmental review process for the Sacramento/Delta update to the Bay-Delta Plan. The State Water Board has provided several previous opportunities for interested parties to provide input on the Sacramento/Delta updates to the Bay-Delta Plan. As described in this chapter, the State Water Board received comments on the *Scientific Basis Report in Support of Possible New and Modified Requirements for Inflows from the Sacramento River and Its Tributaries and Eastside Tributaries to the Delta, Delta Outflows, Cold Water Habitat, and Interior Delta Flows* (Scientific Basis Report); draft *Scientific Basis Report Supplement in Support of Proposed Voluntary Agreements for the Sacramento River, Delta, and Tributaries Update to the San Francisco Bay/Sacramento-San Joaquin Delta Water Quality Control Plan* (Scientific Basis Report Supplement); and the notices of preparation of environmental documentation that have been prepared for this project. The State Water Board also received input from interested parties during several informational workshops and associated comment periods, including a series of workshops regarding the scientific and technical basis for potential changes to the Bay-Delta Plan and a Sacramento Water Allocation Model (SacWAM) workshop. State Water Board staff have presented multiple informational items related to the Bay-Delta Plan update and implementation processes at State Water Board public meetings and have held recent public listening sessions focused on the Bay-Delta Plan update and implementation process. The subsequent sections describe these and other public participation activities and summarize the input provided by interested parties.

The State Water Board has received valuable input from many interested persons, which has informed the Sacramento/Delta update to the Bay-Delta Plan and will be further considered through the planning process. The release of this draft Staff Report initiates a public comment period. During the public comment period, State Water Board staff will hold workshops to provide information on the contents of the Staff Report and provide an opportunity for the public to ask questions to facilitate their review of the report. These workshops will be followed by a multiday public hearing before the State Water Board to receive oral comments. This public comment period is the public's opportunity to review and comment on the analyses described in the draft Staff Report. Detailed information on how to submit written comments on this draft Staff Report and how to participate in the upcoming workshops and hearings is available on the State Water Board's website (SWRCB 2023).

In addition to the public participation activities described in this chapter, State Water Board staff has engaged with California Native American tribes on the Sacramento/Delta update to the Bay-Delta Plan. Chapter 11, *Tribal Engagement*, summarizes tribal engagement activities related to the Sacramento/Delta update to the Bay-Delta Plan, including how State Water Board staff responded to recent requests from California Native American tribes to incorporate Traditional Ecological Knowledge (TEK) and consider the addition of Tribal Beneficial Uses to the Bay-Delta Plan.

12.2 CEQA Scoping

In accordance with CEQA, the State Water Board issued a *Notice of Preparation and of Scoping Meeting for Environmental Documentation for the Update and Implementation of the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary* on February 13, 2009 (SWRCB 2009a), indicating that the State Water Board would be the lead agency and would prepare environmental documentation for the potential update and changes to implementation of the Bay-Delta Plan. The Notice of Preparation (NOP) stated that (1) the environmental documentation would identify and evaluate the significant environmental impacts associated with potential changes to the Bay-Delta Plan and potential changes to water rights and other measures implementing the Plan that may be needed to ensure the reasonable protection of beneficial uses in the Bay-Delta watershed; and (2) the State Water Board would consult with responsible and trustee agencies and interested persons on all aspects of the update and implementation of the Bay-Delta Plan. A scoping meeting focused on potential changes to the southern Delta salinity and San Joaquin River flow objectives and their implementation, with opportunity to provide comments, was held on March 30, 2009. The associated scoping period extended between February 13 and March 19, 2009, and 13 comment letters were received (SWRCB 2009b).

A *Supplemental Notice of Preparation and Notice of Scoping Meeting for Environmental Documentation for the Update and Implementation of the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary* (Supplemental NOP) was issued on January 24, 2012 (SWRCB 2012a). The purpose of the Supplemental NOP was to provide additional information regarding the State Water Board's review of the Bay-Delta Plan. Specifically, the purpose of the Supplemental NOP was to: (1) advise responsible and trustee agencies and interested persons that the State Water Board intends to prepare environmental documentation for the Sacramento/Delta update of the Bay-Delta Plan; and (2) seek input on significant environmental issues, reasonable alternatives, and mitigation measures that should be addressed in the environmental document. In particular, the State Water Board sought input and information to support whether Delta outflows, Delta inflows, and water project operational constraints should increase, decrease, or remain the same. A scoping meeting with an opportunity for public agencies and interested parties to provide oral comments to the State Water Board was held on May 16, 2012. The associated scoping period for the Supplemental NOP extended between January 24 and April 15, 2012, and a total of 38 public comment letters were received (SWRCB 2012b).

The State Water Board considered all comments submitted by agencies and other stakeholders in response to the 2009 NOP and 2012 Supplemental NOP. Following these CEQA scoping activities, the State Water Board provided several additional opportunities for interested parties to provide input related to the Sacramento/Delta update to the Bay-Delta Plan, as described in the following section.

12.3 Informational Workshops Regarding Scientific and Technical Basis for Potential Changes to the Bay-Delta Plan

The State Water Board held a series of three informational workshops in 2012 to receive additional information and conduct discussions regarding the scientific and technical basis for potential changes to the Bay-Delta Plan. The information provided during the workshops augmented the

information developed through earlier reviews and informed the State Water Board members and staff on potential changes to the Bay-Delta Plan. The workshop topics and dates were as follows.

1. Ecosystem Changes and Low Salinity Zone, September 5–6, 2012, including the effects of the low salinity zone on various estuarine species, the interaction of salinity with non-flow-related factors, and the identification of modeling or other tools that can be used to measure and reasonably protect estuarine habitat.
2. Bay-Delta Fishery Resources, October 1–2, 2012, including flow, cold water pool, habitat, and water project operational constraints needed to reasonably protect Central Valley steelhead, Sacramento River winter-run Chinook salmon, Central Valley late fall-run Chinook salmon, and pelagic species (including Delta smelt and longfin smelt) and the interaction of these issues with non-flow-related factors.
3. Analytical Tools for Evaluating the Water Supply, Hydrodynamic, and Hydropower Effects of the Bay-Delta Plan, November 13–14, 2012, including the CalSim II water supply model, Delta Simulation Model II (DSM2), and RMA2 hydrodynamic models, Plexus hydropower model, and others as applicable, together with results from applying these models to various scenarios.

Each workshop included a presentation by an independent expert panel organized by the Delta Stewardship Council's Delta Science Program (DSP), technical presentations by interest panels representing stakeholders, opportunities for public comment, and questions directed to panelists and stakeholders by the State Water Board and staff. As part of the planning for these workshops, State Water Board staff presented an informational item at the June 19, 2012 Board meeting, including the proposed format for the workshops, potential key technical questions, and potential panel format. The State Water Board received numerous suggestions for workshop questions, including written comments. The State Water Board also requested that interested persons submit information that they believed the State Water Board should consider in the Sacramento/Delta update of the Bay-Delta Plan in advance of the workshops. The State Water Board received 16 comment letters regarding the first workshop, 17 comment letters regarding the second workshop, and 29 comment letters regarding the third workshop.

Following the workshops, a summary report on the workshops' key points, including areas of agreement and disagreement, sources of disagreement, and degree of certainty was developed (SWRCB 2013a). At the April 9, 2013 Board meeting, an informational item was presented on next steps related to the summary report. The State Water Board requested input on what, if any, areas of disagreement or uncertainty identified in the summary report should be resolved during the Sacramento/Delta update of the Bay-Delta Plan and what process should be used to resolve those issues. The Board meeting included an opportunity for the public to provide comments on the informational item. The State Water Board received 11 public comment letters regarding the informational item (SWRCB 2013b).

At the April 9, 2013 Board meeting, the DSP Lead Scientist recommended that DSP hold a series of technical workshops to provide input on the best available scientific information to inform the Sacramento/Delta update to the Bay-Delta Plan. DSP convened independent panels of science experts and held two independent science workshops on areas of scientific disagreement or uncertainty to inform the Sacramento/Delta update of the Bay-Delta Plan, including Delta Outflows and Related Stressors (February 2014; ^Reed et al. 2014) and Interior Delta Flows and Related Stressors (April 2014; ^Monismith et al. 2014). The expert panels evaluated and synthesized information in DSP workshop panel summary reports (DSC DSP 2014a; DSC DSP 2014b). An

additional independent science workshop was held by the California Department of Fish and Wildlife (CDFW), DSP, and the National Marine Fisheries Service to address fish predation on Central Valley salmonids in the Bay-Delta watershed (July 2013; ^Grossman et al. 2013).

State Water Board staff appreciates the valuable input provided by numerous parties during these workshops and associated comment periods. State Water Board staff considered the scientific information presented by stakeholders at each of these workshops and in associated comment letters, which informed development of the Scientific Basis Report (see Section 12.5, *Scientific Basis Report*).

12.4 SacWAM Development

SacWAM is a hydrologic and system operations model developed by the Stockholm Environmental Institute and State Water Board to assess potential revisions to instream flow and other requirements in the Bay-Delta watershed, including the current Sacramento/Delta update of the Bay-Delta Plan. SacWAM was developed using the Water Evaluation and Planning (WEAP) software platform and is intended to be user-friendly and usable for efficient comparison of multiple scenarios. (Refer to Appendix A1, *Sacramento Water Allocation Model Methods and Results*, for SacWAM methods and results.)

The State Water Board provided several opportunities for interested parties to provide input related to the development of SacWAM. State Water Board staff appreciates the valuable input received, which has informed SacWAM model refinement. In fall 2016, the State Water Board released an early version of SacWAM for public review and for review by an independent science review (ISR) panel convened by the DSC's DSP to ensure transparency and confirm the adequacy of SacWAM to simulate flows to inform the Sacramento/Delta update of the Bay-Delta Plan. On October 4, 2016, State Water Board staff held a public workshop, "Public Introduction to SacWAM," that provided a general and technical overview of SacWAM (version 0.20) and hands-on instruction on how to navigate the model and the model documentation. Video recordings and presentation slides from the public workshop are available on the State Water Board's website. On October 19, 2016, a public meeting was held in which the ISR panel presented initial findings, asked additional questions, and engaged in a dialogue with the model development team and State Water Board staff and interested persons. The ISR panel provided a review report to the State Water Board on December 19, 2016, titled *Independent Peer Review of the Sacramento Water Allocation Model (SacWAM)* (Fleenor et al. 2016). The report contained detailed recommendations for model improvements and suggestions for meeting with other agencies to obtain information to improve SacWAM's representation of the system as intended.

In response to the panel's observations and recommendations, the SacWAM development team met with several agencies, such as East Bay Municipal Utility District, Solano County Water Agency, Contra Costa Water District, and the U.S. Bureau of Reclamation (Reclamation), and undertook additional model refinement to improve the representation of hydrology, water control facilities, and water management in SacWAM. For example, the simulation period was extended from October 2009 through September 2015, additional climate data were incorporated, and the groundwater representation was modified. This model refinement was undertaken from January 2017 through March 2017. In April 2017, an updated version of SacWAM and its documentation that included the changes were completed (version 1.05) for use in the State Water Board's Scientific Basis Report (described in Section 12.5, *Scientific Basis Report*) (SWRCB 2020). State Water Board staff provided

responses to the ISR's report in *Response to 2016 Independent Peer Review of the Sacramento Water Allocation Model (SacWAM)*, dated October 4, 2017 (SWRCB 2017a).

SacWAM model development that continued in 2018 and 2019 incorporated updates to upper watershed hydrology and operations, and updates to CVP and SWP operations based on updates related to development of the CalSim 3 model by the California Department of Water Resources (DWR), Reclamation, and their consultants. SacWAM model version 1.2 was released in April 2019 and incorporated these updates (SWRCB 2020). In November 2019, SacWAM model version 2019.11.22 was released, followed by a public presentation in December 2019. Since 2019, SacWAM updates have occurred to reflect changes to regulations that affect reservoir operations, streamflow requirements, and Delta operations and to refine model logic to support simulation of the proposed voluntary agreements (VAs). More information on these regulatory assumptions can be found in Chapter 6, *Changes in Hydrology and Water Supply*.

12.5 Scientific Basis Report

In October 2017, the State Water Board finalized the Scientific Basis Report. The Scientific Basis Report documents the science supporting the proposed Sacramento/Delta update to the Bay-Delta Plan, identified in this Staff Report as the proposed Plan amendments.

A working draft version of the Scientific Basis Report was released on October 19, 2016, to receive early scientific and public input on the science related to the Sacramento/Delta update to the Bay-Delta Plan prior to submittal of a final Scientific Basis Report for external peer review. A public workshop on the draft Scientific Basis Report was held on December 7, 2016. At the workshop, the State Water Board received comments from the public and other agencies regarding additional scientific information that should be considered during development of the final draft Scientific Basis Report. The public workshop included a State Water Board staff presentation, which provided an introduction and overview of the draft Scientific Basis Report and an overview of how science was used to develop the Scientific Basis Report. The workshop also included an opportunity for public comments and presentations by representatives from five federal, state, and local agencies and four special-interest groups. An associated comment period was held, and 35 comment letters regarding the draft Scientific Basis Report were received (SWRCB 2018c). In addition, the DPS (ISB) conducted a review of the working draft Scientific Basis Report.

Based on public and agency input, including input received at the December 2016 workshop, associated public comment letters, and the Delta ISB's Final Review Document, the Scientific Basis Report was refined, and a final draft Scientific Basis Report was prepared for independent peer review. California Health and Safety Code section 57004 requires that all California Environmental Protection Agency organizations submit for external peer review the scientific basis and scientific portion of all proposed policies, plans, and regulations. The final draft Scientific Basis Report was submitted for independent peer review on May 31, 2017, pursuant to requirements of California's Health and Safety Code section 57004. The peer reviews and State Water Board staff's response to the peer reviews are available upon request

12.6 October 2017 Notice Regarding Information and Future Updates on Sacramento/Delta Update of the Bay-Delta Plan

In October 2017, State Water Board staff provided a *Notice of Opportunity to Provide Input to Inform the Development of the Program of Implementation for the Update of the Bay-Delta Plan* (Notice) (SWRCB 2017b) to water users in the Sacramento/Delta and other interested persons, updating them on the State Water Board's efforts related to the Sacramento/Delta update to the Bay-Delta Plan. An opportunity to provide early constructive input on potential changes to the Plan, particularly focused on implementation measures, also was provided.

Through the Notice, State Water Board staff solicited focused stakeholder input on a series of questions for consideration in development of the program of implementation for the Sacramento/Delta update to the Bay-Delta Plan. In response to the Notice, the State Water Board received valuable input from many interested persons that has informed development of proposed changes to the Bay-Delta Plan, which will be further considered through the planning process. The State Water Board received 26 comment letters regarding the Notice (SWRCB 2017c).

12.7 Framework for Possible Sacramento/Delta Updates to the Bay-Delta Plan

In July 2018, the State Water Board staff released the *July 2018 Framework for the Sacramento/Delta Update to the Bay-Delta Plan* (Framework) (SWRCB 2018a) that was released in advance of consideration of the 2018 updates to the Bay-Delta Plan and following completion of the 2017 Scientific Basis Report. The Framework summarizes the proposed Plan amendments, including possible objectives and implementation measures for the protection of fish and wildlife.

Additional information regarding the proposed Plan amendments is provided in Chapter 5, *Proposed Changes to the Bay-Delta Plan for the Sacramento/Delta*.

12.8 State Water Board Informational Items

The State Water Board held informational items on upcoming actions to update and implement the Bay-Delta Plan in December 2021 and January 2023. These informational items were held during regular Board meetings and included a State Water Board staff presentation followed by an opportunity for interested parties to provide comments to the State Water Board.

In December 2021, the State Water Board held an informational item on upcoming actions to update and implement the Bay-Delta Plan. This included outlining the process and general timeline for implementing the 2018 Bay-Delta Plan amendments for Lower San Joaquin River Flows and Southern Delta Salinity and a timeline for completing the Sacramento/Delta update to the Bay-Delta Plan, including consideration of VAs.

In January 2023, State Water Board staff held an additional informational item on upcoming actions to update and implement the Bay-Delta Plan. This included an update on the current timeline for

completing the Sacramento/Delta update to the Bay-Delta Plan, including consideration of proposed VAs, and for implementing the 2018 Bay-Delta Plan amendments for Lower San Joaquin River flows and southern Delta salinity, including consideration of a VA proposal for the Tuolumne River.

12.9 Scientific Basis Report Supplement

In January 2023, the State Water Board released the Scientific Basis Report Supplement. The Scientific Basis Report Supplement documents the science supporting the proposed provisions included in the VAs and serves as a supplement to the 2017 Scientific Basis Report. The Scientific Basis Report Supplement was developed by State Water Board staff in collaboration with staff from CDFW and DWR.

A public workshop was held on January 19, 2023, to discuss and receive comments on the draft Scientific Basis Report Supplement. At the workshop, staff from the State Water Board, CDFW, and DWR provided a presentation, followed by the opportunity for public comments. An associated public comment period was held, and 53 comment letters were received. Written comments on the draft Scientific Basis Report Supplement were submitted by individuals; non-governmental organizations; public water agencies; California Native American tribes; DSC ISB; and federal agencies, including Reclamation and the U.S. Environmental Protection Agency. The topics of comment letters included policy-related comments on the VA proposal; requests to change the descriptions of the VA assets from the VA Term sheet;¹ requests to include TEK in the report; comments about the benefits of flow vs. habitat to native fish species; requests to analyze the negative effects of harmful algal blooms, drought, climate change, and other stressors on habitat and native fish species; requests to analyze effects of temperature on the benefits of the VA assets for native fish species; and comments about habitat modeling, flow-abundance relationships, flow modeling, and the analysis baseline used in the report. A video recording of the January 19, 2023 workshop is available online, and copies of the comment letters received are available upon request.

Based on input received at the January 19, 2023 public workshop and associated comment letters, the draft Scientific Basis Report Supplement was revised and prepared for independent peer review pursuant to the requirements of California Public Health and Safety Code section 57004, which requires that the scientific basis of any statewide plan, basin plan, plan amendment, guideline, policy, or regulation undergo external scientific peer review before adoption. The process of independent scientific peer review of the draft Scientific Basis Report Supplement will begin when the draft Staff Report is released for public review and comment, and the process is anticipated to require 90 days for completion. Following peer review, the report may be further revised.

Additional information regarding the proposed VAs is provided in Chapter 9, *Proposed Voluntary Agreements*.

¹ The VA Term sheet is a shortened reference to the Memorandum of Understanding Advancing a Term Sheet for the Voluntary Agreements to Update and Implement the Bay-Delta Water Quality Control Plan, and Other Related Actions (Voluntary Agreements Parties 2022; see Appendix G1).

12.10 Environmental Justice Focused Listening Sessions

On March 27, 2023, State Water Board staff held a listening session to receive input from environmental interests; representatives of economically disadvantaged communities; and representatives of black, indigenous, and people of color organizations on the State Water Board's current efforts to update and implement the Bay-Delta Plan. The listening session was convened by the State Water Board's Chair Joaquin Esquivel and consisted of opening remarks from Chair Esquivel and a presentation by staff from the State Water Board on its Bay-Delta planning and implementation, with additional information on proposed VAs from CDFW and DWR staff. Over 150 participants registered to attend the listening session. During the listening session, participants had the opportunity to provide input and ask questions.

During the March 27, 2023, listening session, the State Water Board's Chair and staff received numerous questions and comments about the Bay-Delta Plan update and implementation efforts. Questions and comments received during the listening session covered a range of issues, including but not limited to, impacts on subsistence fishing and harmful algal blooms in the Delta and questions related to proposed VAs. In response to those comments, the State Water Board staff organized a second public listening session for Wednesday, June 7, 2023, to receive further input from representatives of disadvantaged communities; black, indigenous, and people of color communities; and environmental justice organizations.

During the June 7, 2023, listening session, State Water Board staff provided an overview of the State Water Board's Bay-Delta planning and implementation efforts. State Water Board staff summarized and responded to questions and comments received during the March 27, 2023, environmental justice focused listening session. CDFW and DWR staff also provided remarks related to proposed VAs.

12.11 Additional Activities

In addition to the activities described in the preceding sections, State Water Board staff has participated in various meetings with state and federal resource agencies, nongovernmental organizations, water users, and other stakeholders to discuss various topics of interest related to the Sacramento/Delta updates to the Bay-Delta Plan.

State Water Board staff has received various general public comments related to the Sacramento/Delta update to the Bay-Delta Plan (SWRCB 2018b).

State Water Board staff appreciates the input provided by stakeholders through these discussions and in general comments and encourages interested parties to remain engaged in the process to update the Bay-Delta Plan. State Water Board staff will continue to meet with interested parties to discuss information pertinent to the Bay-Delta Plan updates and will continue to consider new information provided by stakeholders during the planning process.

12.12 References Cited

12.12.1 Common References

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