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The Honorable Diane Papan
Chair, Assembly Water, Parks & Wildlife Committee
State Capitol
Sacramento, CA 95814

January 7, 2025

Subject: Opposition to AB 497

Dear Chair Papan and Members of the Committee,

We, the undersigned, write in strong opposition to AB 497, introduced and amended by Assemblymember Lori D. Wilson, which seeks to limit the State Water Resources Control Board's ("Water Board") ability to review and consideration of comments pertaining to the most recent update to the Bay-Delta Plan and mandates an unworkable timeframe for the Water Board to complete the plan.

Limiting public comment for a bad Bay-Delta Plan update would hasten the approval of the inherently inequitable Voluntary Agreements ("VAs"), which are intricately linked with the proposed Delta Conveyance Project. A 2024 [letter](#) from the Department of Water Resources highlights this connection, making it clear: **the Department of Water Resources needs the Voluntary Agreements for the tunnel to operate.**

Under current law, the water board is required to review, consider, and respond to comments on the Bay-Delta Plan (see Cal. Code Regs. Tit. 23, § 3779, PRC § 21080.5). The proposed legislation, however, would remove that requirement under the guise of “sufficient prior public engagement.” “Significant public engagement” does not mean *meaningful public engagement*. Removing the requirement to respond to public comment, given the over 3,000 pages of new text, before the approval and execution of the Bay-Delta Plan, would be devastating to Tribes, communities, the salmon fishing industry, and environmental advocates.

Furthermore, it is unclear whether the option to limit public engagement will help the Water Board or may have the opposite effect. The current iteration of the Bay-Delta Plan is controversial and may be subject to litigation, which the Water Board is aware of. Since any such litigation would likely be limited to the administrative record, the Water Board would need to respond to comments anyway to ensure the Water Board’s perspective is in the administrative record. However, AB 497 will limit the time the Water Board has to complete this process while meeting the August deadline.

This proposal comes on the heels of a comment period set immediately following the holiday season, effectively shortening the review period for advocates with limited staff and resources. The public comment period for the updated Bay-Delta Plan is currently scheduled to close on February 2, but advocates are urging the Board to allow additional time to review the extensive materials, which include 3,322 pages of draft regulatory text and updated environmental analysis across 13 separate documents.

The update to the Bay-Delta Plan has been overdue for over 25 years. While we need an update, we need an updated plan that is protective of ALL communities and beneficial uses. AB 497 will move the Delta in the wrong direction. We urge your “NO” vote.

Respectfully submitted,

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Restore the Delta

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