



December 19, 2025

Via Electronic Email Only

Board Chair Joaquin Esquivel and Board Members

Diane Riddle

State Water Resources Control Board

P.O. Box 100

Sacramento, CA 95812-0100

SacDeltaComments@waterboards.ca.gov

RE: Request to Extend Time and Modify Hearing Dates for Public Comment on December 2025 Draft Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Watershed

Dear Board Members, Ms. Riddle, and Bay-Delta Plan Staff,

Shingle Springs Band of Miwok Indians, Winnemem Wintu Tribe, Little Manila Rising, and Restore the Delta (collectively the "Delta Tribal Environmental Coalition" or "DTEC") write to request a 60-day extension of time to provide public comment on the December 12, 2025 Revised Draft Sacramento/Delta Updates to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Watershed ("Bay-Delta Plan" or "Plan"). We write in support of the December 19, 2025 extension request by Defenders of Wildlife, et. al.

The proposed comment period set by the State Water Resources Control Board ("Board") overlaps with numerous holidays, allowing the public only 33 business days to review, analyze, and intelligently comment on the Board's revised and technically complex Draft Bay-Delta Plan and partially recirculated Staff Report/Substitute Environmental Document. The 3,322 pages of draft regulatory text and updated environmental analysis spread across 13 different documents were released one week before the holidays, an inequitable approach that truncates the time for advocates with limited resources and capacity to review and comment.

The timing of the release of these documents is in line with the Board's pattern of releasing documents of significant importance during the holidays. For instance, earlier this year, the Board released a prior draft of Bay-Delta Plan documents, requesting comments and noticing hearings during a time when Delta Tribes were occupied with annual ceremony. The Board has now reissued updated documents one week before the winter holidays. As the Board is aware, the December holidays are a time of celebration, and for many, a time when organizations and businesses close for the weeks of Christmas and the New Year. For instance, Shingle Springs Band and Restore the Delta will be closed for two weeks from December 22, 2025 to January 2, 2026, to allow time for family and reset ahead of the new year. Similarly, the Winnemem Wintu are not available until after the third week of January in the new year. The Board itself decided to cancel its last Board meeting

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of the year, on December 16, 2025. It is insensitive and disrespectful to Delta Tribes and community organizations to notice a major comment period during this time.

As elaborated in DTEC's August 7, 2025 letter on the withdrawn draft Plan, DTEC again elevates its concerns that the Board is putting forth a revised Draft Bay-Delta Plan while failing to resolve a pending civil rights investigation by the U.S. EPA into its water quality control planning processes for the Bay-Delta. DTEC filed its Title VI Complaint ("Complaint") with the EPA three years ago, on December 16, 2022. It has been over two years since EPA accepted the Complaint for investigation and initiated an investigation into whether the Board's "administration of the water quality standard setting program with respect to the [Bay-Delta Plan], including timeliness of rulemaking and opportunities for public participation" subjects Tribes and communities of color to unlawful discrimination and into whether the Board has in place and is appropriately implementing procedural safeguards to comply with nondiscrimination regulations. *See* U.S. EPA, Notice RE Acceptance of Administrative Complaint (Aug. 8, 2023). It has been twenty-seven months since EPA tolled formal enforcement at the Board's request to pursue a negotiated resolution in settlement of the Complaint. And it has been more than a year since the Board received a proposed settlement agreement from EPA in November 2024. Yet despite noticing the Title VI proceedings for consideration at over two dozen closed sessions meetings, the Board has neither executed nor even provided a substantive response to EPA regarding the proposed settlement agreement.

The Board's abdication of the Title VI informal resolution process remains profoundly disappointing and concerning to complainants and communities whose interests are the subject of the investigation. As DTEC had repeatedly emphasized, it is imperative that the Board resolve the pending investigation prior to proceeding with the proposed updates to provide adequate assurances that its Bay-Delta planning processes will go forward in full compliance with its civil rights duties. DTEC considers a timely resolution of the civil rights investigation necessary to the legitimacy of the Bay-Delta Plan. Given how long the Board has been considering the pending settlement proposal, the Board can have no excuse for failing to resolve the investigation well in advance of the close of the public comment period.

For all these reasons, DTEC considers a 60-day extension of the written comment period, together with deferred or additional public hearing dates after the close of written public comment, necessary to enable informed participation by Tribes, disadvantaged Delta communities, and non-profits that advocate for their interests and to ensure that Bay-Delta planning accords with civil rights protections. We urge you to carefully consider this request.

Respectfully submitted,

Vice Chair Malissa Tayaba
Shingle Springs Band of Miwok Indians
Signed via e-mail

Barbara Barrigan-Parrilla
Executive Director
Restore the Delta
Signed via e-mail

Gary Mulcahy
Government Liaison
Winnemem Wintu Tribe
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Gloria Alonso Cruz
Environmental Justice Advocacy Coordinator
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