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September 16, 2026

The Honorable E. Joaquin Esquivel
Chair
State Water Resources Control Board
1001 I Street
Sacramento, California 95814

RE: August 2026 Draft Bay-Delta Water Quality Control Plan

Dear Chair Esquivel:

As the Representative for California's First Congressional District and a sixth generation Sacramento Valley farmer, I urge the State Water Resources Control Board not to adopt the August 2026 Draft Bay-Delta Water Quality Control Plan (Draft) in its current form.

The Draft is a sharp departure from the 2022 Memorandum of Understanding and the Healthy Rivers and Landscapes Framework (HRL) that brought state and federal agencies, water users, and stakeholders together around new flows, habitat, science, and monitoring. That negotiated path only works if the State honors the commitments made by all parties in the Framework. However, the current Draft converts a collaborative program into an open-ended regulatory regime in which the Board can change terms, impose additional requirements, and create future water-supply obligations.

Water agencies participating in HRL have already committed substantial water, funding, and habitat restoration. In return they were promised a collaborative path forward that balances environmental restoration with long-term water supply reliability. The Draft undermines this expectation. It creates new mechanisms that could increase HRL obligations based on future CVP and SWP operations, expands administrative approval authority over implementation, and retains broad discretion for the Board to rewrite the program later.

The alternative regulatory pathway is equally troubling. A default of 55 percent unimpaired flow on Sacramento and Delta tributaries, subject to later adjustments and a separate curtailment rulemaking, would have severe consequences for reservoir storage, surface-water deliveries, groundwater conditions, agricultural production, and rural communities across Northern California. Critical details of how that pathway would actually operate, such as who must provide the water, when, how it will be enforced, and what it means for farms and towns remain unresolved. California's water system is too important to regulate in the abstract.

These changes strike at the heart of water rights that have sustained the Sacramento Valley for generations. Reduced surface supplies do not stay isolated. They drive more groundwater pumping, threaten SGMA compliance, idle land, and impact jobs, as well as raise costs for food processing, energy, and municipal users. Farmers and the communities that depend on surface water in Northern California cannot absorb another layer of uncertainty and additional take.

The Water Resources and Development Act of 2026 includes provisions that work well alongside HRL, including \$155 million for infrastructure in the Sacramento River Basin. This combination of support from WRDA and HRL would help accelerate investments that stabilize groundwater, mitigate drought impacts, and enhance salmon recovery. To move away from HRL now would be taking several steps backwards from strengthening the Sacramento River Basin.

The Bureau of Reclamation's September 4 letter further underscores the dire consequences of moving forward with the Draft. Reclamation has stated that the Draft materially departs from the 2022 Framework and that it will cease participation and funding in HRL or similar state pathways if they fail to protect CVP contract supplies and federal project purposes. The Draft risks collapsing years of state and federal cooperation and inviting a lengthy legal confrontation.

Before any final vote, the Board should restore certainty to the HRL pathway, respect state and federal authorities, limit open-ended discretion, fully define the regulatory alternative, and evaluate its real-world water-supply, economic, agricultural, and community impacts. California should not adopt a plan whose obligations and consequences remain incomplete and would very likely devastate our communities.

The bottom line is that both the Drafts and the regulatory alternative are unacceptable to my constituents. I urge the Board and the Administration to return to a balanced approach consistent with the 2022 MOU rather than a plan that undermines water rights and California agriculture.

Sincerely,



JAMES GALLAGHER
Member of Congress
California's First Congressional District

cc:

Gavin Newsom, Governor
Wade Crowfoot, Secretary for Natural Resources
California Department of Water Resources
United States Bureau of Reclamation