



May 22, 2026

State Water Resources Control Board  
1001 I Street  
Sacramento, CA 95814

Submitted via email to [sites-wr-application@waterboards.ca.gov](mailto:sites-wr-application@waterboards.ca.gov)

Re: Draft Decision and associated Draft Water Right Permit for Sites Reservoir

Dear Chair Esquivel and Board Members,

Thank you for the opportunity to comment on the draft water right decision (Draft Decision) and associated permit (Draft Permit) for the Sites Reservoir Project (Sites Reservoir). Our agency is grateful for your careful consideration of this permit given its importance to our state's water future.

California Natural Resources Agency (CNRA) appreciates the State Water Resources Control Board's (Board) leadership and diligence to protect beneficial uses of California's water, including enabling critical water supplies for California communities and agriculture, preserving water quality, and protecting fish and wildlife. Our agency's comments are provided to help ensure that the full range of beneficial uses generated by this project are recognized and protected through this Draft Permit. Importantly, targeted changes to the Draft Permit are needed to maintain the feasibility of this project and enable the delivery of these beneficial uses.

### Sites Reservoir Secures Water Supply in a Changing Climate

California's hydrology is changing dramatically. Temperatures are increasing across all seasons, which is shifting a larger portion of winter precipitation from snow to rain and reducing spring run-off into reservoirs. Scientific experts project that 10 percent of California's average annual water supplies will be lost to these climatic changes by mid-century. Also, extreme hydrological events are intensifying, with more intense droughts punctuated by larger, more violent storm events. Already this decade, California has

715 P Street, 20<sup>th</sup> Floor, Sacramento, CA 95814 Ph. 916.653.5656 <http://resources.ca.gov>



experienced the driest three-year period in the state's 175-year history from 2020 through 2022, followed only weeks later by one of the wettest three-week periods in January 2023 with seven atmospheric river storms.

Current hydrological conditions threaten people and nature across California. At the end of 2022, over 6 million Californians were subject to mandatory water rationing due to lack of available water supplies and our state agencies were actively planning for 20 million residents—over half of our state's population—to move into water rationing in early 2023. At the same time, minimal river flows, poor environmental conditions, and lack of water at wildlife refuges decimated fish and wildlife populations.

Given this new hydrologic reality, we can no longer only rely on our legacy reservoir systems to capture melting snowpack. We must modernize our water infrastructure and management to better capture water supplies during intense storms and wet periods while ensuring environmental conditions to protect nature. New water storage is essential, including groundwater recharge and stormwater capture to expand aquifer supplies, and targeted new surface storage.

Sites Reservoir is carefully planned infrastructure to enable California to adapt to this new hydrology. It is designed to capture and store water from our state's largest river system during big storms and wet winters for use during extended dry periods. The reservoir would provide 1.5 million acre-feet of new storage to be utilized by communities, farms, and wildlife refuges.

If Sites Reservoir had been operational over the past several years, it would have captured and stored extensive water supply generated during very large storm periods that went unutilized. This year, Sites Reservoir could have captured water supply during early, intense storm periods to supplant a lack of snowpack due to record-breaking spring temperatures.

#### Key Updates to the Draft Permit Are Needed to Maintain Project Viability

We appreciate that the Board is considering potential refinements to its initial Draft Permit that will be finalized in a Revised Draft Water Right Permit in July. This presents a critical opportunity to modify current conditions in the Draft Permit that reduce water deliveries to a degree that risks rendering the project infeasible. We recommend the following changes in the Revised Draft Permit to maintain project viability:

1. Set diversion criteria in a manner that balances beneficial uses and maintains project viability. Current diversion criteria do not appear to adequately account for

impacts to water supply and the ecosystem benefits that will be generated by the 17 percent share of the reservoir funded by the state.

2. Make clear that Sites Project Authority has the option to become a party to the Healthy Rivers and Landscapes (HRL) program within the Bay-Delta Plan if the Board decides to add Sites' water right to the Voluntary Agreement pathway before Sites Reservoir becomes operational. While the Draft Decision appears to contemplate this opportunity, language in the Draft Permit needs to clearly identify this option for the Board to include Sites in the VA pathway in the future.
3. Treat Sites as party to the regulatory pathway of the Bay Delta Plan until and unless they switch to the VA pathway in the future. This means assigning Sites Reservoir responsibility for its proportional share of Sacramento River inflow-based Delta outflow, and avoiding assigning Sites Reservoir responsibility for Delta requirements outside of Sites' control.
4. Protect flows generated by HRL in the Sacramento River system by preventing diversions of water to Sites Reservoir when flow conditions absent these Sacramento River HRL flows would not meet the diversion criteria set by the Permit. Do not prevent all water diversions to Sites Reservoir on any day that HRL flows are present in the Sacramento River or contributing to Delta outflow. This every-day restriction is not necessary to protect HRL flows and has substantial water supply impacts for Sites Reservoir.
5. Ensure local streamflow into the reservoir can be designated to the county water users where Sites Reservoir is planned to be constructed by including Stone Corral Creek and Funks Creek as water sources in the permit and recognizing the agreement Sites has with Colusa County to benefit from Sites storage.

#### Sites Reservoir Provides Water Security and Benefits for the Environment

We appreciate the Board's responsibility to balance water supply and fish and wildlife to produce a permit in the public interest. As the Board undertakes revisions to the Draft Permit, we ask that the Board take into account the water supply and ecosystem benefits of the reservoir. The diversion criteria in the Draft Permit are in addition to the California Department of Fish and Wildlife (CDFW) Incidental Take Permit (ITP) requirements. While we acknowledge the Board's authority to set flow requirements independent of CDFW, the Board must do so in a manner that balances interests and maintains project viability.

Sites Reservoir will provide emergency water supplies to municipal users during times of drought, helping communities maintain critical water needs when existing supplies become unreliable or severely constrained. By storing water diverted during high-flow periods in wet years, Sites Reservoir is designed to improve statewide drought resilience

and provide operational flexibility during prolonged dry conditions and climate-driven hydrologic extremes.

Further, 17 percent of Sites' yield is designated to public benefits through the Proposition 1 Water Storage Investment Program, making it the first major reservoir project in California designed to reserve a substantial share of its water specifically for ecosystem needs. Under contract with the Department of Fish and Wildlife, both north- and south-of-Delta wetland refuges will receive deliveries under a range of ecological conditions, including critically dry years when refuge supplies are often most vulnerable.

The Draft Decision largely treats Sites Reservoir as a source of risk to the ecosystem rather than also acknowledging it as a potential tool for water supply and ecological management. Terms 23, 29, 30 and 31 impose conditions that will decrease the project's water yield significantly, lowering the amount available from the State's 17 percent share. The Draft Decision concludes these conditions are reasonable for the protection of fish and wildlife and other instream uses, but notably absent from the analysis of the reasonableness of these terms is a comparable, sustained evaluation of how stored water would be strategically deployed to maintain or enhance wetland habitat conditions, support migratory bird populations, and stabilize refuge water supplies that are otherwise unreliable.

This imbalance is particularly significant given that refuge water deliveries are not incidental; they are one of the principal ecosystem benefits justifying public investment in Sites Reservoir. Yet, beyond a brief description in the project overview, the decision does not quantify, model, or weigh these benefits or the potential reduction in benefits imposed by the Draft Permit terms. Nor does the Draft Decision clearly explain how the permit's operational framework will ensure that these water supply and habitat benefits are realized in practice, especially under the same dry-year conditions that drive ecological stress.

Without adequate assurance that diversions can occur when hydrologic conditions allow, Sites Reservoir's capacity to deliver water during dry years is undermined. In turn, this affects not only agricultural and municipal users, but also the environmental benefits that depend on stored water being available when conditions are most stressed. Absent evaluation of whether the proposed permit terms allow Sites Reservoir to operate effectively as a storage project, the Draft Permit risks over-constraining diversions in a way that compromises Sites Reservoir's core water supply function, including the broader public benefits the reservoir provides.

The Draft Permit Should Be Revised to Be Consistent with the Bay Delta Plan

Term 30, Paragraph (a), should be modified to be consistent with the Draft Bay-Delta Plan Update. Term 30, paragraph (a), would prohibit diversions when Delta outflow is less than 55 percent of unimpaired Delta Outflow. This imposes a project-specific diversion prohibition based on Delta outflow conditions, but it does so independently of any proportional contribution or accounting of other water users' obligations tied to unimpaired flow. This effectively makes Sites Reservoir individually responsible for conditions with a system-wide cause, imposing a disproportionate share of compliance risk on Sites Reservoir. Further, there is no evidence in the record that imposing such a restriction on only one diverter will be protective of instream beneficial uses.

This should be changed to a Sacramento River inflow and Sacramento River inflow-based Delta outflow requirement, consistent with the pending Bay-Delta Plan Update. This would treat Sites Reservoir like a non-Voluntary Agreement (VA) regulatory pathway party under the Bay-Delta Plan, ensuring that its diversions do not contribute to the non-attainment of the portion of outflow which it affects. This approach is reasonable given that Sites Reservoir will not become operational until after updates to the Bay-Delta Plan are complete.

The Revised Draft Permit should make explicit that Sites Reservoir will have the option to become a Healthy Rivers and Landscapes Party in the future. Term 30, paragraph (c), states that if the Board updates the Bay-Delta Plan to include a VA Pathway, Sites Reservoir defaults to the non-VA regulatory pathway. It is clear from the Draft Decision that the Board intended the VA Pathway to remain open to the Sites Reservoir, but the Draft Permit does not address the issue directly. This creates uncertainty.

To address this, a new term should be added to include a clear statement that if Sites Reservoir is subsequently approved by the Board for inclusion in the VA pathway, the terms of Sites Reservoir's VA commitments will control instead. The Board should have the option to add Sites' water right to the VA pathway of the Bay Delta Plan without amending this water right.

We share the Board's goal to protect Healthy Rivers and Landscapes flows in the Bay Delta system, and we think this can be accomplished without stopping all diversions to Sites Reservoir when HRL flows are present in the system. Term 31, paragraph (a), would prohibit diversion on any day when flow commitments provided pursuant to the VA Pathway are present in the mainstem of the Sacramento River. Paragraph (b) would prohibit diversions when such flow commitments are contributing to Delta outflow and Delta outflow remains below the sum of 55 percent unimpaired Delta outflow and the amount of the contributing VA flow commitments. As the HRL program proceeds with

securing environmental flows in all year types, there is a potential for VA flows to be in the system at all times, causing unreasonable water supply impacts to Sites if all diversions are stopped.

Revising Term 31 to make it more precise will avoid unnecessarily limiting Sites Reservoir diversions while still protecting VA flows. We suggest protecting VA flows from diversion by basing allowable diversions on flow conditions absent Sacramento River HRL participant's flow commitments. This would mean diversion is only allowed if conditions for diversion are met with baseflow alone. This prevents Sites Reservoir from diverting HRL flows and does not allow it to benefit from them by removing them from consideration when determining compliance with diversion requirements.

### Conclusion

California has experienced remarkably intense weather whiplash this decade, from the driest period in our state's history to unprecedented atmospheric river storms. Science makes clear that this intensifying variability is our new hydrologic reality, and we must adjust accordingly. Simply put, we are on borrowed time to modernize our water infrastructure and management to better capture water supplies when they come for use by our communities, economy and the environment during worsening dry periods. Sites Reservoir has been planned and designed specifically to address this fundamental challenge. This project is well over a decade in the making and presents a singular opportunity to strengthen water reliability and sustainability that we will not have again in coming years.

We appreciate the Board's diligent work to evaluate this project and how it affects the full range of beneficial uses that the Board is charged to protect. Important refinements to the Board's draft permit are needed, which can build upon the Board's strong analysis and required operating conditions for Sites Reservoir while ensuring the project's viability and effectiveness. We recognize the weight of the Board's responsibility in meeting this mandate in our changing climate future and appreciate its leadership and partnership.

Sincerely,



Wade Crowfoot  
California Natural Resources Secretary