

HEARING ITEM

Hearing on the Appeals of the California Department of Water Resources' Certification of Consistency for the proposed Delta Conveyance Project (Certification Number C20257)

Summary

The Delta Stewardship Council (Council) will conduct a hearing regarding 10 appeals of the Department of Water Resources' (DWR) certification of consistency number C20257 (Certification) for the Delta Conveyance Project. Following the hearing, the Council may discuss the matter and direct staff to prepare a draft determination to bring to the Council for consideration within 60 days of the hearing.

Covered Actions and Appellate Authority

The Sacramento-San Joaquin Delta Reform Act of 2009 (Wat. Code, §§ 85000 et seq.) charges the Council with developing, adopting, and implementing the Delta Plan, the state's comprehensive long-term management plan for the Delta to further the Coequal Goals (Wat. Code, §§ 85059, 85300.) The Delta Reform Act further gives the Council appellate authority over covered actions in the Sacramento-San Joaquin River Delta and Suisun Marsh (Delta). (Wat. Code, §§ 85225.10 et seq.) A state or local agency proposing to undertake a covered action must submit to the Council a written certification of consistency with detailed findings as to whether the covered action is consistent with the Delta Plan. (Wat. Code, §§ 85057.5, 85225.) Any person may file an appeal to the Council claiming that a proposed covered action is inconsistent with the Delta Plan and, as a result of that inconsistency, the action will have a significant adverse impact on the achievement of one or both of the coequal goals¹ or implementation of government-sponsored flood control programs to

¹ Coequal goals is defined in Water Code section 85054 as the "two goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem." The coequal goals are required to "be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place." (Wat. Code § 85054.)

reduce risks to people and property in the Delta. (Wat. Code, § 85225.10.) An appeal must be filed no later than 30 days after the submission of a certification of consistency to the Council. (Wat. Code, § 85225.15.)

Certification of Consistency C20257 and Appeals

DWR submitted a Certification for the Delta Conveyance Project (DCP) to the Council on October 17, 2025. (A link to the Certification is provided below.)

- [Certification of Consistency C20257](https://rebrand.ly/p1z6065) (<https://rebrand.ly/p1z6065>)
- [Detailed Findings for C20257](https://rebrand.ly/pldu7yl) (<https://rebrand.ly/pldu7yl>)

The Council received 10 timely² appeals, listed below.

- [Appeal No. C20257-A1](https://rebrand.ly/2f2l6kc) (<https://rebrand.ly/2f2l6kc>) – Delta Protection Commission (DPC)– Delta Protection Commission (DPC)
- [Appeal No. C20257-A2](https://rebrand.ly/qq7rdhi) (<https://rebrand.ly/qq7rdhi>) – Courtland Pear Fair
- [Appeal No. C20257-A3](https://rebrand.ly/ii8zlma) (<https://rebrand.ly/ii8zlma>) – County of Sacramento and Sacramento County Water Agency (Sac County)
- [Appeal No. C20257-A4](https://rebrand.ly/ud8ral6) (<https://rebrand.ly/ud8ral6>) – Steamboat Resort
- [Appeal No. C20257-A5](https://rebrand.ly/1d2cd2) (<https://rebrand.ly/1d2cd2>)– San Francisco Baykeeper, Winnemem Wintu, Shingle Springs Band of Miwok Indians, Restore the Delta, California Sportfishing Protection Alliance, Center for Biological Diversity, Friends of the River, California Indian Environmental Alliance, and Little Manila Rising. (San Francisco Baykeeper et al.)
- [Appeal No. C20257-A6](https://rebrand.ly/lqyoxs4) (<https://rebrand.ly/lqyoxs4>) – Sacramento Area Sewer District (SacSewer)
- [Appeal No. C20257-A7](https://rebrand.ly/mvhpl58) (<https://rebrand.ly/mvhpl58>) – City of Stockton
- [Appeal No. C20257-A8](https://rebrand.ly/b87li8u) (<https://rebrand.ly/b87li8u>)– South Delta Water Agency (SDWA)
- [Appeal No. C20257-A9](https://rebrand.ly/okouk6k) (<https://rebrand.ly/okouk6k>) – San Joaquin County, Solano County, Yolo County, Central Delta Water Agency, and Local Agencies of the North Delta (DAC)

² The appeals were deemed filed on November 17, 2025, pursuant to California Code of Regulations, title 23, section 5022.

- [Appeal No. C20257-A10](https://rebrand.ly/u7pv1lo) (<https://rebrand.ly/u7pv1lo>)– DCC Engineering Co., Inc.

Delta Plan regulatory policies appealed by each appellant are identified in Attachment 1 to this staff report.

Appeal Process

DWR submitted a “full and complete” certified record for the Certification on November 24, 2025. (Cal. Code Regs., tit. 23, § 5022, subd. (e).) Each appellant was given the opportunity to submit an additional brief up to 20 pages concerning issues raised in its respective appeal.³ DWR was given an opportunity to submit a response brief up to 200 pages (combined total of appellant’s briefs). Any party may include in their brief a request to supplement the record pursuant to the Council’s regulations. (Cal. Code Regs., tit. 23, § 5026, subd. (b).) The Certification, appeals, briefs and other documents related to this appeal are available at:

<https://deltacouncil.ca.gov/covered-actions/delta-conveyance-project> and

https://coveredactions.deltacouncil.ca.gov/profile_summary.aspx?c=3952a97c-8d85-49d6-842a-8926ceec71a8.

The Council is required to hold a hearing on an appeal within 60 calendar days of the effective date of the filing of the appeal, unless the Council, or by delegation the executive officer, has determined that the issue raised on appeal is not within the Council’s jurisdiction or does not raise an appealable issue. (Wat. Code, § 85225.20; 23 Cal. Code Regs § 5030.)⁴ At the conclusion of the hearing, the presiding officer may direct staff to prepare a draft determination to bring to the Council for consideration within 60 days of this hearing. (Wat. Code, § 85225.20.)

³ Appellants A3, A6, and A7 submitted a combined brief of 60 pages.

⁴ In a letter dated November 20, 2025, Appellants proposed a stipulation to extend the hearing date and requested that the Council extend the hearing pursuant to its discretion (Cal. Code Regs., Tit. 23, § 5027, subd. (b).) In response, the Department requested that the Council establish a hearing schedule that resolves the pending appeals as expeditiously as possible consistent with the applicable statutory and regulatory deadlines. In a letter dated November 24, 2025, Presiding Officer Julie Lee continued the hearing to February 26, 2026.

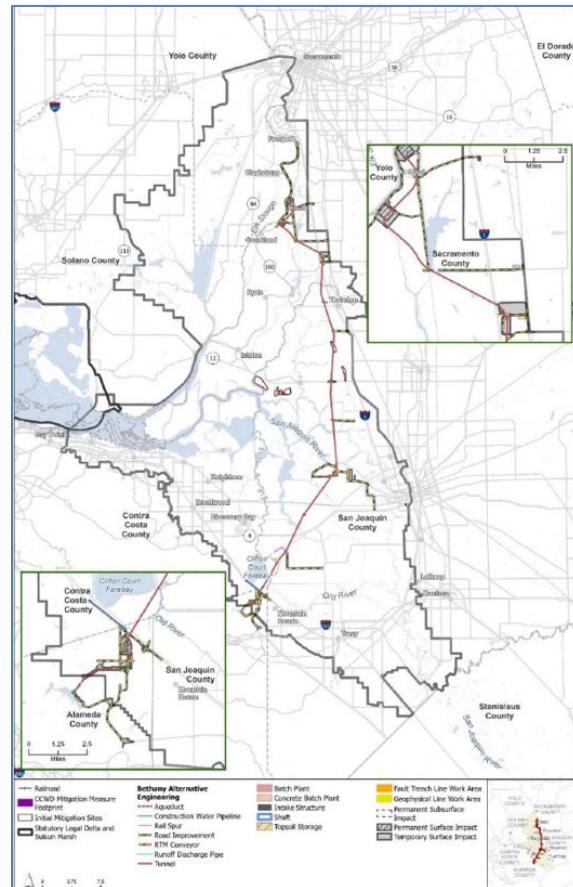
Proposed Delta Conveyance Project Description

The Certification states that the Proposed Delta Conveyance Project consists of the construction, operation and maintenance of new State Water Project (SWP) water diversion and conveyance facilities in the Delta that will be part of the SWP and will be operated in coordination with the existing SWP south Delta water diversion facilities.

The physical footprint of the DCP and the location of construction areas is depicted in Figure 4-1 of the Certification (illustrated herein).

The Certification states that the covered action includes the following:

- Two intake facilities along the Sacramento River in the north Delta near the community of Hood with on-bank intake structures that will include fish screens approved by state and federal fish and wildlife agencies.
- A concrete-lined tunnel, and associated vertical tunnel shafts, to convey flow from the intakes about 45 miles to the south to the Bethany Reservoir Pumping Plant and Surge Basin at a location south of the existing SWP Clifton Court Forebay.
- A Bethany Reservoir Pumping Plant to lift the water from inside the tunnel below ground into the Bethany Reservoir Aqueduct for conveyance to the Bethany Reservoir Discharge Structure and into the existing Bethany Reservoir.
- Other ancillary facilities to support construction and operation of the conveyance facilities, including access roads, concrete batch plants, fuel stations, and power transmission and distribution lines.



- Efforts to identify geotechnical, hydrogeologic, agronomic, and other field conditions that will guide appropriate construction methods and monitoring programs for final engineering design and construction (including the 2024-2026 Proposed Geotechnical Activities).
- Actions described in the DCP Final Environmental Impact Report and addendums, and commitments included in the adopted DCP Mitigation Monitoring and Reporting Program and the DCP Compensatory Mitigation Plan for Special-Status Species and Aquatic Resources.

Hearing

Chair Julie Lee is the Presiding Officer for the hearing. The Appellants will each have 20 minutes for their presentation, and Respondent will have 200 minutes (combined total provided to appellants) for its presentation. On the second day of the hearing, following the presentations and questions, the Council may discuss the matter and members of the public will have an opportunity to comment.

Fiscal Information

Not applicable.

Next Steps

The Council will make a determination on the appeals within 60 days of the conclusion of this hearing.

List of Attachments

Attachment 1: Table of Appeals by Policy

Contact

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