

Delta Stewardship Council

PROPOSED DELTA CONVEYANCE PROJECT

Appeal No. C20257-A7

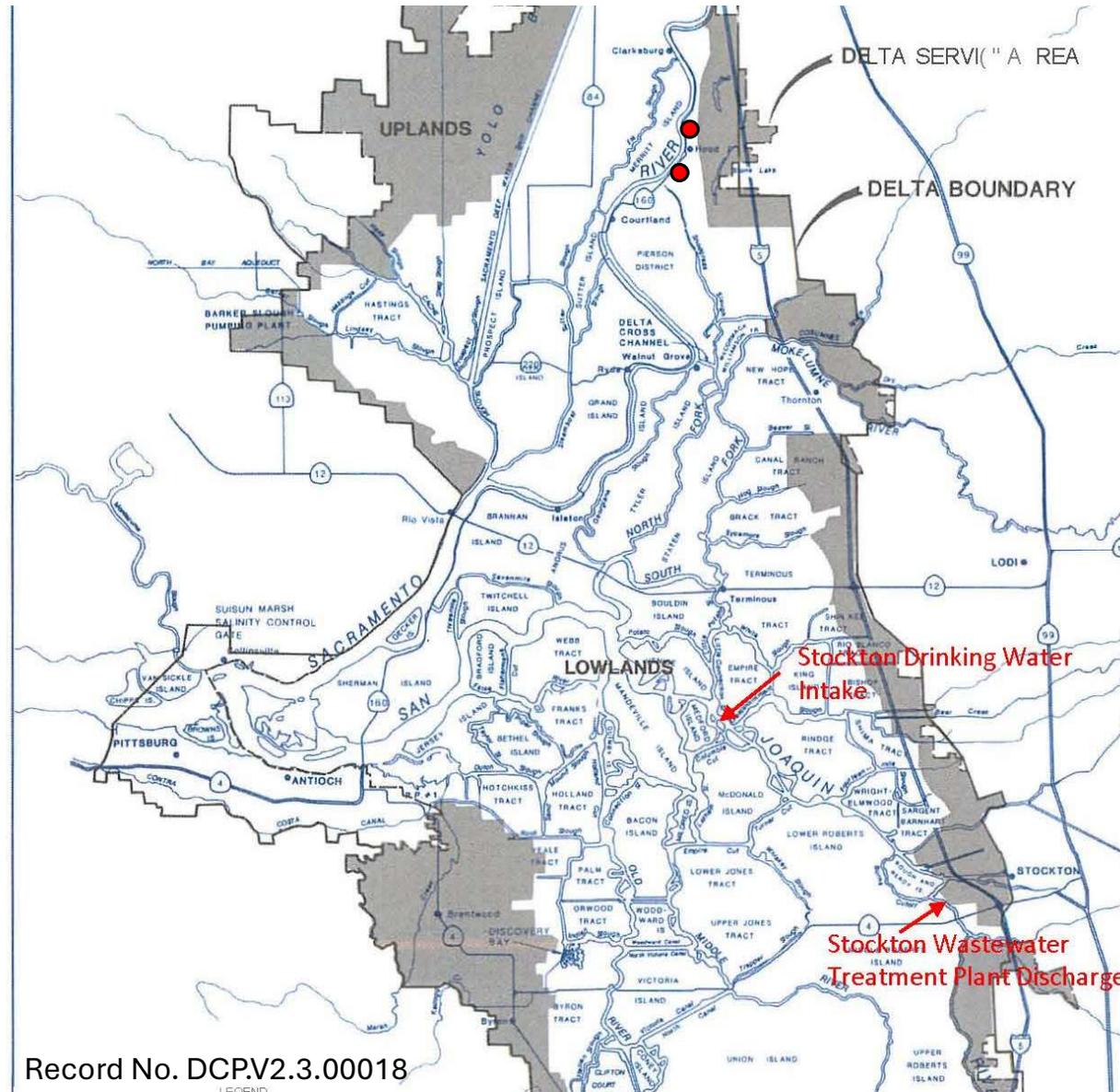
City of Stockton

February 26, 2026



Stockton's Water Supply

- **Delta Water Supply Project (DWSP)**
 - Diverts water from San Joaquin River at Empire Tract
 - Stockton's Primary Water Source
 - 30 mgd Water Treatment Plant
- **Regional Wastewater Control Facility (RWCF)**
 - Provides sewage treatment for Stockton, Port of Stockton, and unincorporated areas of San Joaquin County
 - Discharges to San Joaquin River



The DCP is Inconsistent with Co-Equal Goals

Co-Equal Goal	Inconsistency
Provide a More Reliable Water Supply	X The DCP Makes Stockton's Water Supply Less Reliable
Protect, Restore, and Enhance the Delta Ecosystem	X The DCP Does Not Protect Delta Ecosystem or Natural Resource Values
“The Co-Equal Goals shall 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, § 85084.)	X The DCP Worsens Natural Resources in the Delta

The DCP Is Inconsistent with Delta Plan Policies

G P1	Best Available Science (BAS) Include All Applicable Mitigation Measures
DP P2	Respect Local Land Use When Siting Water or Flood Facilities or Restoring Habitats
WR P1	Reduce Reliance on the Delta through Improved Regional Water Self-Reliance
ER P1	Delta Flow Objectives

G P1(b)(2)

Include All Applicable Mitigation Measures

G P1(b)(2) requires the DCP to include “all applicable feasible mitigation measures adopted and incorporated into the Delta Plan . . . or “equally or more effective” substitute mitigation measures.

Inconsistent with G P1(b)(2):

- X** DWR failed to include **MM 20-1** or any substitute measure to avoid:
 - Exceeding local landfill capacity
 - Causing conflict with federal, state, and local waste laws and regulations

- X** Unclear Amount of 9.3 million cubic yards of Reusable Tunnel Material (RTM) is hazardous

G P1(b)(3)

Best Available Science (BAS)

G P1 (b)(3) requires all covered actions to “document the use of **best available science**...”

Legislative mandate for use of “**best available science to further two coequal goals**.” *Delta Stewardship Council Cases* (2020) 48 Cal.App.5th 1014, 1028

DWR did not use BAS:

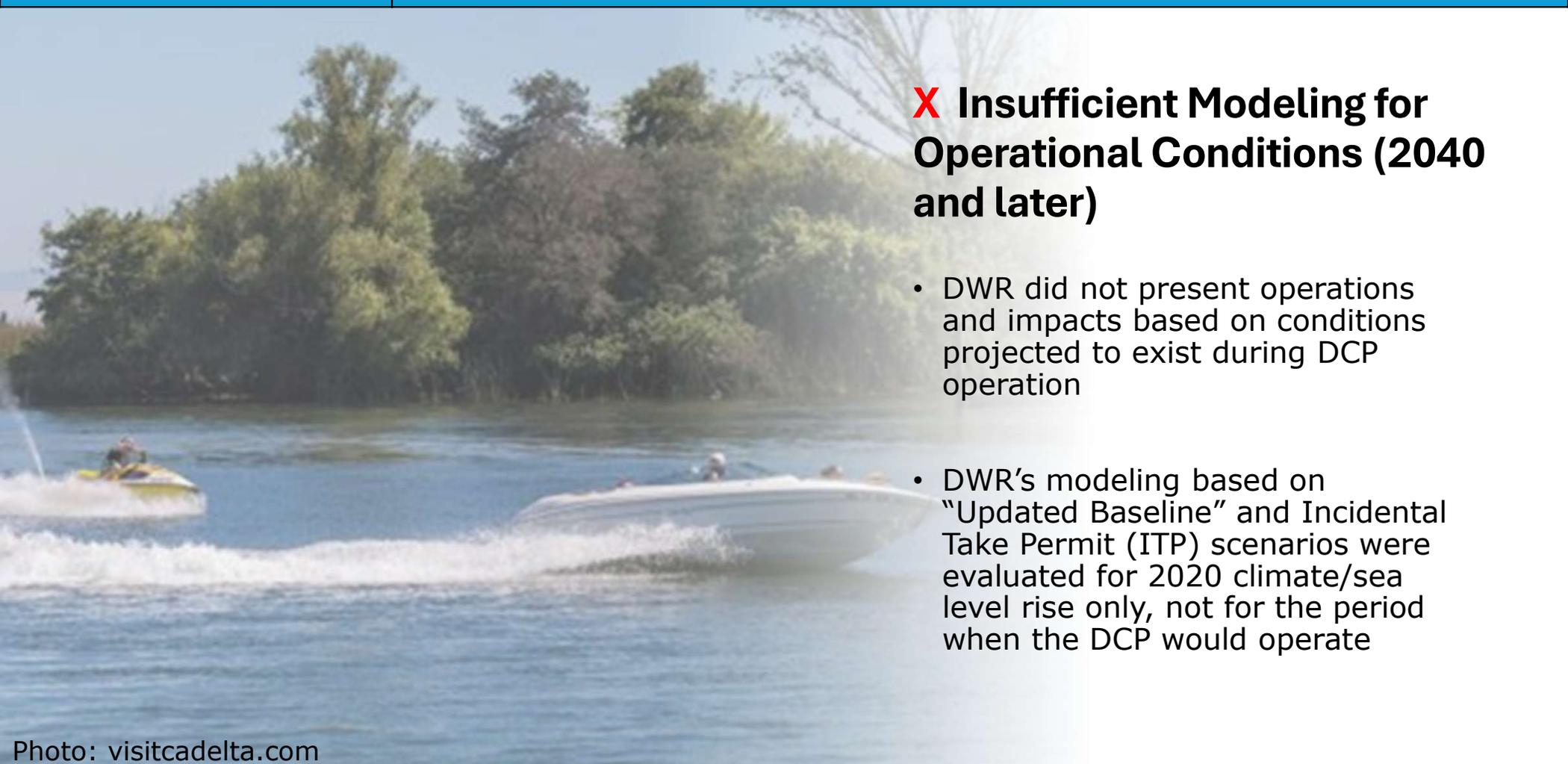
- X** Insufficient Modeling for Operational Conditions (2040 and later)
- X** Inadequate Consideration for Climate Change Impacts
- X** Failure to Use BAS to Evaluate Water Quality at DWSP and RWCF

G P1(b)(3)

Best Available Science (BAS)

X Insufficient Modeling for Operational Conditions (2040 and later)

- DWR did not present operations and impacts based on conditions projected to exist during DCP operation
- DWR's modeling based on "Updated Baseline" and Incidental Take Permit (ITP) scenarios were evaluated for 2020 climate/sea level rise only, not for the period when the DCP would operate



G P1(b)(3)

Best Available Science (BAS)

X Inadequate Consideration for Climate Change Impacts

- CalSim3 modeling conducted for sea level rise scenarios did not include Delta model conditions
- Methodology is unclear, leading to uncertainty that modeling system can reliably simulate Delta hydrodynamics, salinity, or proposed project operations under climate change conditions
- Year 2100 analysis did not consider realistic water quality impacts of sea level rise
- Updated Baseline scenario does not account for changes in evapotranspiration or the frequency of extreme events



Photo: Delta Conservancy

G P1(b)(3)

Best Available Science (BAS)

X Flawed Evaluation of HABs

DWR's Harmful Algal Blooms (HABs)

Analysis is Flawed:

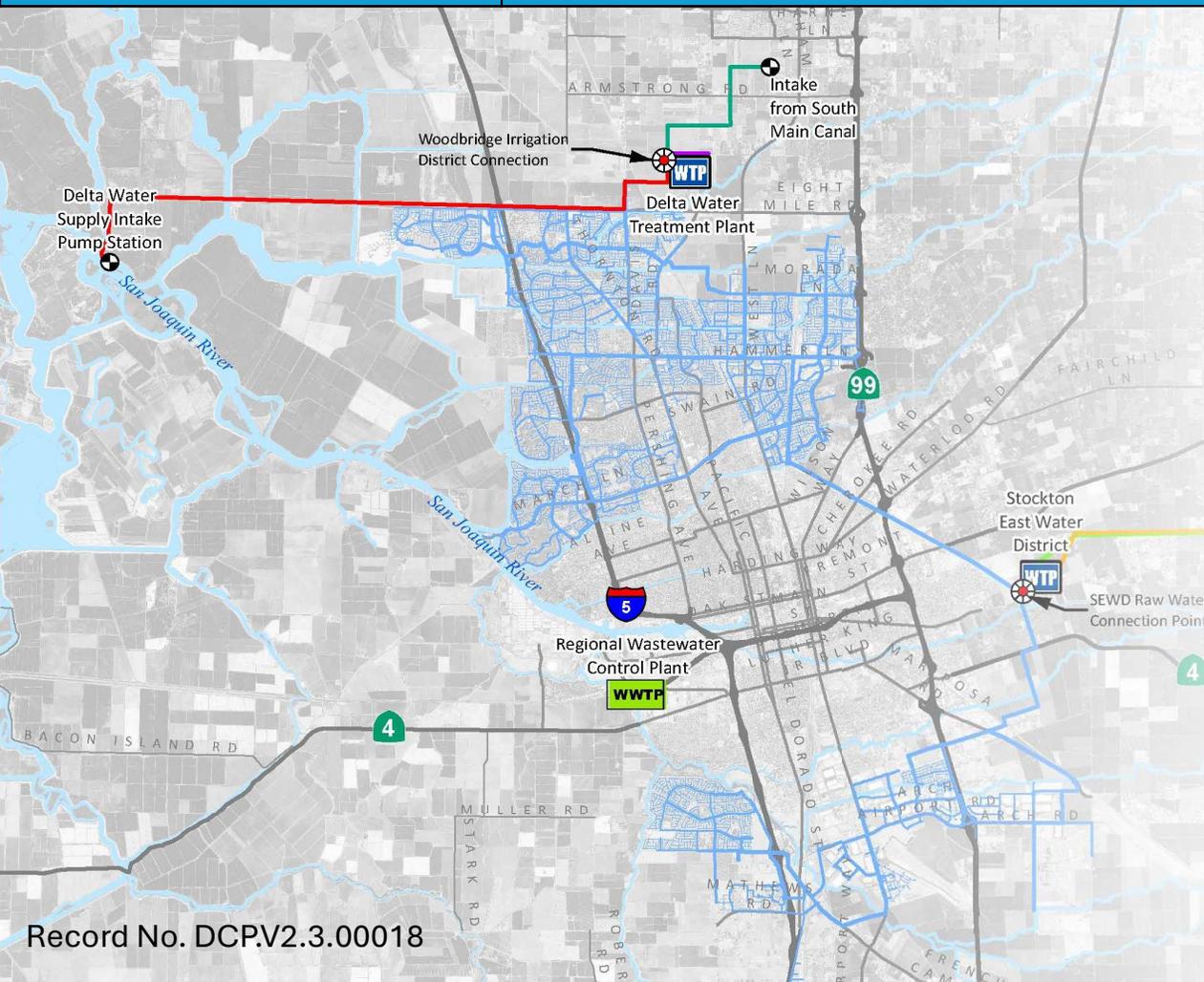
- Fails to account for tidal sloshing
- Arbitrary choice of sub-regions
- Ignores water movement between sub-regions
- Inconsistent with DWR's prior evaluations of residence time

To use BAS, DWR must compute residence time in the Delta as a whole, which would illustrate an **increase** in Delta residence time.



G P1(b)(3)

Best Available Science (BAS)



X Failure to Use BAS to Evaluate Bromide & Salinity Impacts at DWSP and RWCF

- DSM2 modeling for chloride used irrelevant thresholds
 - DSM2: 250 mg/L
 - Stockton's Operational Threshold: 110 mg/L
- FEIR utilized long-term averages and summary statistics; Stockton measures salinity in real time
- Unclear if DWR's bromide calculation methodology accurately represents the concentration measured at Stockton's intakes

DP P2

Respect Local Land Use When Siting Water
or Flood Facilities or Restoring Habitats

DP P2 requires water management facilities to “be sited to **avoid or reduce conflicts with existing uses or those uses described or depicted in city and county general plans**...when feasible, **considering comments** from local agencies and the Delta Protection Commission.”

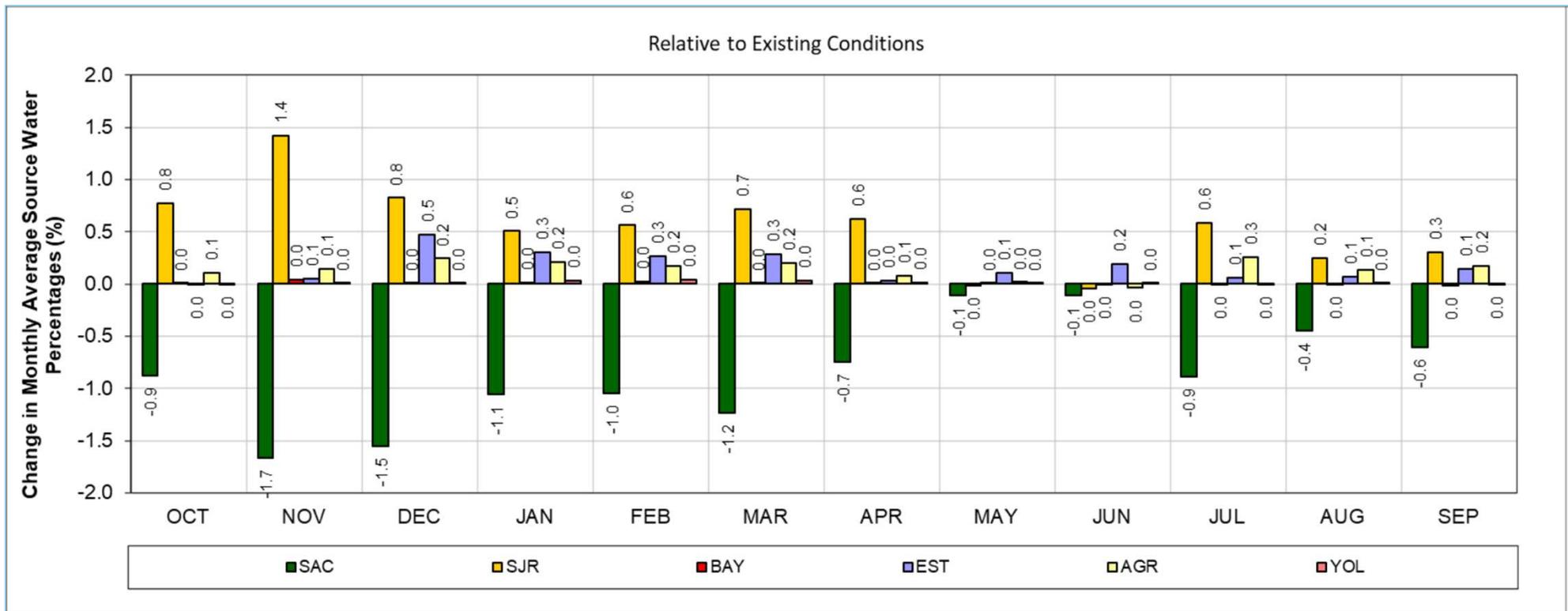
DCP is Inconsistent with DP P2:

- X** No Consideration of Stockton’s General Plan
- X** Inconsistent with Stockton’s Existing Uses
- X** Inadequate Consideration of Comments and Operational Impacts

DP P2

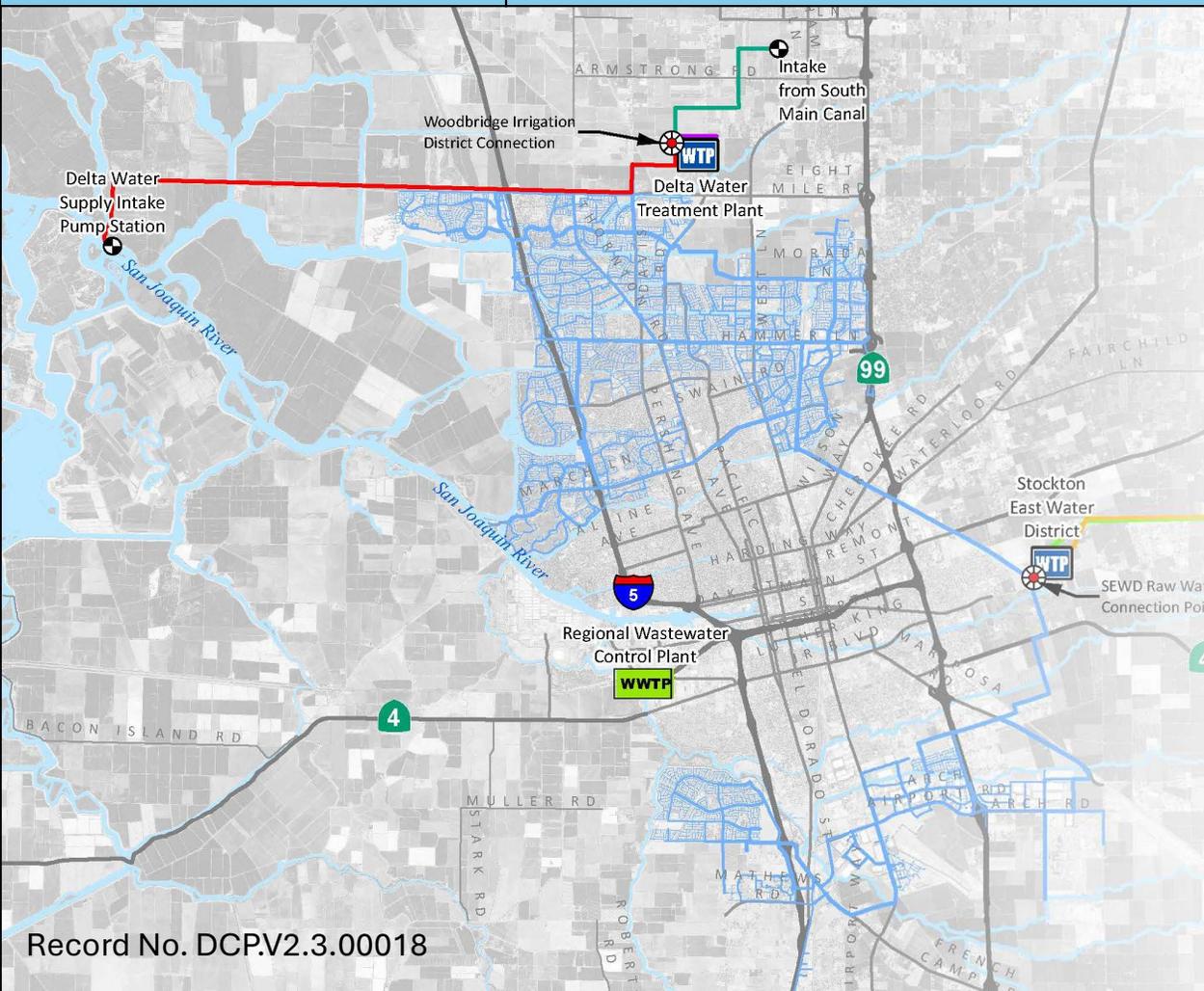
**Respect Local Land Use When Siting Water
 or Flood Facilities or Restoring Habitats**

**San Joaquin River at Empire Tract
 Change in Source Water Percentages Relative to Existing Conditions**



DP P2

Respect Local Land Use When Siting Water
or Flood Facilities or Restoring Habitats



X Inconsistent with Stockton's Existing Uses at DWSP and RWCF

- DWSP and RWCF are existing land uses which support all land uses in Stockton's service area
- 26 DWR's insufficient and/or flawed science eliminates certainty for Stockton's water quality
 - DWSF and RWCF cannot address decreases in water quality, despite a recent \$220 million modification
- Increased frequency and severity of HABs impacts recreational activities
- Impacts on Air Quality Conflict with Existing Uses

DP P2

**Respect Local Land Use When Siting Water
 or Flood Facilities or Restoring Habitats**

Stockton’s Comment	“Delta Plan DP P2 Considerations”	Generalized Table with “Analysis”
<p>“The location and operation of the Project intakes presents the potential for significant adverse impacts to Stockton’s water supply and operation of its RWCF treated wastewater discharge, through impacts to water quality, to the City’s [Stockton] ability to divert water at its intake, as well as public health impacts ...”</p>	<p>“This comment from the City of Stockton asserts that the Project could affect local water supplies and impact its ability to operate its wastewater utility infrastructure.”</p>	<p>X Finds consistency despite no analysis of Stockton’s water supply and quality concerns</p> <ul style="list-style-type: none"> • Water supply analysis for intakes makes no mention of Stockton, its facilities, or its concerns <p>X Relies on a Mitigation Measure to “Reduce Conflicts” that is Inapplicable to Stockton’s water supply and quality concerns</p> <ul style="list-style-type: none"> • AG -3 <i>Replacement or Relocation of Affected Infrastructure Supporting Agricultural Properties</i> to “Reduce” Conflicts

WR P1

Reduce Reliance on the Delta through Improved Regional Water Self-Reliance

WR P1: Water may not be exported from, moved through, or used in the Delta if:

- Any receiving water supplier has failed to adequately **reduce reliance** in the Delta and improve regional self-reliance;
- That failure significantly causes need to export, transfer, or use; and
- The export, transfer, or use would significantly impact the Delta's environment.

DCP is Inconsistent with WR P1:

X DWR relies on clear legal error to determine policy is not implicated

- DWR's Certification shows only 24.5% of suppliers have demonstrated reduced reliance
- **Failure of over 75%** of SWP exporters to reduce reliance resulted in "need" for the DCP

X DCP will have, at minimum, **16** significant and unavoidable environmental impacts

ER P1

Delta Flow Objectives

ER P1: “The [SWRCB’s] Bay Delta Water Quality Control Plan **flow objectives** shall be used to determine consistency with the Delta Plan.

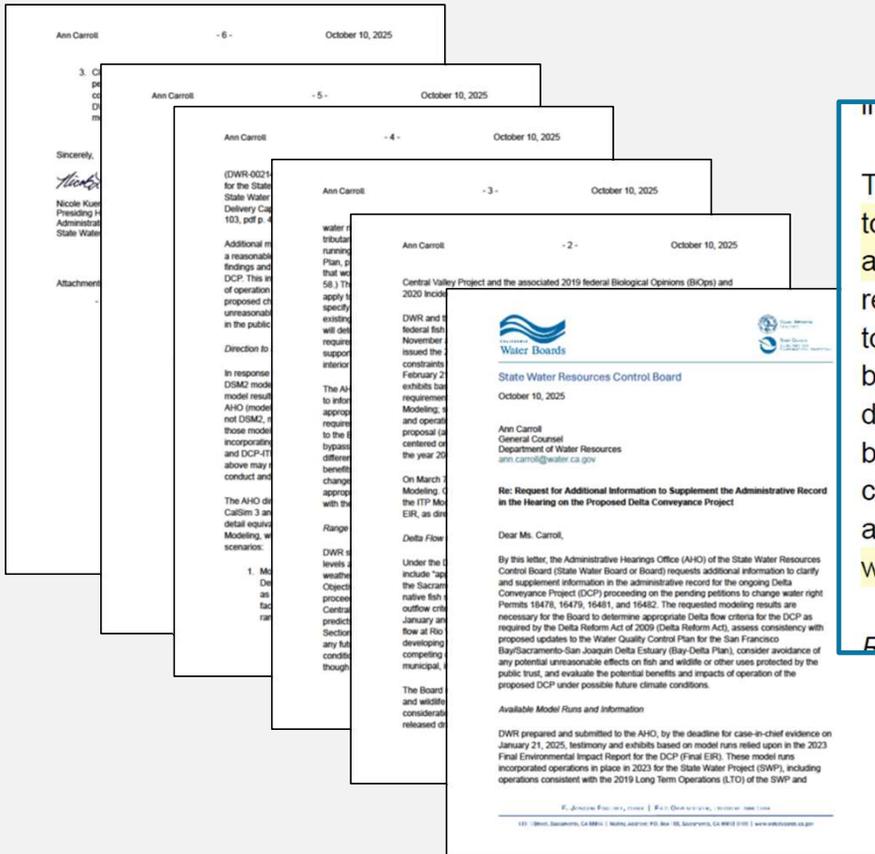
DCP is Inconsistent with ER P1:

X Modeling deficiencies prevent DWR from determining consistency with flow objectives, as identified by the SWRCB’s Office of Administrative Hearings (AHO)

ER P1

Delta Flow Objectives

X Excerpt from Letter from SWRCB's AHO to DWR (Oct. 10, 2025)



interior Delta flow objectives. (Id. at pp. 40, 64.)

The AHO has determined that the administrative record developed to date is inadequate to inform the State Water Board's decision concerning what Delta flow criteria would be appropriate for the DCP, as required by the Delta Reform Act, and to evaluate requirements that may be necessary to ensure consistency with the proposed updates to the Bay-Delta Plan. Modeling of DCP operational scenarios with a range of possible bypass flow requirements will inform the Board's consideration of the trade-offs between different levels of protection for fish and wildlife in the Delta and the water supply benefits of the DCP, and is relevant to the Board's findings whether the proposed changes to DWR's water right permits would unreasonably affect fish and wildlife, appropriately protect public trust resources, be in the public interest, and be consistent with the Bay-Delta Plan applicable at the time the Board acts on the petitions.

Range of Climate Scenarios

Record No. DCP.V3.1.00042

The DCP Is Wholly Inconsistent with Delta Plan Policies

G P1	<ul style="list-style-type: none">X Fails to Include All Applicable Mitigation MeasuresX Fails to Use BAS
DP P2	<ul style="list-style-type: none">X Fails to Consider Stockton's General PlanX Fails to Site the DCP to Avoid or Reduce Conflicts with DWSP and RWCF
WR P1	<ul style="list-style-type: none">X Fails to Reduce Reliance
ER P1	<ul style="list-style-type: none">X Fails to Provide Adequate Modeling to Show Consistency with Flow Objectives

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