



# Delta Conveyance Project Certification of Consistency with the Delta Plan

## C20257

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### February 26, 2026

[DELTA CONVEYANCE PROJECT.COM](http://DELTA CONVEYANCE PROJECT.COM)



## DWR Presenters

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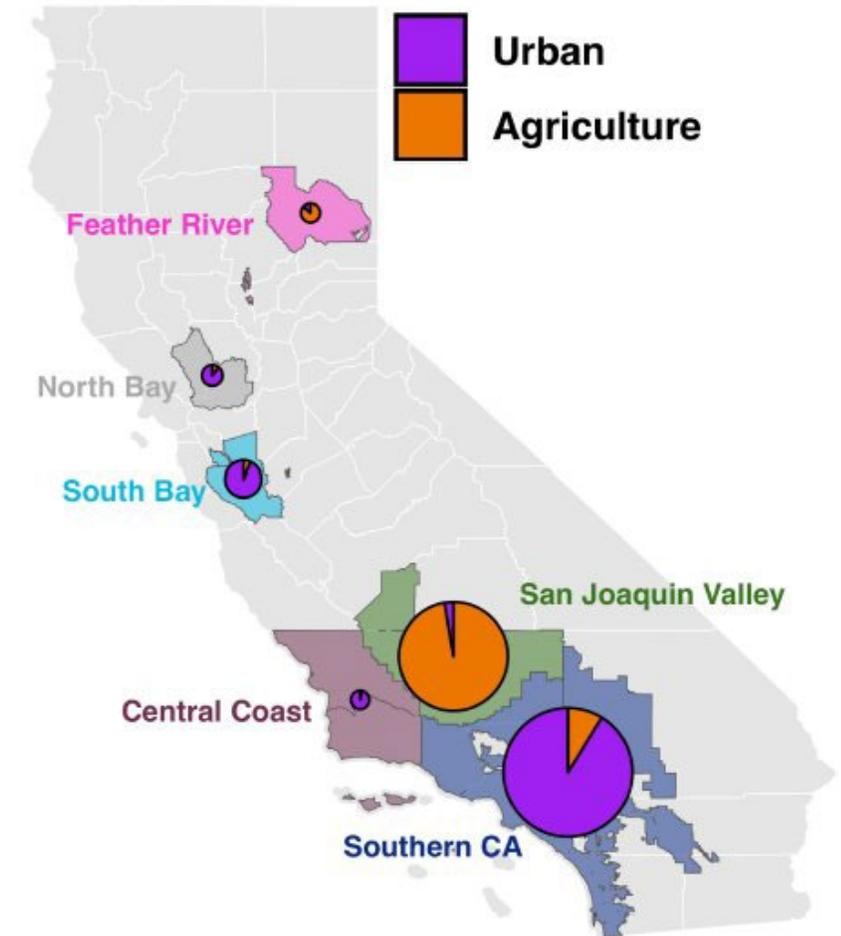
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# The State Water Project

- **Service Area:**
  - 27 million people
  - GDP \$2.3 trillion, equivalent to the world's 8th largest economy
- **Current Water Supply:**
  - ~2.56 million acre-feet per year (MAF/yr) of deliveries to urban and agricultural customers
- **Future Challenges:**
  - Climate change and sea level rise expected to reduce deliveries by ~22% by 2070
  - Risk of extended disruption due to seismic event



DCP.F.1.00047, p. 13



# Extreme precipitation events with high water flows cannot be fully captured and moved by the current system

DCP.F.1.00042, p. 3

**-32% to +47%**  
changes in  
projected annual runoff

**Increased**  
precipitation falling as  
rain instead of snow

**More extreme**  
drought and flood  
cycles

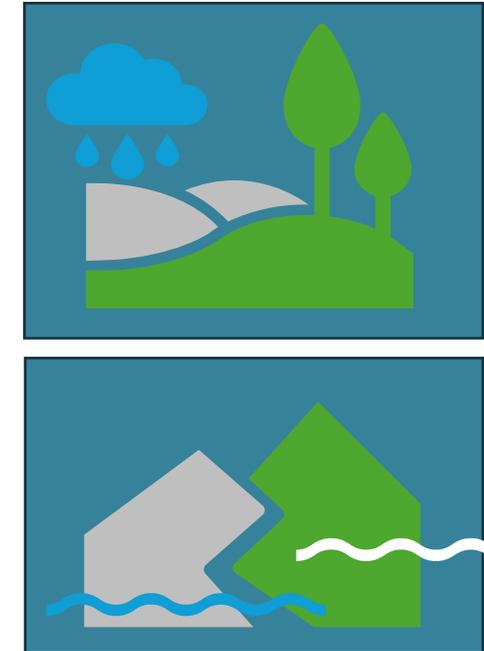
**Intense**  
precipitation events  
scattered within dry  
stretches



# How Would the Delta Conveyance Project Help?

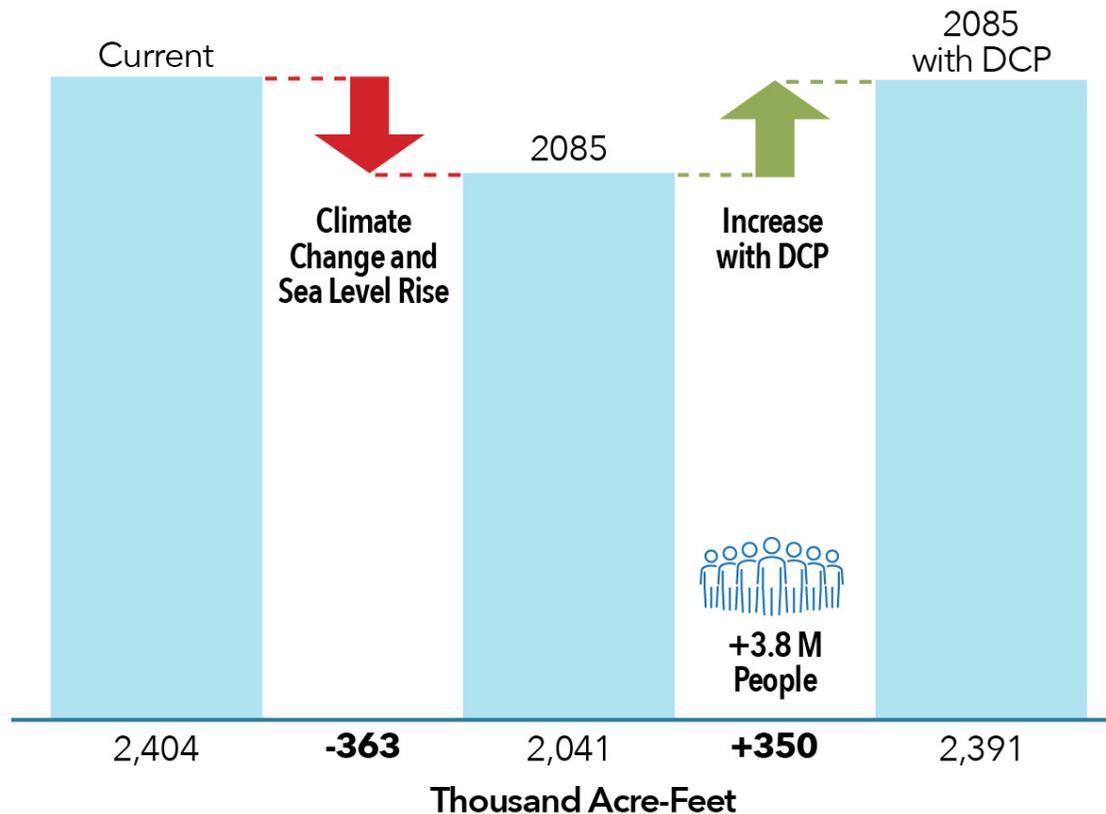
## Adding north Delta intakes will

- Allow the capture and movement of excess water in winter high flow conditions while meeting water quality and species protections
- Guard against declining baseline water deliveries, protect water agencies' baseline supplies, and minimize future losses
- Protect against seismic risk and sea level rise



# Water Supply Benefits

## State Water Project Deliveries:



## Delta Conveyance Project Benefits:

- Water Supply Reliability and Quality: Offset future losses caused by climate change
- Seismic Reliability: Maintain deliveries even after major seismic events

## Stable SWP Deliveries Allow Agencies to:

- Fill storage more frequently
- Enter drought periods with higher reserves
- Impose fewer periods of mandatory rationing
- Reduce severity and frequency of shortages



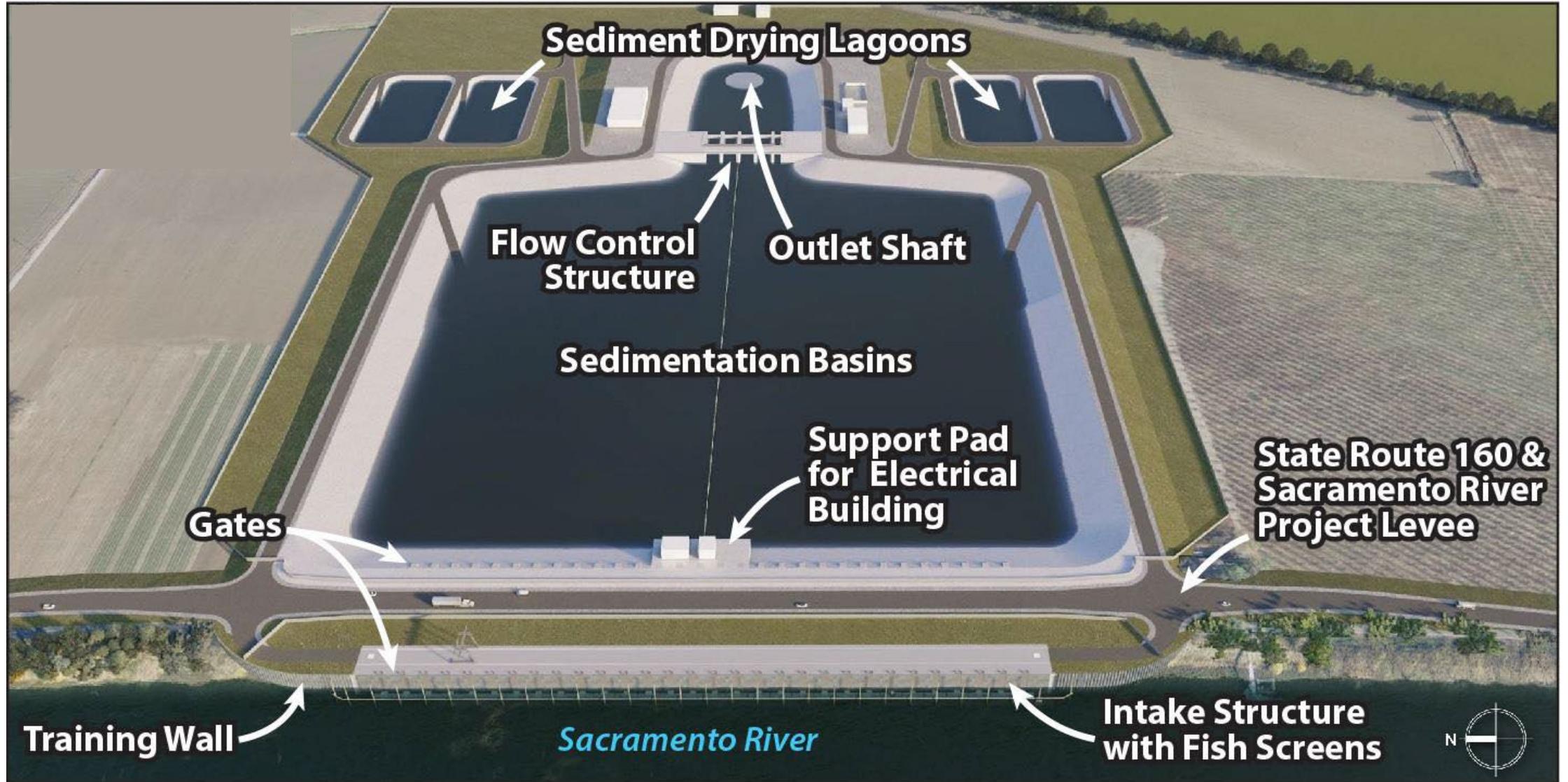
# Conveyance and the Delta Plan

- Delta Reform Act recognizes that providing a more reliable water supply involves “new ... Delta conveyance facilities,” and includes improving the water conveyance system among the objectives inherent in the coequal goals
- Delta Plan WR R12(a) recommends DWR pursue a dual-conveyance option for the Delta  
“new conveyance in the Delta should ... be a combination of new isolated conveyance and improved through-Delta conveyance facilities (dual conveyance) with access to multiple points of diversion, including one or more screened diversions.”
- As amended, the Delta Plan concludes that a dual-conveyance system with new screened intakes in the north Delta is the promoted approach to reducing environmental conflicts while addressing risks to the amount and quality of Delta exports from levee failure and climate change





# Intake



# Intake Looking NE from SR 160

Existing View



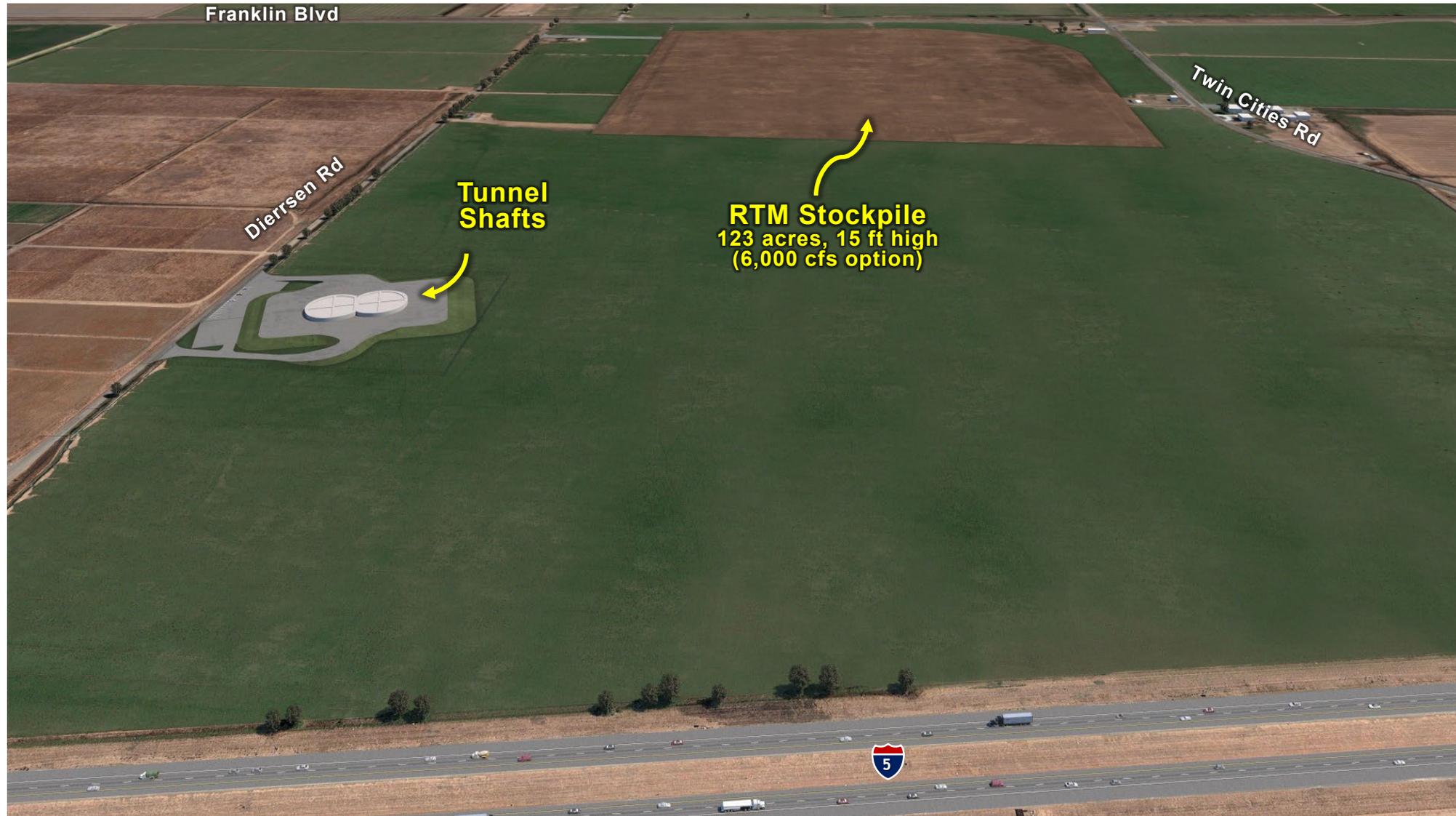
Rendered View



DCP.D1.1.00156, p. 18-54



# Twin Cities Launch Shaft Site Rendering



# Twin Cities

## Looking NNW from Twin Cities Road



Existing View



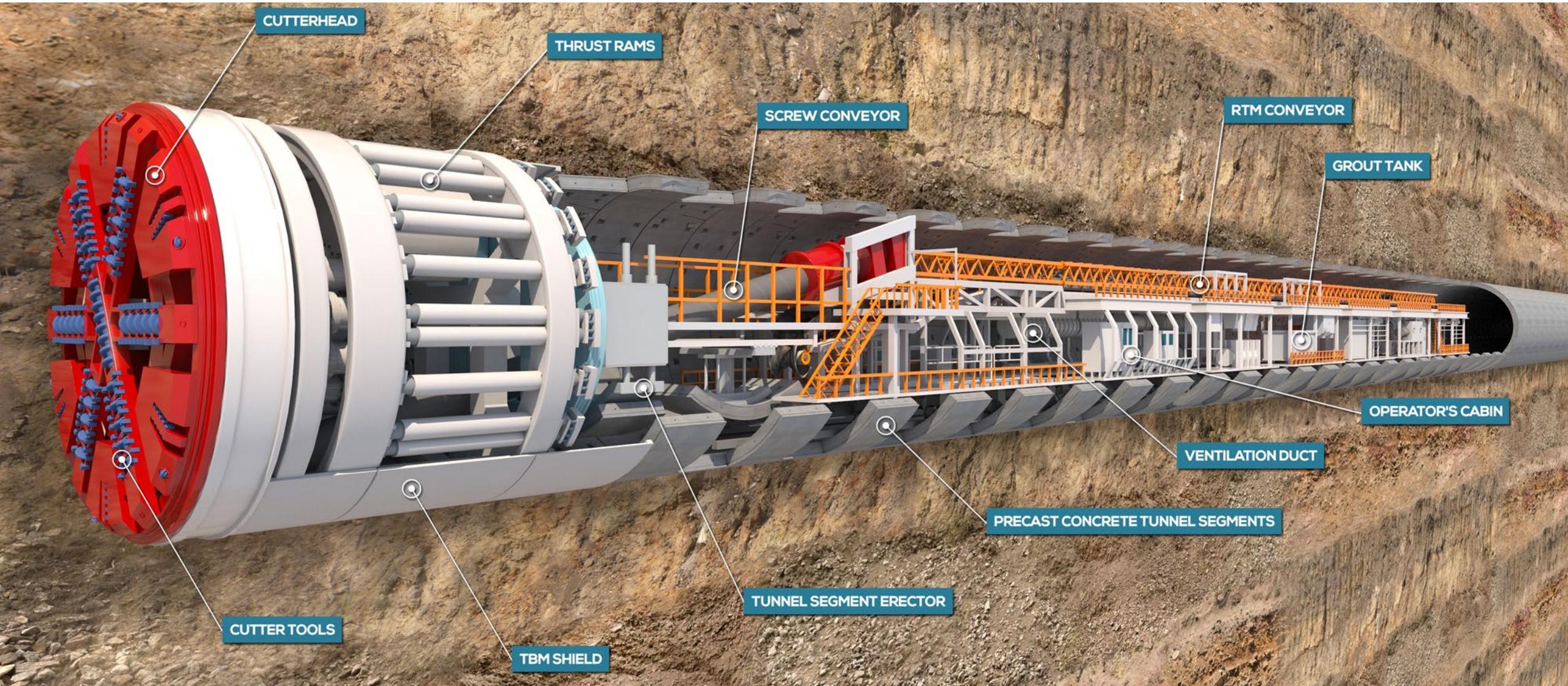
Rendered View During Construction



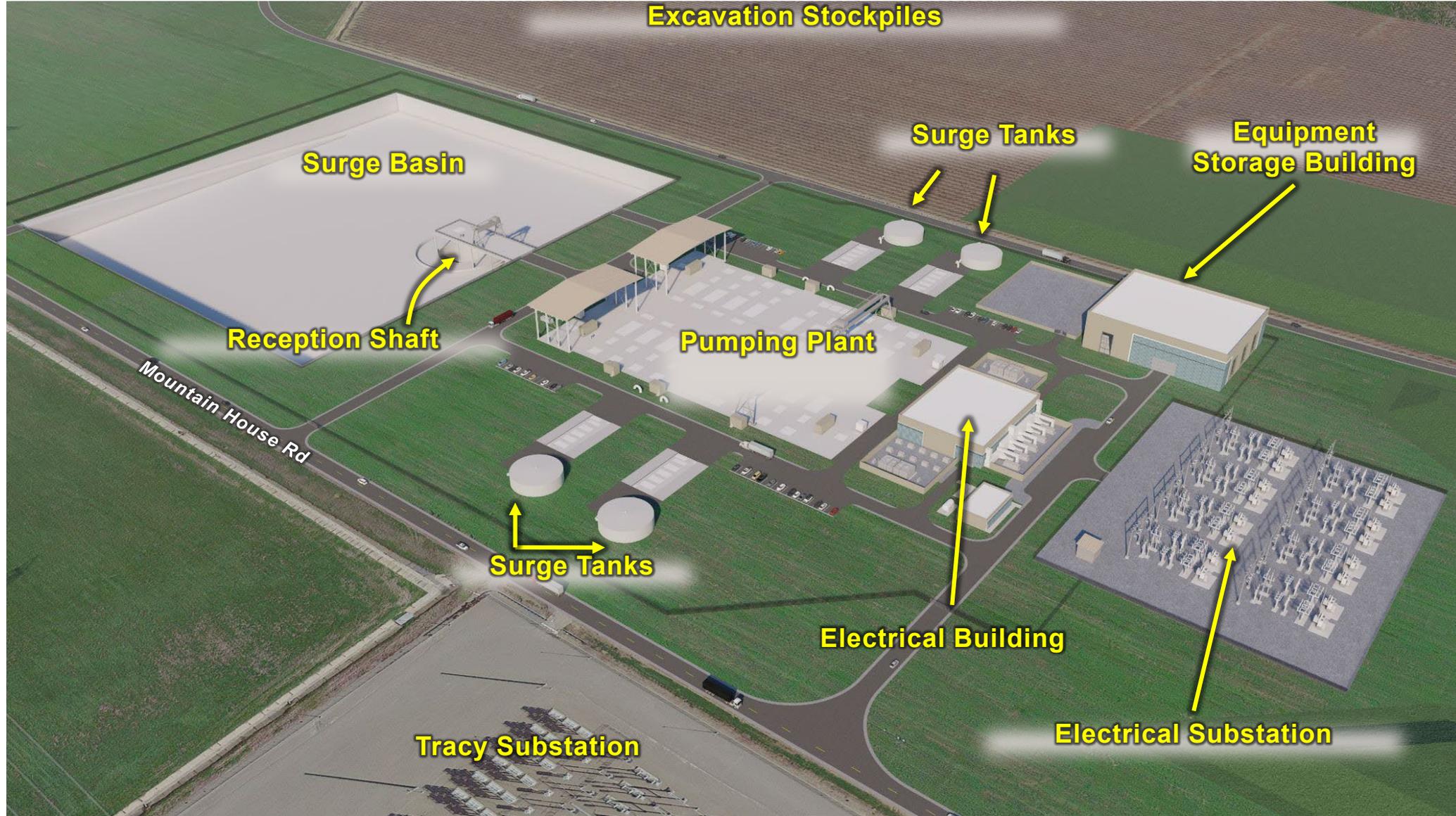
Rendered View After Construction



# Tunnel Boring Machines



# Bethany Complex



# Bethany Complex – looking SW from Byron Highway

Agenda Item: 3, Presentation  
Meeting Date: February 26, 27, 2026  
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Existing View



Rendered View



# Operational Criteria

Dec	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov
 <b>Winter</b> Bypass flow restrictions focused on listed fish protection			 <b>Spring</b> Enhanced bypass flow restrictions with continued focus on listed fish protection			 <b>Summer and Fall</b> Transitional fishery restrictions as listed fish become less present in the Delta + restrictions focused on water quality protection					

DCP.AA2.1.00006



# Missed Opportunity

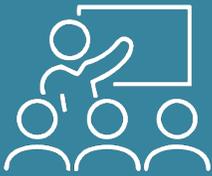
If the Delta Conveyance Project had been operational over the past four winters, a significant amount of water could have been captured and moved while meeting water quality and sensitive species protections

	Amount of water that could have been captured:*	That's enough water to supply:	
			
Water Year <b>2022</b>	<b>110,000</b> acre-feet	Over <b>1.1 MILLION</b> people for one year	OR Over <b>385,000</b> households for one year
Water Year <b>2023</b>	<b>186,000</b> acre-feet	Nearly <b>2 MILLION</b> people for one year	OR Over <b>650,000</b> households for one year
Water Year <b>2024</b>	<b>815,000</b> acre-feet	Over <b>8.5 MILLION</b> people for one year	OR Over <b>2.8 MILLION</b> households for one year
Water Year <b>2025</b>	<b>956,000</b> acre-feet	Over <b>10 MILLION</b> people for one year	OR Over <b>3.3 MILLION</b> households for one year

# Outreach and Engagement



**Design and Engineering**



**Delta Focus**



**Tribal Engagement**



**Environmental Justice**



**SWP Service Area Focus**



**Public Participation**

## Public Outreach and Engagement Tools



DCP.D6.3.00019, pp. 1-2



# Engineering and design to reduce impacts

<b>Minimize footprint, assisted by state-of-the-art fish screens at intakes</b>	<b>Avoid tunnel launch at intakes and fewer tunnel launch shafts</b>	<b>Focus traffic on highways, interstates, exclusive haul roads; no traffic on SR 160</b>	<b>Substantially reduce potential land use conflicts in the Delta with use of a tunnel</b>
<b>Rely on burying conduit for new power lines or co-locating with existing lines</b>	<b>Minimize use of impact pile driving</b>	<b>Avoids both new forebays and new barge landings</b>	<b>Dramatically reduce impacts on waters and wetlands</b>



# Extensive Coordination with DSC

## Council Updates

Providing quarterly updates during Council meetings

## WR P1 Collaboration

Working in collaboration with DSC staff to develop the technical approach and guidance, which did not previously exist, to get quantifications in the format stated by the policy

## Early Consultation

Conducting early consultation from the onset of DCP planning in 2019  
Early consultation concluded September 22, 2025



# Substantial Evidence Standard

- Appellant's burden is to show that a Certification is not supported by substantial evidence in the record<sup>1</sup>
- DSC must deny appeals if substantial evidence, which includes facts as well as reasonable assumptions and expert opinions based on facts, supports DWR's conclusions, even though other conclusions could be reached<sup>2</sup>
- Under the substantial evidence standard, the DSC does not weigh conflicting evidence and determine who has the better argument<sup>3</sup>
  - All conflicts in the evidence and any reasonable doubts must be resolved in favor of DWR's findings and decision<sup>4</sup>

## Under the substantial evidence standard, DSC should

- Consider all relevant evidence in the record and view that evidence in the light most favorable to DWR's findings, drawing all inferences in support of those findings; and
- Uphold DWR's findings unless no reasonable person could reach the conclusion reached by DWR based on the entire record<sup>5</sup>

<sup>1</sup> Cal. Code Regs, tit. 23, §§ 5029(d), 5034(a)

<sup>2</sup> DSC's Determination Regarding Appeal of the Certification of Consistency by San Joaquin Area Flood Control Agency for Smith Canal Gate Project (March 21, 2019), p. 6

<sup>3</sup> *Cnty. of Butte v. Dep't of Water Res.* (2023) 90 Cal.App.5th 147, 171

<sup>4</sup> *Citizens for Responsible Equitable Env't Dev. v. City of San Diego* (2011) 196 Cal.App.4th 515, 522-523

<sup>5</sup> *Akella v. Regents of University of California* (2021) 61 Cal.App.5th 801, 814



# Timing of Submission

## Geotechnical activities

- While the ability to conduct additional geotechnical activities and advance design would have been beneficial, the evidence supporting the Certification is already substantial

## Change in point of diversion

- There is no requirement in any Delta Plan policy that a decision by the State Water Board regarding the DWR water rights be made prior to submitting the Certification or the DSC adjudicating appeals

## Time Extension

- DCP FEIR assesses potential effects of full operations of DCP if a Time Extension is granted; DCP will continue to be subject to operational criteria to avoid or reduce potential impacts
- If the State Water Board does not grant a time extension, DCP diversions may be less in some wet conditions but there is not a potential for impacts to increase



# Delta Plan Policies

- Applicable appealed policies
- WS includes point by point responses for each appeal

<b>G P1 (b)(3)</b>	Detailed Findings (Best Available Science)
<b>G P1 (b)(2)</b>	Detailed Findings (Mitigation Measures)
<b>DP P2</b>	Respect Local Land Use When Siting Water or Flood Facilities or Restoring Habitats
<b>ER P1</b>	Delta Flow Objectives
<b>WR P1</b>	Reduce Reliance on the Delta Through Improved Regional Water Self-Reliance
<b>G P1 (b)(4)</b>	Detailed Findings (Adaptive Management)
<b>ER P2</b>	Restore Habitats at Appropriate Elevations
<b>ER P3</b>	Protect Opportunities to Restore Habitat
<b>ER P4</b>	Expand Floodplains and Riparian Habitats in Levee Projects
<b>ER P5</b>	Avoid Introductions of and Habitat Improvements for Invasive Nonnative Species
<b>*****</b>	Consistency with the Coequal Goals

## **G P1(b)(3) Use of Best Available Science (BAS)**

### **Certification documented substantial evidence for use of BAS**

- Evaluated each BAS criterion — relevance, inclusiveness, objectivity, transparency and openness, timeliness, and peer review
- Evaluated specific resources/issues by each criterion
- Identified new information from processes that happened after scientific analysis in the CEQA analysis was completed

### **Highlighted appeal responses**

- Delta ISB comment letters were not specific to the consistency process but were considered in the planning process and the Certification
- Model tools and approach to analysis are supported by substantial evidence and consistent with the BAS policy



## **G P1(b)(2) Mitigation Measures (MMs)**

**Certification documented substantial evidence that applicable DCP MMs are equal to or better than those of the Delta Plan PEIR in a measure-by-measure crosswalk table**

- Delta Plan PEIR considered measures for a variety of potential types and locations of reasonably foreseeable actions (e.g., covered actions) that may be proposed in the Delta
  - Some Delta Plan MMs are not applicable to DCP
- Evaluation requires comparison to applicable Delta Plan MMs
  - Allegations regarding adequacy of MMs under CEQA legal standards are irrelevant to consistency

### **Highlighted appeal responses**

- Agricultural, terrestrial, recreation, cultural, and solid waste MMs



## DP P2 Respect Local Land Use

### Certification documented substantial evidence of consistency with DP P2

- Evaluating siting constraints and planning considerations
- Identifying local land uses
  - Consideration of General Plans, which represent how areas are intended to be used in the future
  - Consideration of existing uses
  - Review of extensive public outreach with consideration of comments from the DPC and local agencies, and CPOD testimony

**All identified conflicts have either been avoided or reduced by siting or, while not required by the policy, reduced with application of mitigation measures**

**While not required, DCP also includes a commitment to a Community Benefits Program (CBP)**



## DP P2 Respect Local Use

### Specific Appeal Responses

- Policy focuses on physical siting of DCP facilities, not operations and maintenance
- Consideration of a no project alternative or entirely different projects from DCP is not required, but the alternatives proposed were considered during scoping
- National Heritage Area (NHA), environmental justice, and wells are not land uses
  - As a local contribution, CBP funding, could support applications for matching federal funds for NHA projects, furthering the objectives of the NHA Management Plan
- The extensive and detailed process used to site the intakes, infrastructure, and Compensatory Mitigation Plan constitutes substantial evidence of avoidance or reduction of land use conflicts
  - Consumnes River Preserve, Harvest Water Program, EchoWater Facilities, and Stockton's Delta Water Supply Project and Regional Wastewater Control Facility



# ER P1 Delta Flow Objectives

## Certification documented substantial evidence of consistency with Bay-Delta Plan flow objectives

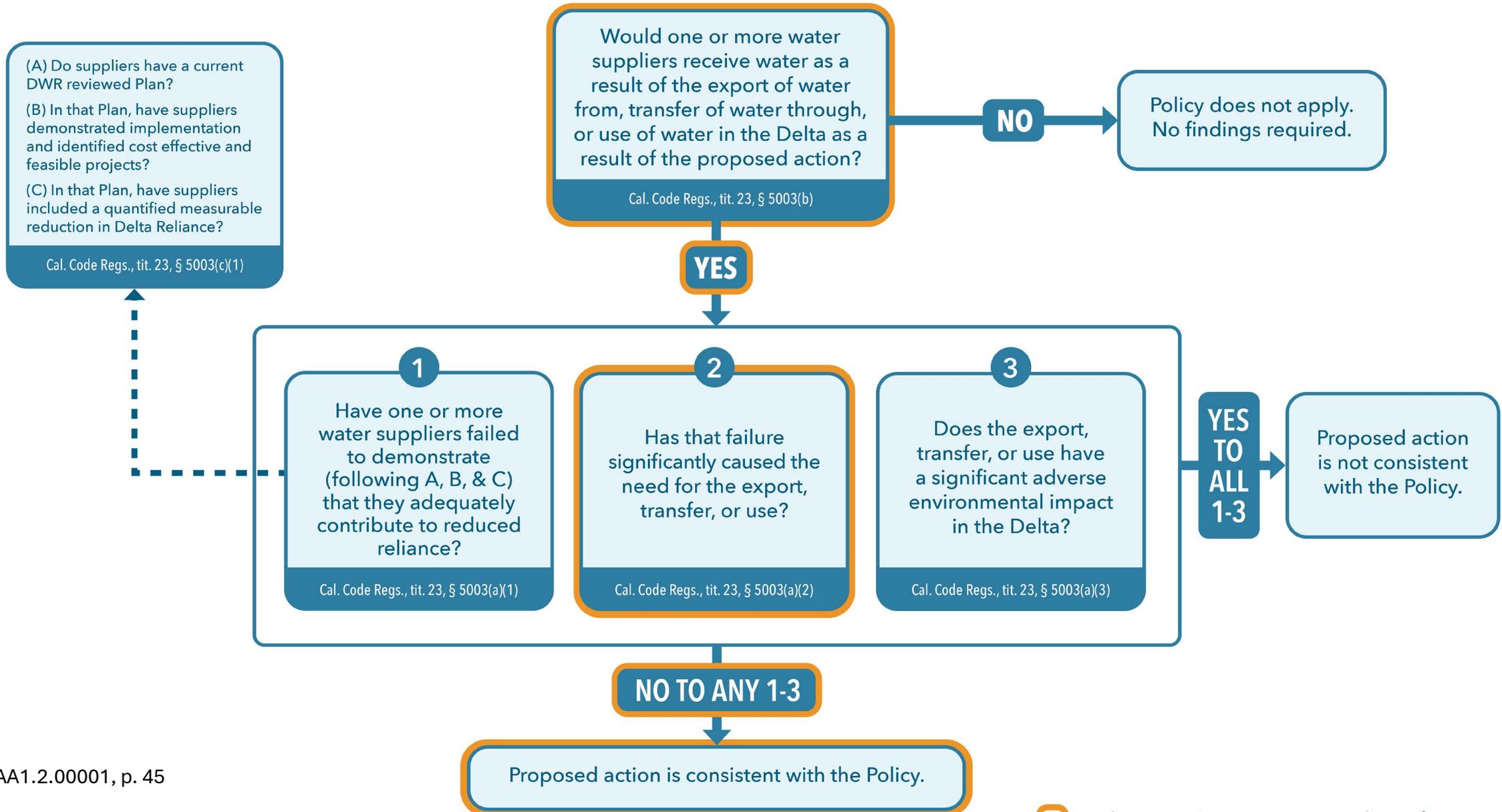
- Modeling of operations shows flow objectives will be met
- While not required, historical compliance is additional substantial evidence
- Additionally, DCP is legally obligated to comply with flow objectives identified in the current or any future Bay-Delta Plan

## Highlighted Appeal Responses

- Flow objectives were appropriately defined
- Modeling of non-flow objectives such as salinity is not relevant under ER P1
- ER P1 does not require 2070 modeling or modeling of alternative conditions
- Temporary Urgency Change Orders do not violate water right conditions and historically are accompanied by legal actions preventing inconsistency with the existing water quality control plan



# WR P1 Reduced Reliance Through Regional Self-Reliance



## WR P1 Reduced Reliance Through Regional Self-Reliance

**Substantial evidence supports findings under subdivision (a)(1) to identify and quantify potential failures to reduce reliance in the manner set forth by the policy**

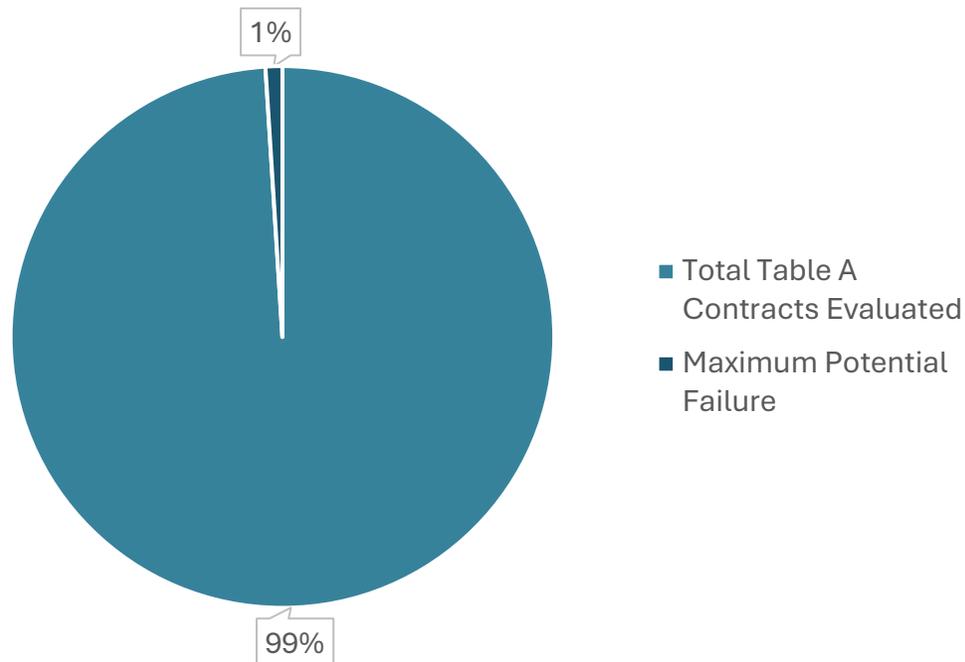
- Reduced Delta reliance and improved regional self-reliance are two sides of same coin
- Quantitative data on water used from the Delta is infeasible for many water suppliers
- Reduced reliance may be demonstrated in terms of percentage of total water used
- DCP must demonstrate consistency with Delta Plan policy
  - Policy states that analysis be based on Urban Water Management Plans (UWMPs) and Agricultural Water Management Plans (AWMPs)
  - Plans provide substantial evidence for estimates of future water demands



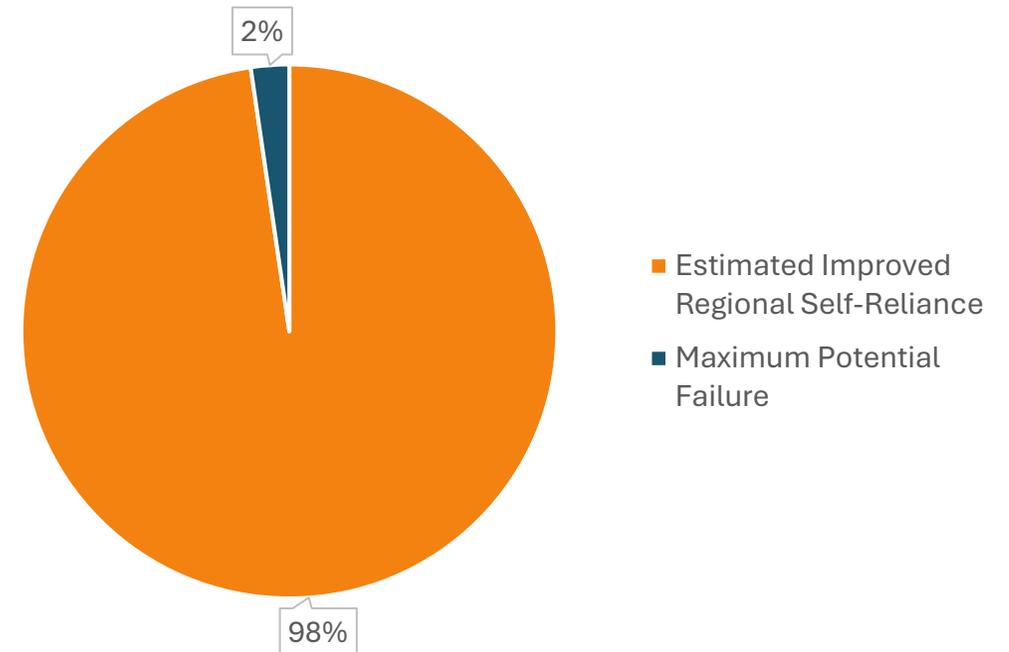
# WR P1 Reduced Reliance Through Regional Self-Reliance

Substantial evidence supports (a)(2) determination that the quantified “failures” in (a)(1) did not significantly cause the need for DCP

Analysis of Max Potential Failures to Demonstrate Reduced Reliance by Table A Contract Amount



Analysis of Max Potential Failures to Demonstrate Reduced Reliance by Improved Regional Self-Reliance

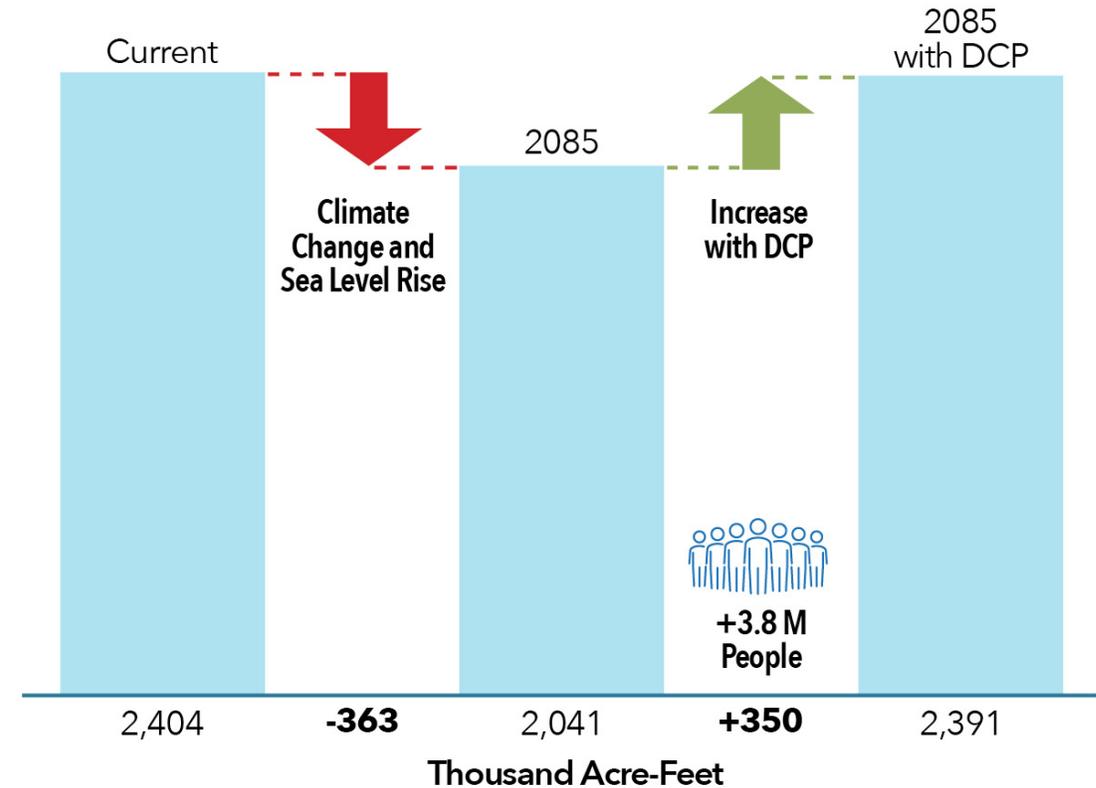


# WR P1 Reduced Reliance Through Regional Self-Reliance

## Additional substantial evidence of other causes of need for DCP

- Water supply reliability in the face of climate change, sea level rise, and seismic risk
- The Delta Reform Act recognizes increasing restrictions to protect sensitive fish species also significantly caused the need for new Delta conveyance
- Even comparing “failure” to DCP benefits, as opposed to Table A, it still does not significantly cause the need for the project

## State Water Project Deliveries:



DCP.AA2.1.00104



# WR P1 Reduced Reliance Through Regional Self-Reliance

## Does not require that

- DCP itself reduce Delta reliance
- DCP be included in evaluation of reduced reliance
- Reduced reliance to be evaluated under different future scenarios

## Does not specify amount of reduced reliance necessary

- Argument regarding inherent increase in reliance is speculative and false

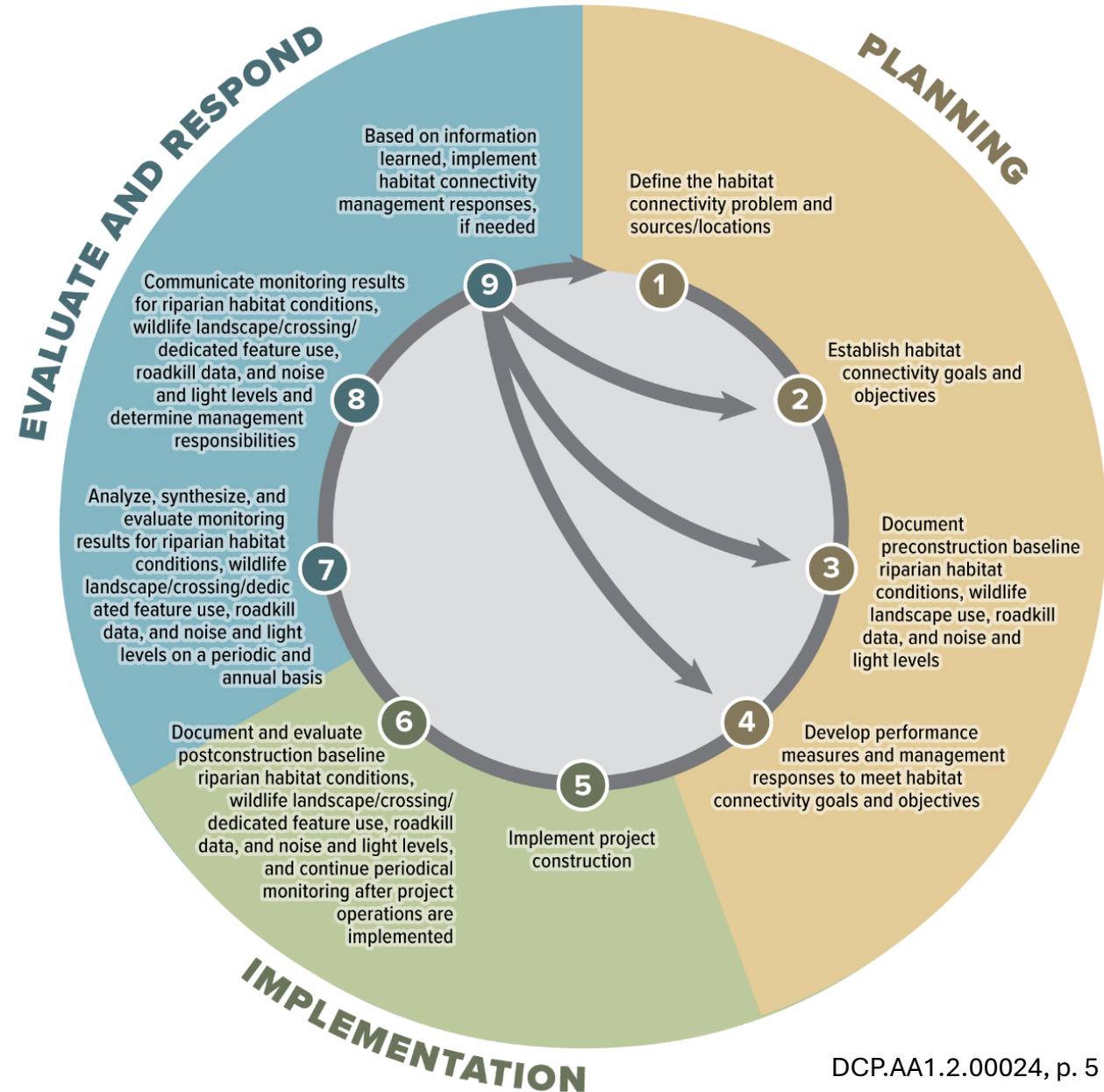
## Conclusion

- DCP is consistent with WR P1 because the maximum quantified failure to reduce reliance is not significant and did not significantly cause the need for the DCP
- Additionally, DWR has documented substantial evidence of other causes of the need for DCP



# G P1 (b)(4) Adaptive Management

- Each DCP Adaptive Management Plan (AMP) is consistent with the three phases and nine steps outlined in Appendix 1B of the Delta Plan
- DWR also has the resources and authority to meet the AMP requirements



## ER P2 Through ER P4

### ER P2 Restore Habitats at Appropriate Elevations

- Establishment and enhancement of habitats as part of the Compensatory Mitigation Plan for DCP will occur at appropriate elevations as identified in Delta Plan

### ER P3 Protect Opportunities to Restore Habitat

- DCP has no significant adverse impacts on the potential for habitat restoration in the priority habitat restoration areas identified in the policy

### ER P4 Expand Floodplains and Riparian Habitats in Levee Projects

- DCP is not a levee project, although it will alter sections of levees identified in the policy
- Where levees are affected, setback levees are not feasible because intakes require contact with the water
- While not required, DCP includes measures that would fully mitigate the impacts on floodplain and riparian habitat



## **ER P5 Avoid Introductions of and Habitat Improvements for Invasive Nonnative Species**

**Substantial evidence demonstrates DCP fully considered the potential for new introductions of, or improved habitat conditions for, nonnative invasive species**

- Consideration includes avoiding or mitigating in a way that appropriately protects the ecosystem through design features, mitigation measures, environmental commitments, Compensatory Mitigation Plan, and Adaptive Management and Monitoring Program paired with permit requirements and DWR's Department-wide invasive species programs

### **Highlighted appeal response**

- DWR is committed to managing invasive aquatic species and golden mussel has been fully considered



## Coequal Goals

- Substantial evidence demonstrates DCP is consistent with the Delta Plan policies; nothing more is required
- However, the Certification also demonstrates consistency, on the whole, with the coequal goals

**Providing a  
more reliable  
water supply for  
California**

**Protecting,  
restoring, and  
enhancing the  
Delta ecosystem**

**Achieved in a manner that  
protects and enhances  
the Delta as an evolving place**

# Coequal Goals

## Coequal goals analysis does not require analysis of alternatives to DCP

### DCP supports water supply reliability

- DCP will support water supply reliability in the face of climate change, sea level rise, and seismic risk
  - Modeling shows that DCP is the single most effective strategy on its own, but it also amplifies the water supply reliability benefit of other strategies

### DCP does not conflict with achievement of the Delta ecosystem goal

- Significant impacts under CEQA are not inconsistent with achieving the coequal goals
- Legally enforceable measures have been adopted to avoid, minimize, and mitigate impacts on the Delta ecosystem



# Accountability Action Plan will ensure that the coequal goals can be achieved in a manner that protects and enhances the Delta as a place

## Avoid, Minimize, Offset Local Effects



DCP.D6.5.00002



## Conclusion

- By demonstrating consistency with the Delta Plan policies, covered actions are contributing toward achievement of (or consistency with) the coequal goals
- DWR has provided substantial evidence demonstrating DCP is consistent with all applicable Delta Plan policies
- If the DSC determines otherwise, due to a different interpretation of a policy that renders it infeasible to demonstrate full consistency, the appeals should nevertheless be denied because DCP, on whole, is consistent with the coequal goals
- The appellants have not met their burden of proving that there is no substantial evidence to support the Certification findings
- Thus, DWR respectfully requests that the DSC deny the appeals

