

October 15, 2026



Delta Conveyance Project Revised Certification of Consistency with the Delta Plan on Remanded Items

C20262

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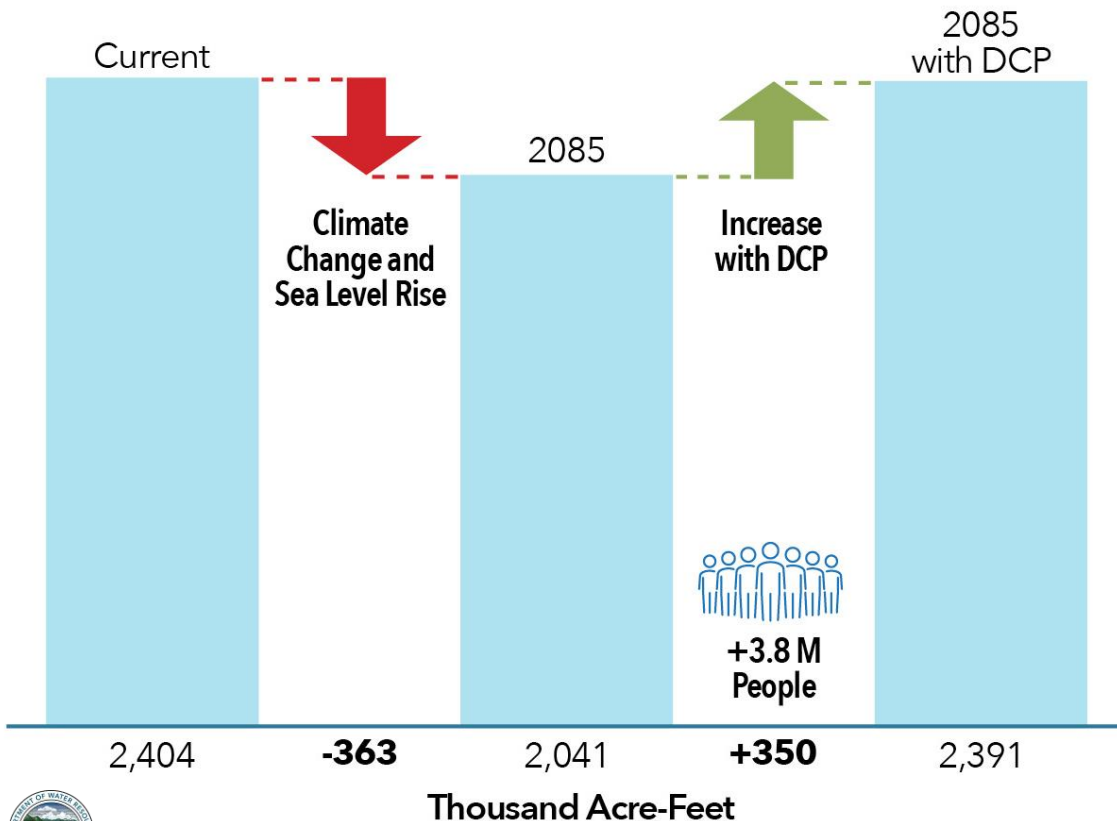
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Modernizing Water Infrastructure – Protecting Supplies

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

State Water Project Deliveries:



Delta Conveyance Project Infrastructure Will:

- Capture, move, and store high flows when available
- Provide an alternative diversion location to help manage water quality and species protections

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

Substantial Evidence Standard

- Appellant's burden is to show that a Certification is not supported by substantial evidence in the record¹
- 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 reached²
- Under the substantial evidence standard, DSC does not weigh conflicting evidence and determine who has the better argument³
 - All conflicts in the evidence and any reasonable doubts must be resolved in favor of DWR's findings and decision⁴

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 record⁵

¹ Cal. Code Regs, tit. 23, §§ 5029(d), 5034(a)

² 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

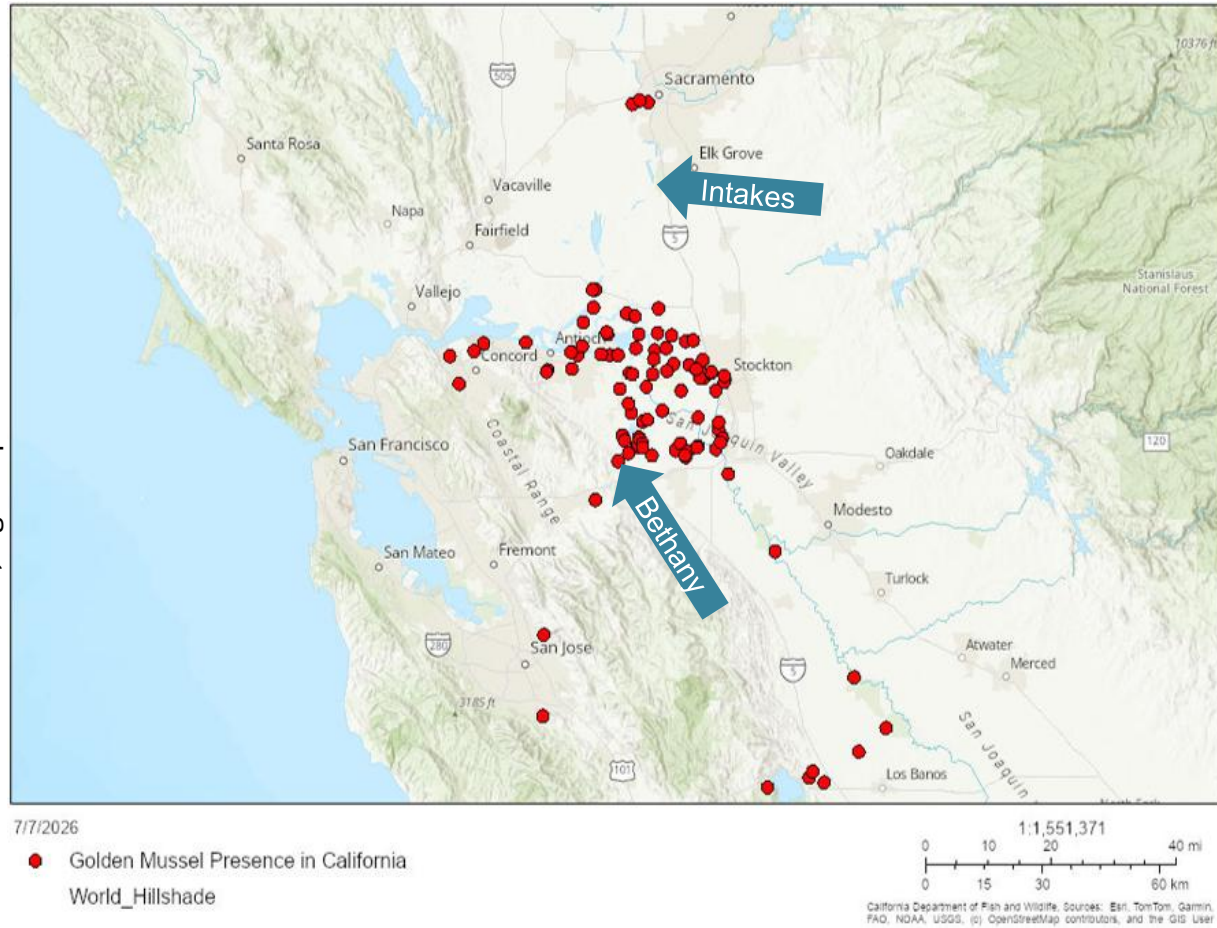
³ *Cnty. of Butte v. Dep't of Water Res.* (2023) 90 Cal.App.5th 147, 171

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

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

Delta Stewardship Council's April 27, 2026, Decision (D20257)

RDCP:FD.1.0001, Fig. 3-1 p. 9

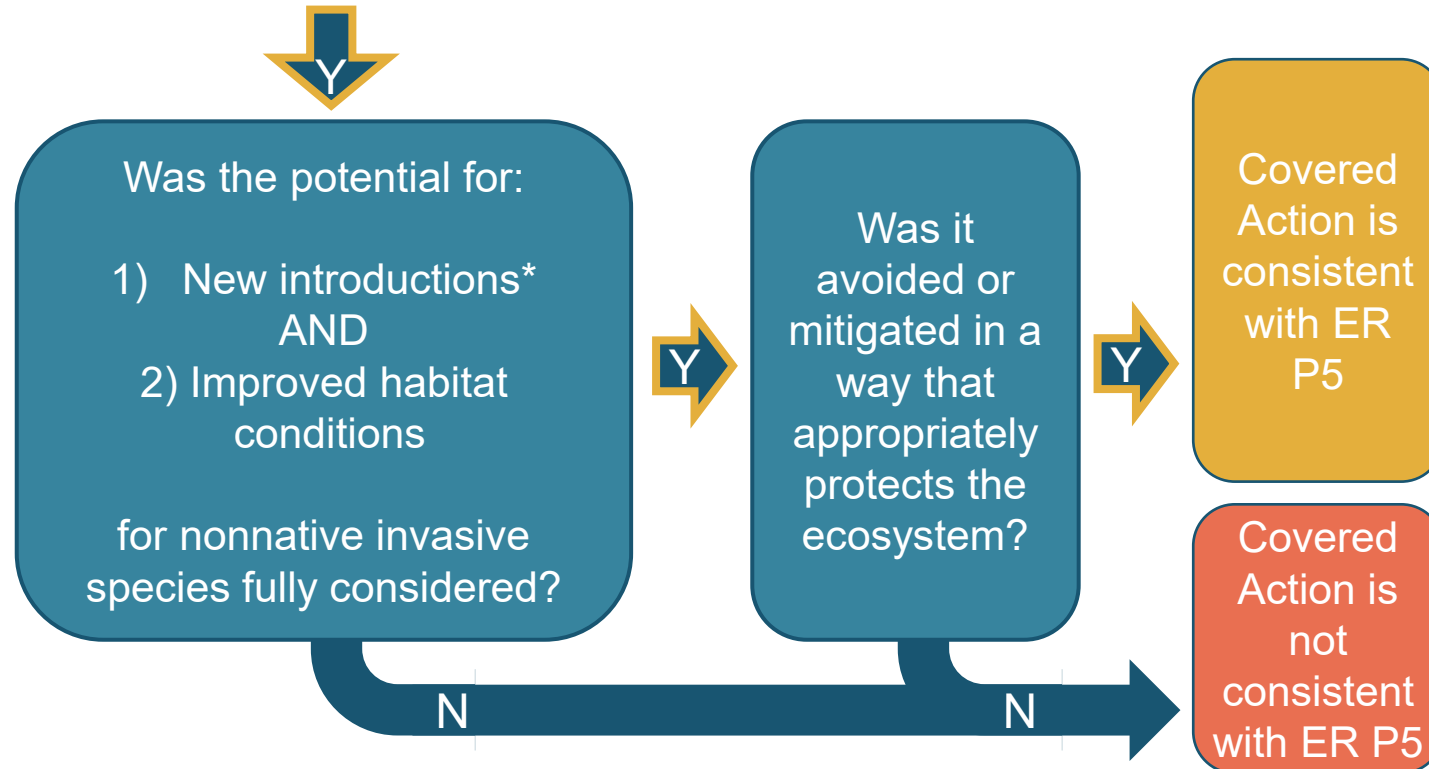


Council remanded Delta Plan Policy **ER P5** to DWR to:

- Fully consider and avoid or mitigate the potential for DCP facilities to improve habitat conditions for the nonnative invasive golden mussel



Does
**ER P5: AVOID INTRODUCTIONS OF AND HABITAT
IMPROVEMENTS FOR INVASIVE NONNATIVE SPECIES**
apply?



 Indicates DCP path to consistency with ER P5

**REVISED CERTIFICATION
DEMONSTRATES:**

DCP avoids improving habitat for golden mussel by:

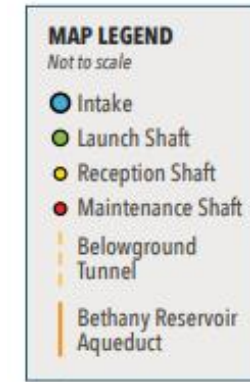
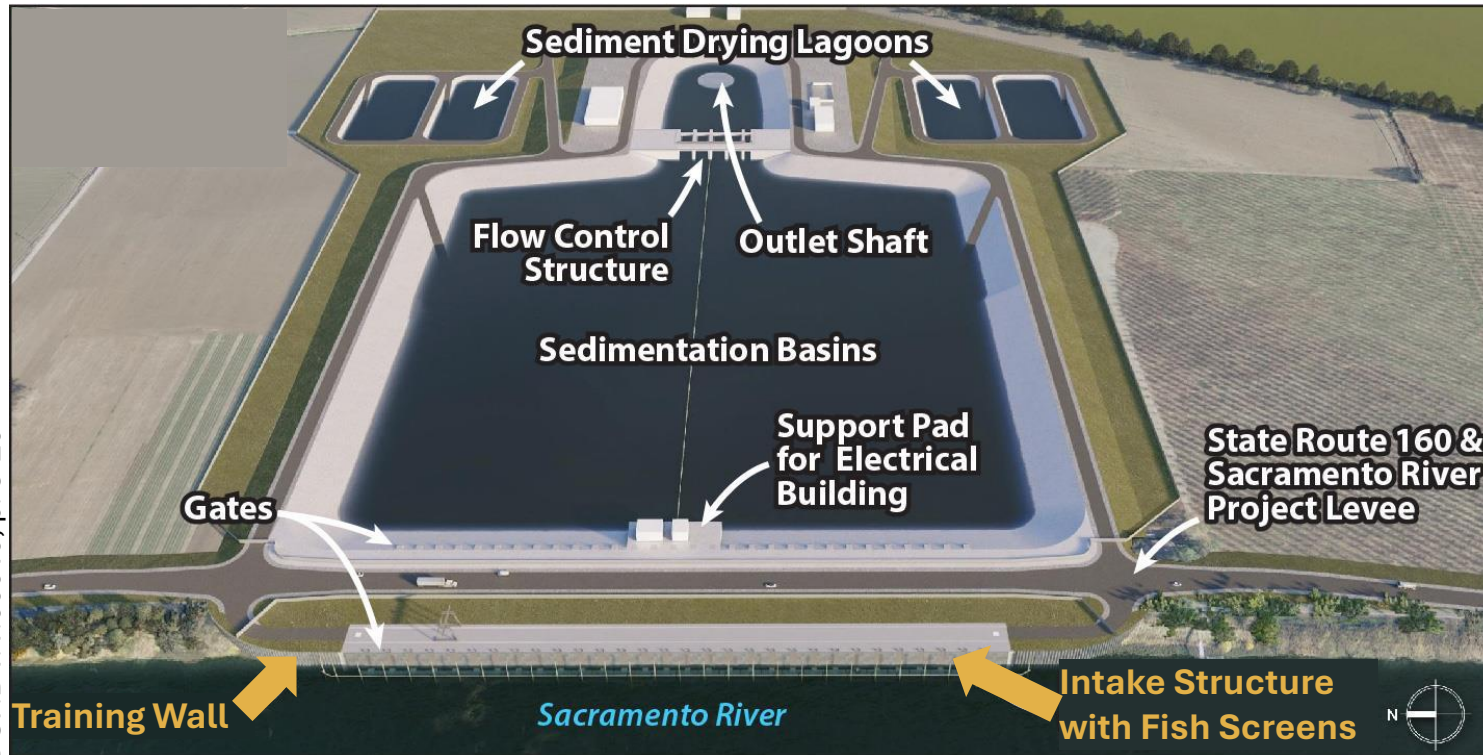
- Isolating the majority of project facilities from the Delta aquatic ecosystem, and
- Including design considerations to reduce habitat quality in facility components

Golden Mussel Management Plan evaluates how DCP facilities may provide an attachment surface and documents management methods

*The potential for new introductions was not among the items remanded



DCP's One-Way System Maintains Separation from the Existing Delta Aquatic Ecosystem



DCP.D1.1.00010, p. 3-20



Golden Mussel Management Plan (GMMP)

- Golden mussel is already established throughout the Delta, including Bethany Reservoir, so the Plan focuses on managing it in DCP facilities
- Management options include periodic drawdown and drying, manual cleaning, chemical treatment, and evaluation of veliger interception design features
- Builds on tools DWR and other water users already actively implement through the Golden Mussel Task Force and SWP Incident Command Team and review of scientific literature on management and control technologies tested in other invaded regions
- Plan includes a facility-by-facility vulnerability assessment, detection monitoring protocols, and adaptive management provisions to appropriately protect the Delta aquatic ecosystem
- DCP will be the SWP facility best positioned to manage golden mussel because its design addresses the species from intakes to Bethany Reservoir, and will have the benefit of incorporating new and innovative technologies into the DCP design, operation, and maintenance to address golden mussels, thereby supporting the coequal goal of increased water supply reliability



GMMP Includes Comprehensive List of Management Options

Monitoring

1. eDNA
2. Settlement Plates

Construction: Design-Based Methods

1. Veliger Interception at Tunnel Intake
2. Antifouling Coatings
3. Copper-Based Materials
4. Flow Velocity Management
5. Access and Infrastructure

Operations: Physical Methods

1. Manual Cleaning and Mechanical Scraping
2. Drying

Operations: Chemical Methods

1. Copper-Based Molluscicides
2. Chlorination and Sodium Hypochlorite
3. Zequanox
4. Hot Water Treatment
5. UV Disinfection
6. Biotechnological Approaches

Adaptive Management

1. Planning
2. Implementation
3. Evaluation



DCP Is Consistent with ER P5

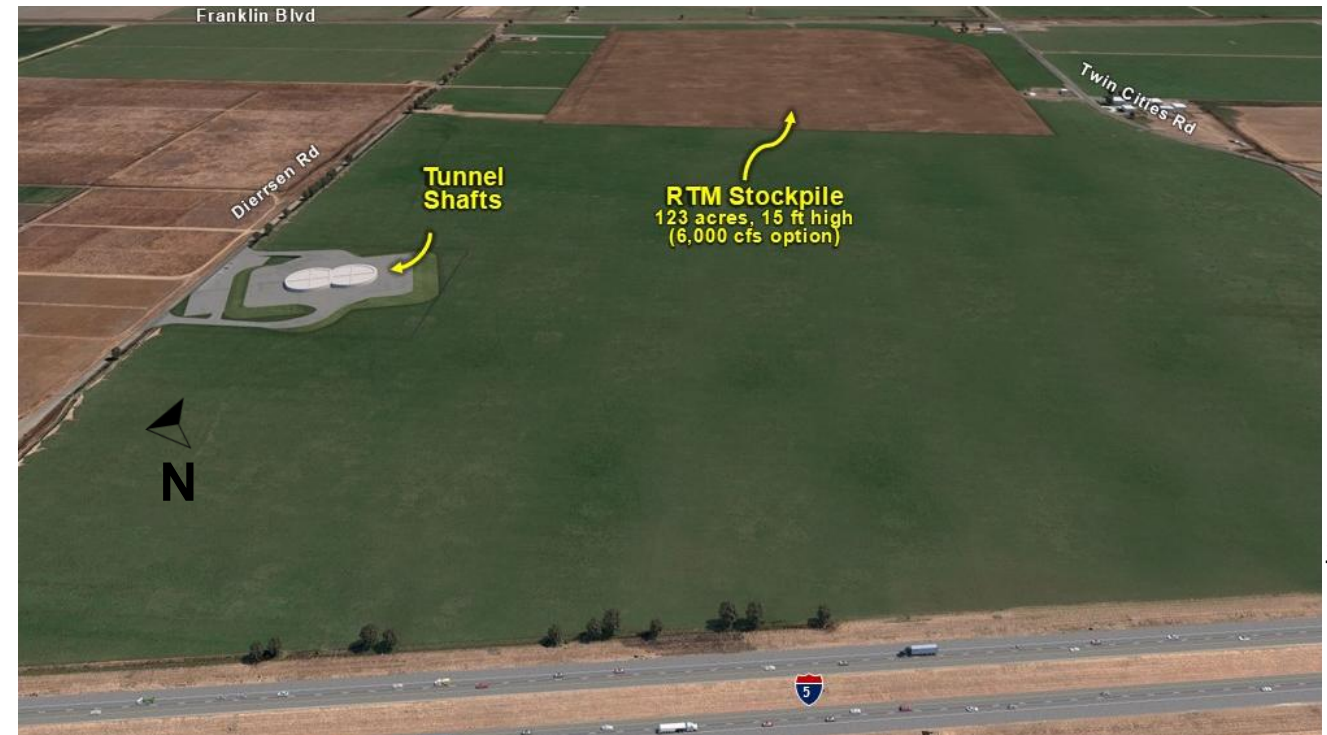
- Golden mussel has already spread throughout the Delta and the export areas of the State Water Project
- DCP avoids improving habitat conditions for this species by isolating the majority of project facilities from the Sacramento River and including design considerations to reduce habitat quality where facility components interface with the Delta aquatic ecosystem
- DWR will utilize an adaptive management process to address uncertainties and adjust as new golden mussel management measures are developed
- As DCP is a new water infrastructure project, DWR has the ability, and has committed, to incorporate new and innovative technologies into DCP design, operations, and maintenance to address the threat of golden mussel as described in the GMMP
- Therefore, substantial record evidence shows the covered action would not improve existing habitat conditions for the golden mussel



Delta Stewardship Council's April 27, 2026, Decision (D20257)

Council remanded Delta Plan Policy **DP P2** to DWR:

- To consider and avoid or reduce conflicts between the siting of the TCC and SacSewer's Harvest Water regarding agricultural use, groundwater recharge, and Sandhill Crane habitat when feasible



Twin Cities Launch Shaft Site Post-Construction Rendering



REVISED CERTIFICATION DEMONSTRATES:

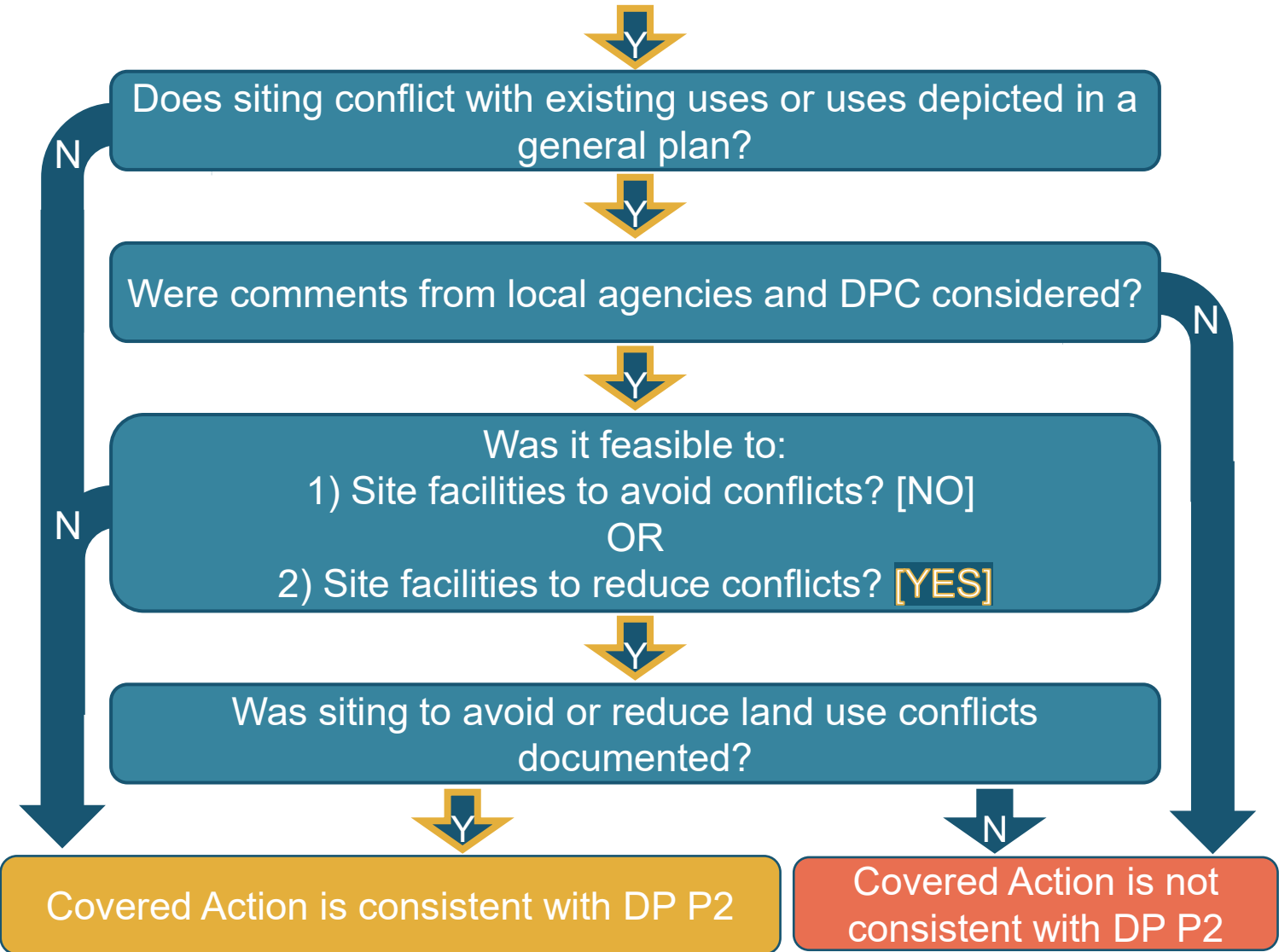
It is infeasible to site the northern launch shaft to avoid land use conflicts

Siting at TCC reduced land use conflicts, including consideration of support infrastructure that would be needed for alternative sites

DWR commitments at TCC site reduce the conflict with HW, including:

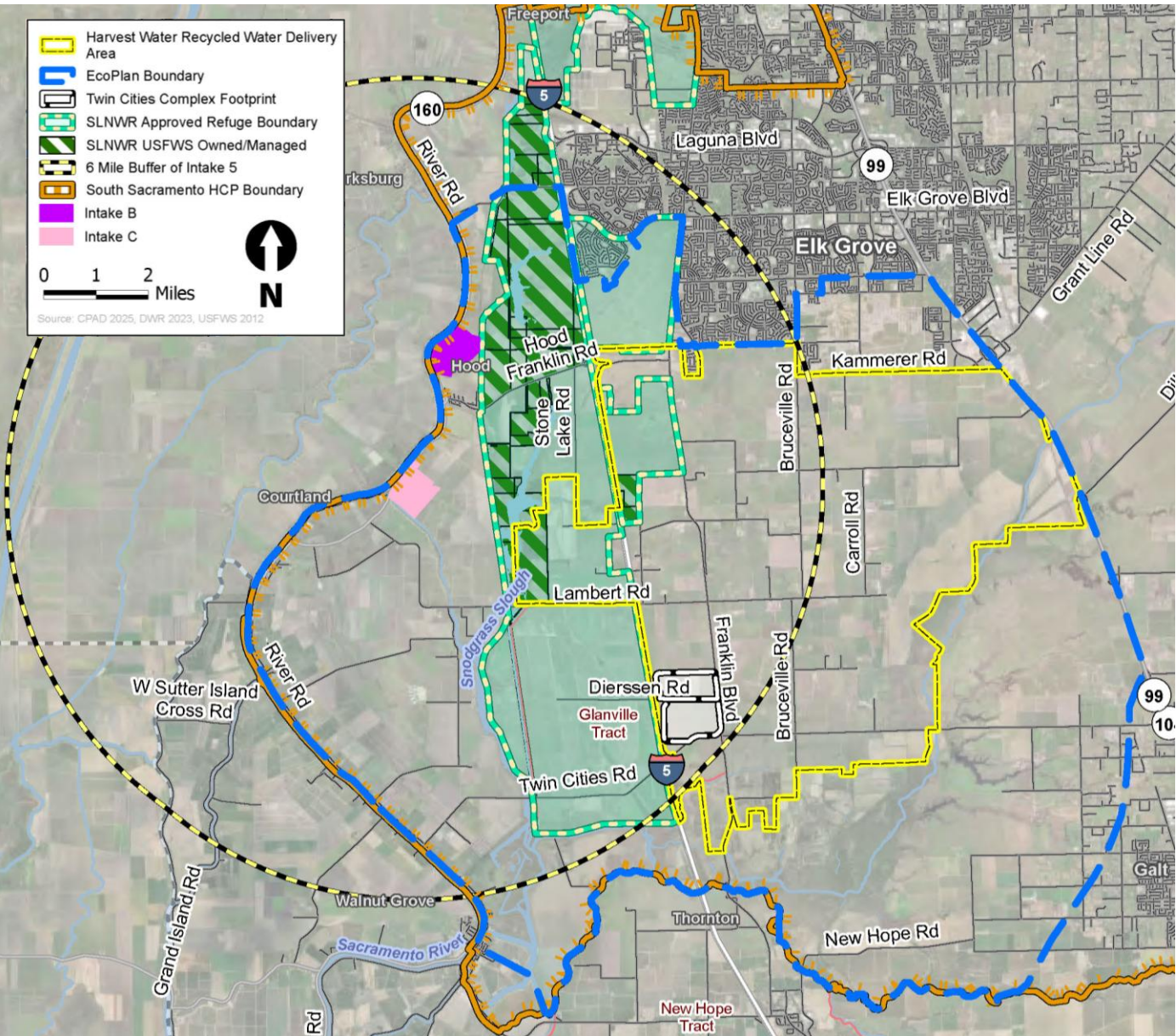
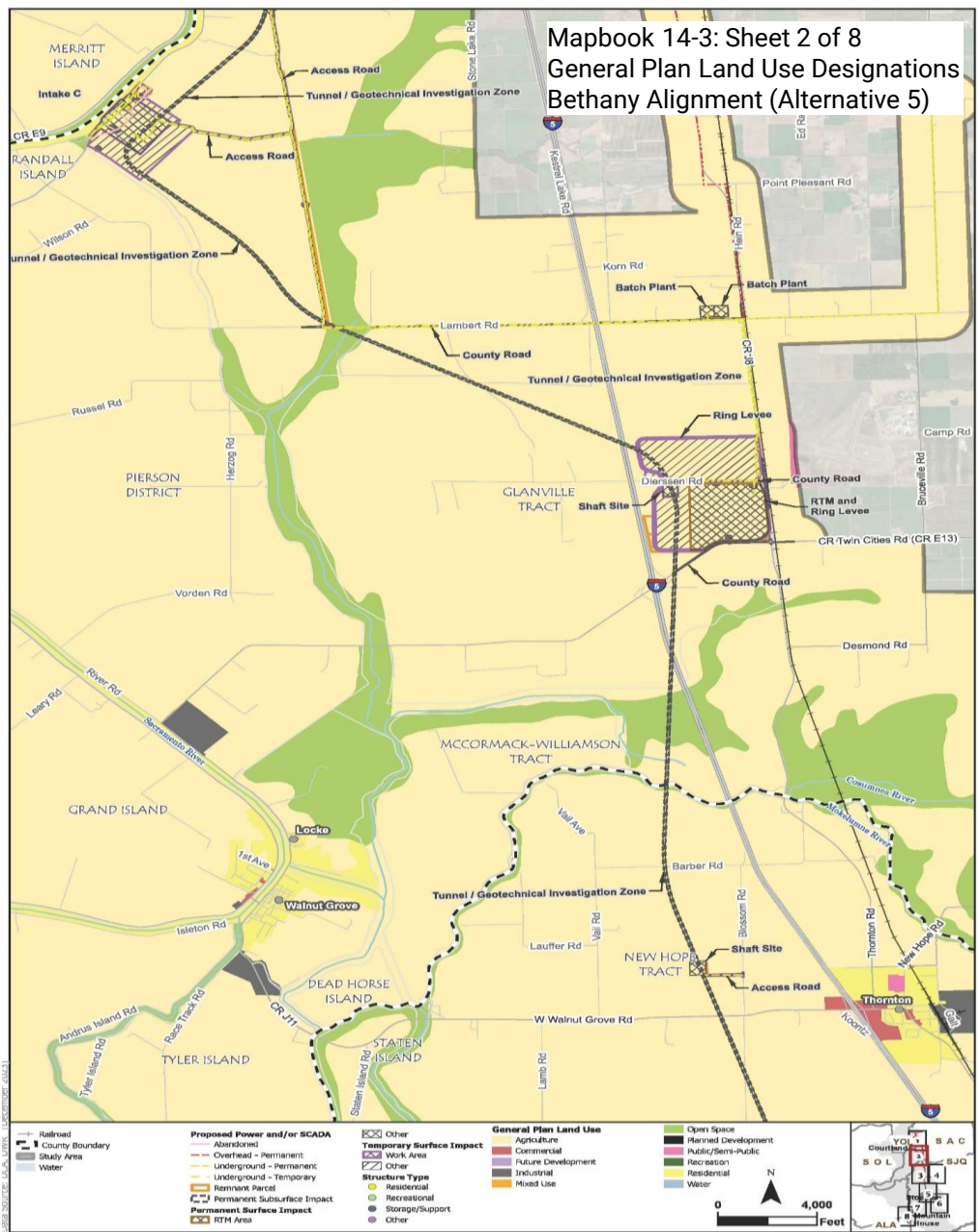
- Avoiding, when feasible, or otherwise relocating, replacing or reimbursing for HW irrigation infrastructure; and
- Reclaiming 331 acres of land after construction to restore soil health and condition for agricultural uses; and
- Offering an easement to SacSewer over the 331-acre area after construction to ensure future uses are compatible with sandhill crane habitat

Does DP P2: RESPECT LOCAL LAND USE WHEN SITING WATER OR FLOOD FACILITIES OR RESTORING HABITATS apply?



It Is Infeasible to Site the Shaft Complex to Avoid Land Use Conflicts

Mapbook 14-3: Sheet 2 of 8
General Plan Land Use Designations
Bethany Alignment (Alternative 5)

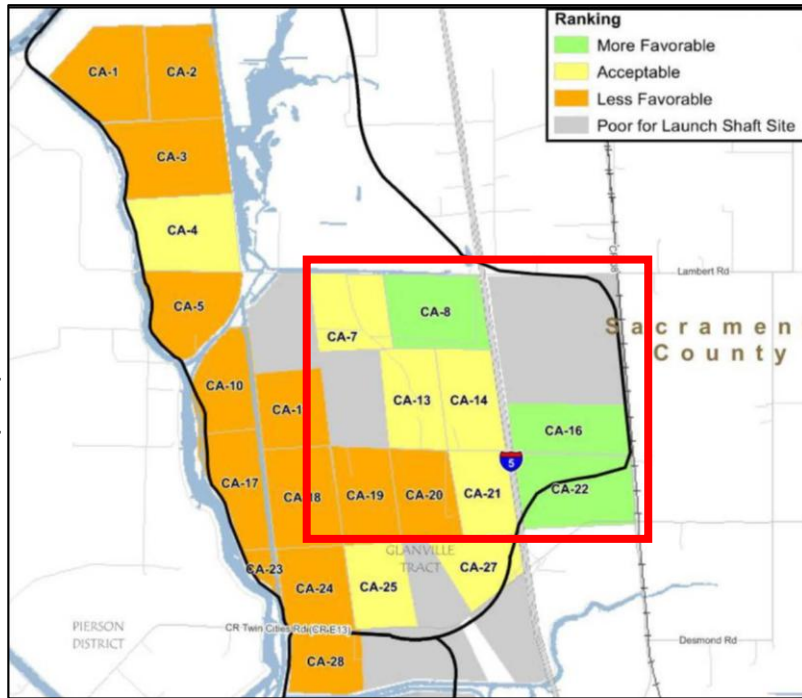


Combination of RDCP.FD.1.0001, Fig. 4-1 p. 36 and DCP.D3.1.03824, Fig. 2 p. 9

Siting at TCC Reduces Land Use Conflicts Compared to Other Sites

Site CA-C, as compared to Sites CA-A and CA-B, reduces:

- Conflicts with existing utilities (e.g., by avoiding the relocation of existing utility lines that would be needed at CA-A and CA-B)
- Footprint for connection to existing power infrastructure; it is the closest to high-voltage power infrastructure required to power the tunnel boring machines
- Footprint needed for supporting infrastructure and potential impacts; i.e., eliminates the need for a new bridge over or crossing under I-5, and eliminates truck traffic and construction activities associated with shaft and conveyor construction
- Conflicts identified in the Stakeholder Engagement Committee process; it is outside the Stone Lakes NWR boundary and farther away from Stone Lakes NWR sites owned in fee title



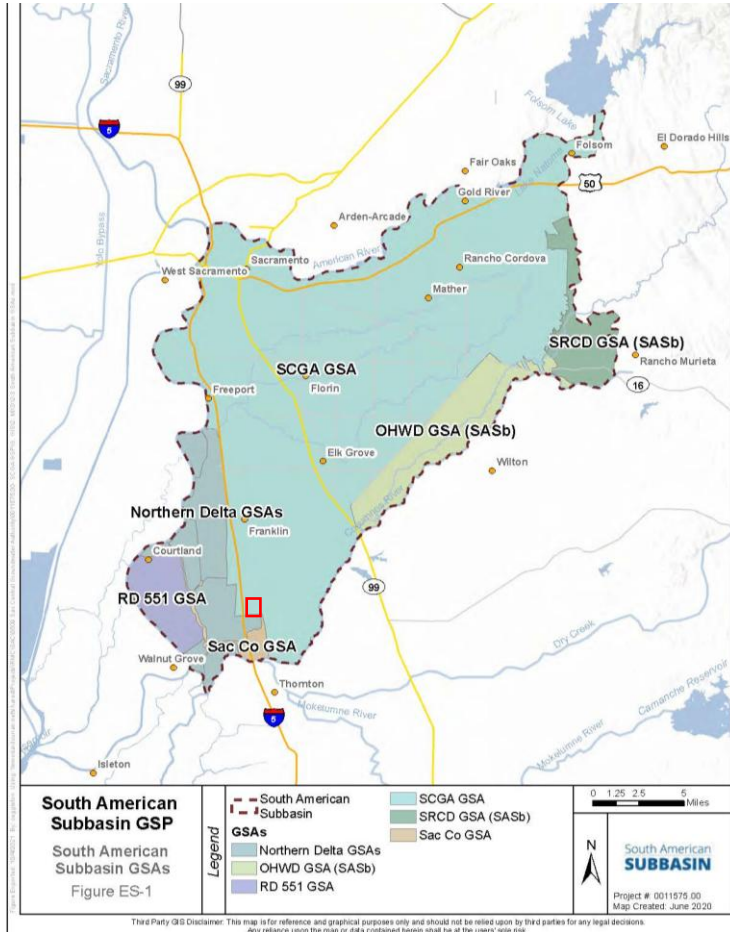
Consideration of Harvest Water Comments

- DWR coordinated with and considered feedback from SacSewer starting early in the development of DCP
- While SacSewer identified TCC as being within their larger planning area, HW parcel-specific conflicts regarding TCC were not raised until more recently as part of Change in Point of Diversion process
- While SacSewer does not plan to commence operation of HW until next year, DWR considered HW as an existing use in reconsidering the shaft siting analysis and evaluating consistency with DP P2
- DWR recognizes the significant effort made in establishing the HW program and substantial evidence demonstrates that HW can be successful even with implementation of DCP



DCP Use of TCC Will Not Prevent Harvest Water Success: Groundwater

RDCP-AA3.2.00004.32



□ Indicates approx. location and size of the TCC

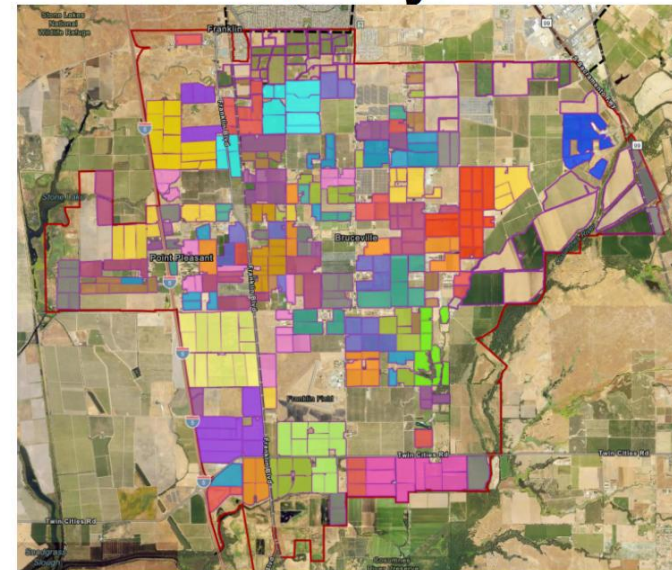
- The siting of the TCC has nothing to do with temporary minor reductions in groundwater levels associated with operation of the new intakes
- Since the existing soil conditions are low-permeability, recharge will not meaningfully change by putting RTM on top
- Direct recharge at the TCC would be small and since, prior to entering an EcoPlan agreement, the Loretz property used surface water, no in-lieu benefits to groundwater can be claimed
- The TCC makes up a very small portion (0.2%) of the South American Subbasin; siting the TCC in the subbasin will not affect groundwater conditions occurring throughout the basin



DCP Use of TCC Will Not Prevent Harvest Water Success: Sandhill Crane

- SacSewer has indicated that there is substantial acreage available within the recycled water delivery area where it could alternatively meet performance objectives for sandhill crane
- Siting TCC east of I-5 reduced land use conflicts and effectively avoided conflicts with Stone Lakes NWR land use, which also functions to benefit greater sandhill crane
- DWR's offer of a conservation easement shows conflicts are further reduced by ensuring long-term sandhill crane habitat use at TCC in support of achieving Harvest Water's targets

EcoPlan Crane Eligible Lands in Recycled Water Delivery Area



- ~ 12,000 acres eligible lands within RW Delivery Area
- ~100 different landowners noted by colors
- Only a subset needed to fulfill *EcoPlan* requirements



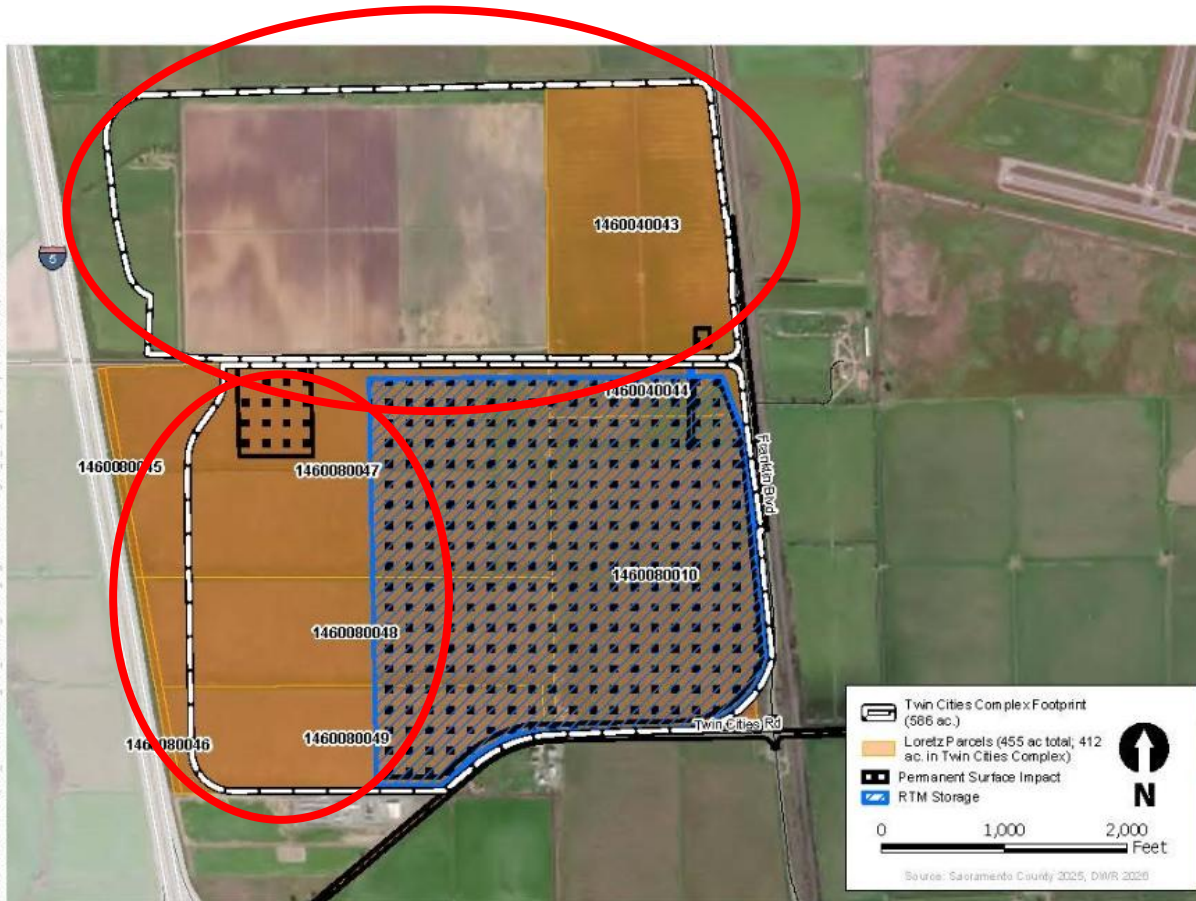
SacHarvestWater.org

SacSewer's September 10, 2025, Board Presentation

RDGP.DPP2.1.0008



DCP Use of TCC Will Not Prevent Harvest Water Success: Conservation Easement Offer



- Mitigation measures have been adopted to avoid, reduce, or mitigate potential conflicts with agriculture, sandhill cranes, and groundwater
- Land reclamation activities would help to reverse compaction from construction and would be consistent with existing use
- DWR's commitment to convey easement after land reclamation further reduces conflicts and supports Harvest Water's long-term goals

○ Indicates general area of the conservation easement's 331 acres



DCP Is Consistent with DP P2

- There is no location in the Delta where DCP facilities could have avoided all existing use conflicts
- Siting adjustments were made to avoid or reduce conflicts
- Additionally, mitigation measures were adopted to reduce use conflicts
- DWR's commitment to convey an easement to SacSewer for reclaimed temporary construction areas at the TCC would further reduce the conflict with Harvest Water



Revised Certification Conclusion

- The potential for DCP facilities to improve habitat conditions for golden mussel has been fully considered and avoided or mitigated
- It is not feasible to site the TCC to avoid all use conflicts; conflicts have been reduced through siting, mitigation measures, and a commitment by DWR to convey an easement to SacSewer for reclaimed temporary construction areas on the TCC site
- Substantial evidence demonstrates DCP is consistent with both remanded Delta Plan policies
- DWR respectfully requests that the DSC deny the appeals

