

# SacSewer's Appeal of Delta Conveyance Project Revised Certification on Remanded Items

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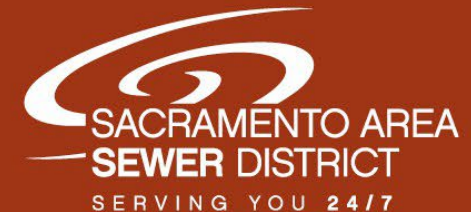
Appeal No. C20262-A1

Sacramento Area Sewer District (SacSewer)

October 15, 2026

PRESENTED BY:  
CHRISTOPH DOBSON  
KELLEY TABER

[SACSEWER.COM](https://sacsewer.com)



# Delta Stewardship Council's Decision No. D20257

Did remand to DWR to consider and avoid or reduce conflicts between the TCC and SacSewer's Harvest Water regarding:

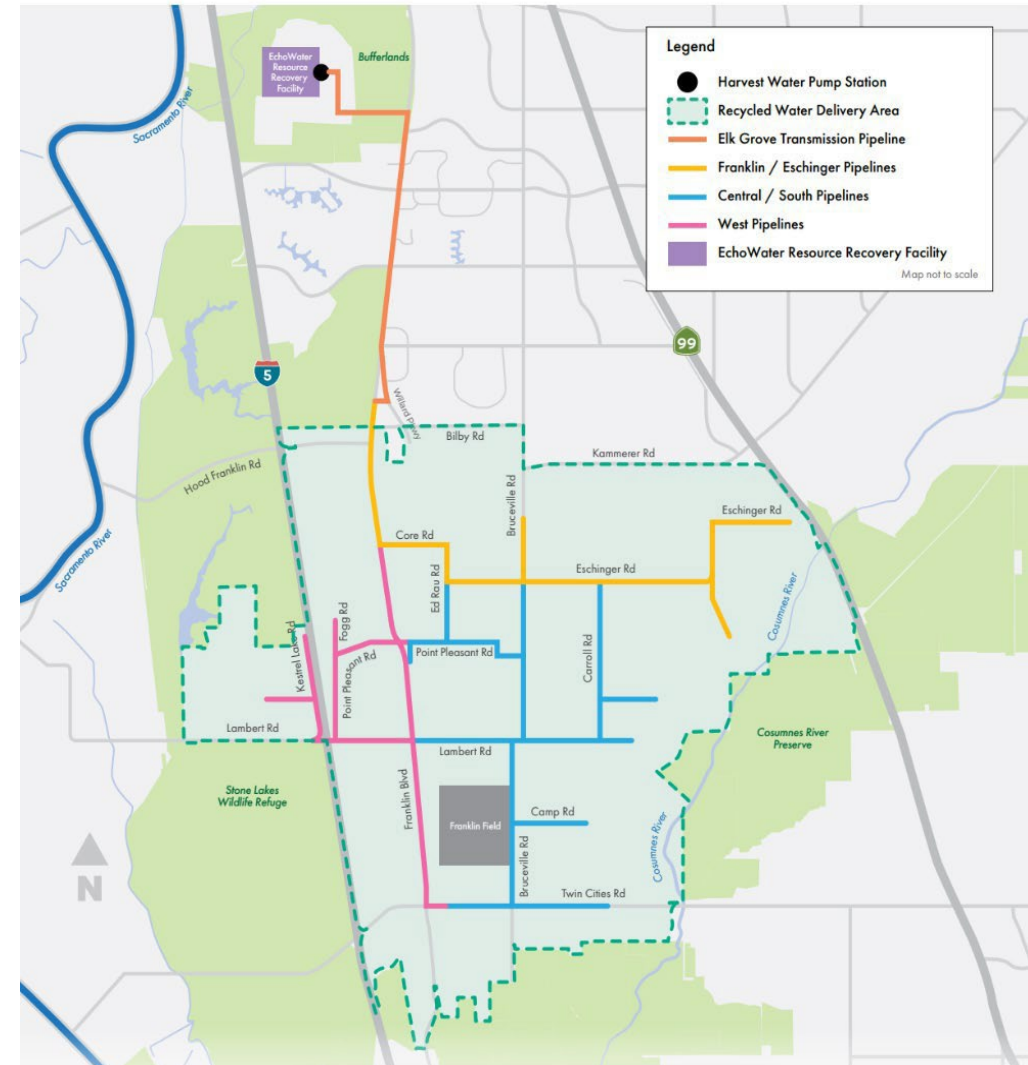
- Agricultural Use
- Groundwater Recharge
- Sandhill Crane Habitat

Did Not remand to DWR for reconsideration of:

- Whether Harvest Water is an Existing Use
- Whether DWR's purported use of BAS in relation to groundwater impacts bears on consistency under Policy DP P2

# Harvest Water

- Landmark recycled water delivery program that will provide up to 50,000 AFY of tertiary treated water from SacSewer's EchoWater Facility
- Operational in 2027
- CDFW contract commits SacSewer to numeric targets:
  - Substantially raise groundwater levels
  - Provide ecosystem benefits, including 3,500+ acres of crane habitat



Record DCP.V2.27.00003, slide 3.

# DWR's Purported Consultation with SacSewer

- June 12: Meeting
- July 10: DWR Sends Summary with Action Items, noting Revised Certification expected “by late summer”
- July 13: Draft Certification
- July 23: SacSewer provides relevant requested records, including executed MSA, with detailed comment letter
- July 24: Revised Certification Submitted

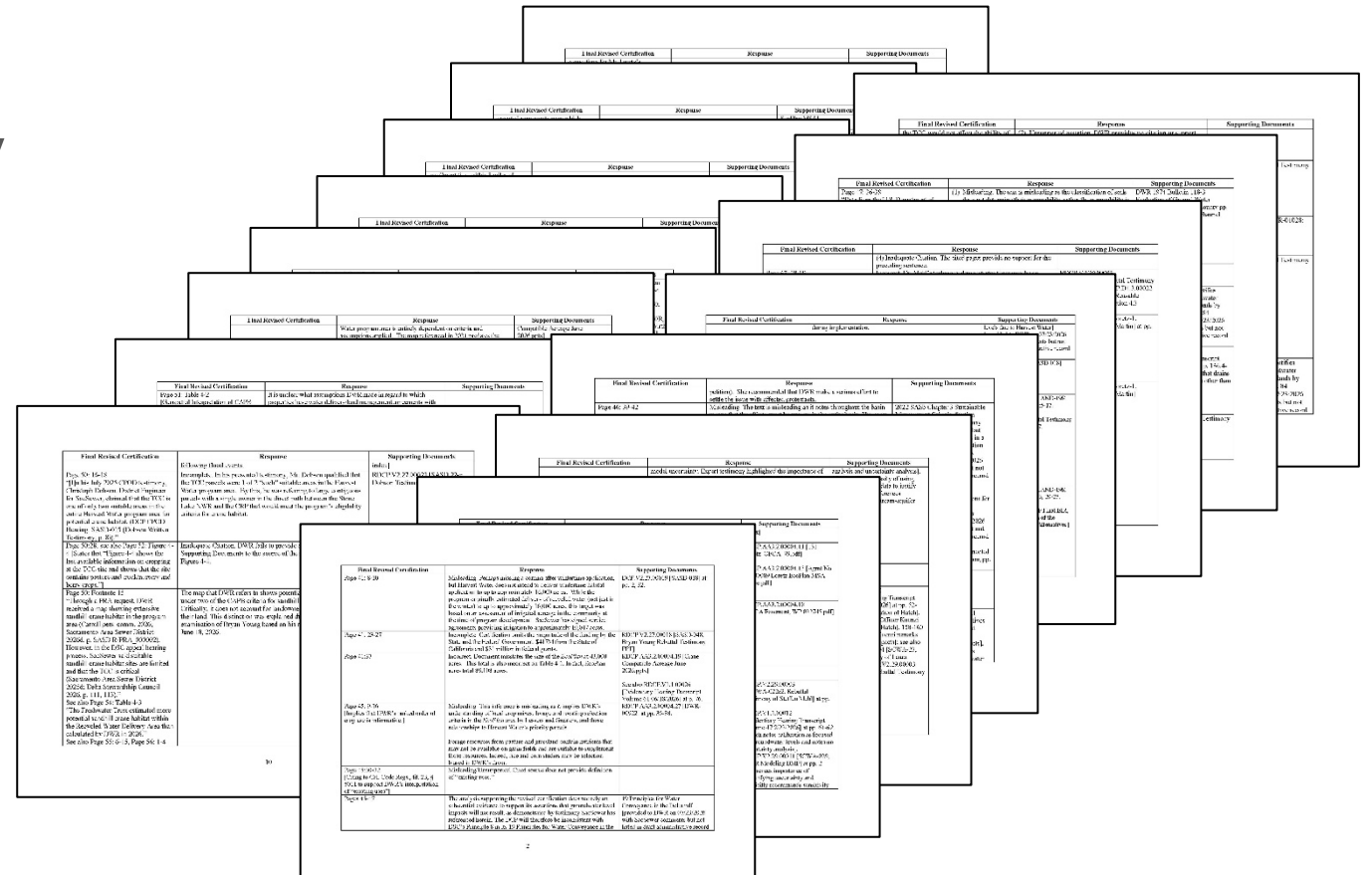
## SacSewer to Provide:

- Powerpoint presentation from the 6/12 meeting
- Reports with data from infiltration studies and pilot habitat projects
- Slide(s) with the CAPB requirements including identification of active/passive management and acreage ramp ups
- Copies of all executed recycled water and EcoPlan agreements entered by SacSewer to date including but not limited to:
  - Fully executed copy of the Loretz agreement and any other executed agreements SacSewer has entered relating to the Loretz property or a portion thereof.
  - Any executed agreements for the property associated with the Lambert concrete batch plant
- Updated map of available Sandhill Crane habitat in the water delivery area or, if an updated map is unavailable, available acreage information.

Screenshot of Summary of Action Items, Appeal C20262-A1, Exh. A

# Mischaracterizations and Misstatements

- Revised Certification repeatedly mischaracterizes events and misstates facts
  - See SacSewer Appeal Exh. B (16 pages)
- Incorrect and misleading statements are not substantial evidence.



Appeal C20262-A1, Exh. B

# Harvest Water is an Existing Use

- DSC recognized that “Harvest Water is an Existing Use, as demonstrated by nearly completed construction, secured entitlements, and secured state and federal funding, all of which depend on the continued agricultural use of the TCC site”
- SacSewer has two fully executed agreements for the Loretz Property
- Assertions that landowners may opt out of agreements are not substantial evidence that it will happen



Record No. RDCP.AA3.2.00004.1 , slide 12.

# DWR's Offered Easement is Inadequate to Mitigate Conflict

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- DWR's conservation easement would not be effective until 2044, *12 years after* SacSewer must enroll 2,500 acres of Sandhill crane habitat.
- DWR provides no evidence that the leftover property would be usable for SacSewer's purposes after TCC construction.

*Easement offer is not substantial evidence that conflicts with Harvest Water will be avoided or reduced.*

# Policy DP P2 Does NOT Require Harvest Water to Avoid or Reduce Conflicts with the DCP

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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.”

DWR’s arguments revolve around  
**Harvest Water’s ability to avoid or reduce conflicts with the DCP.**

This is **NOT** what the DP P2 calls for.

DP P2 requires that DWR show it has avoided or reduced conflicts, to the extent feasible, with Harvest Water.

# DWR Has **Not** Provided Substantial Evidence that It Sited the TCC to Avoid/Reduce Impacts, or that It Was Infeasible to Do So

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- Facilities could not have been “sited” until FEIR certification and DCP approval, December 21, 2023.
- DWR’s 2021 Shaft Siting Study is substantial evidence that it is feasible to locate TCC facilities west of I-5.
- Site CA-B is not within an actively managed area of SLNWR or an area with an approved plan for use.
- If DWR is correct that TCC site could be suitable as habitat after construction, then Site CA-B would not conflict with existing or potential future uses.

# TCC Siting Considerations

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- Site CA-B would provide greater separation from Cosumnes River Preserve.
- DWR cites no evidence that impacts to SLNWR would be substantially different at Site CA-B than at TCC site.
- No cited evidence supports a “need” for launch shafts at TCC specifically.
- Alleged need for a new/improved road or rail access does not provide substantial evidence that Site CA-B is infeasible, compared to TCC site.
- DWR’s own rankings showed that TCC site would have *greater impacts to farmland* than Site CA-B.



-mypubliclandsroadtrip 2016- Wildlife Watching, Cosumnes River Preserve (28924370286).jpg, Bob Wick, BLM, Public Domain,  
<https://www.flickr.com/photos/mypubliclands/2892437028>

# TCC Siting Considerations

- DWR incorrectly states that TCC site does not contain existing structures when it has:
  - two homes;
  - groundwater wells; and
  - recycled water delivery infrastructure.
- Site CA-B could be augmented with Site CA-27 and Site CA-21, eliminating cited reasons for rejecting Site CA-B.
- Site CA-B was ranked *more favorably for property and land use* than TCC site and received the *same number* of favorable and acceptable rankings.
- Record shows DWR **never considered** locating northern launch RTM site *anywhere* other than TCC site.

# TCC Siting Considerations

- DWR provides **no** site-specific geotechnical evidence that the TCC is well suited for DCP facility construction.
- DWR's cited evidence supports the same finding for Site CA-B.
- DWR's launch shaft siting analysis ranked both TCC site and Site CA-B as "favorable" for Geotechnical/Geological Conditions.

| Table 3.1.2-1. Central Corridor North Launch Shaft Siting Analysis with Qualitative Score |                     |                     |                     |
|-------------------------------------------------------------------------------------------|---------------------|---------------------|---------------------|
| Criterion                                                                                 | Potential Site CA-A | Potential Site CA-B | Potential Site CA-C |
| Construction Considerations                                                               | Undesirable         | Acceptable          | Favorable           |
| Geotechnical/Geological Conditions                                                        | Favorable           | Favorable           | Favorable           |
| Property and Land Use                                                                     | Favorable           | Favorable           | Acceptable          |
| Existing Infrastructure                                                                   | Acceptable          | Favorable           | Favorable           |
| Relative Cost                                                                             | Acceptable          | Acceptable          | Acceptable          |

Record DCP.D4.3.00021, p. C5-4.

# TCC Siting Considerations

DWR has not provided substantial evidence that:

X it was infeasible to site TCC facilities elsewhere

OR

X DWR avoided or reduced impacts to Harvest Water.

# The TCC Conflicts with Harvest Water's Groundwater Recharge Commitments

- DWR improperly relies on its purported use of BAS to evaluate groundwater impacts as evidence of consistency.
- Significant and undesirable results under SGMA are not required to be present through an entire subbasin – they can occur on a local basis.
- Recharge projects with small footprints can contribute a significant benefit.

# Groundwater Recharge Conflicts

- DWR has **not** provided substantial evidence that TCC facilities would not interfere significantly with recharge, including due to recharge potential and runoff.
- DWR's offered conservation easement would **not** remedy conflicts with groundwater recharge.

*DWR has **not** provided substantial evidence that it has avoided or reduced conflicts with Harvest Water's groundwater recharge commitments, or that it was infeasible to do so.*

# The TCC Conflicts with Harvest Water's Sandhill Crane Commitments

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- DWR has been aware of the conflict with Harvest Water since at least 2023 but took no steps to avoid or reduce the conflict.
- DWR's analysis relies on its own inaccurate analyses of the acreage of land suitable for and available to SacSewer as Sandhill crane habitat.
- Evidence in the record demonstrates that TCC site is of special ecological importance and the *only site* of such high value with a willing landowner.



Sandhill cranes at sunset, Rachel Portwood/USFWS, Public Domain, <https://www.fws.gov/media/sandhill-cranes-sunset>

# Sandhill Crane Conflicts



Three sandhill cranes , Mary Carlson/USFWS, Public Domain,  
<https://www.fws.gov/media/three-sandhill-cranes>

- Mr. Loretz has signed two agreements with SacSewer for recycled water delivery and Sandhill crane habitat creation on his property.
- Agreements are the result of years of outreach and negotiation.
- DWR filed Revised Certification without considering that agreements existed, repeatedly asserting incorrectly that no executed agreements exist.
- Regardless, SacSewer is not required to show it is infeasible to enroll alternative properties.

# Sandhill Crane Conflicts

- DWR's mitigation measures do not reduce conflict between TCC and Harvest Water with respect to crane habitat enrollment.
- DWR has provided no substantial evidence that TCC site could provide high-quality Sandhill crane habitat after construction.

*DWR has not provided substantial evidence that it avoided or reduced impacts with Harvest Water with respect to Sandhill crane habitat, or that it was infeasible to do so.*



Greater Sandhill crane, Koerner, Tom/USFWS, Public Domain,  
<https://www.fws.gov/media/greater-sandhill-crane>

# Response to Issues Raised in DWR's Written Submission

# Conclusion

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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 DWR Has **Not** Shown Avoidance or Reduction of Conflicts with Harvest Water’s Existing Uses Related to Groundwater Recharge and Sandhill Crane Habitat

X DWR Has **Not** Shown it is Infeasible to Avoid or Reduce Conflicts