

DELTA STEWARDSHIP COUNCIL · APPEAL HEARING

Consistency Appeal for the Delta Tunnel

Cert. ID C20262-A2 · Inconsistency with DP P2

Presented by Twin Cities Group (“TCG”)

Frank Loretz, Duane Martin, Kevin Young, David Schultz

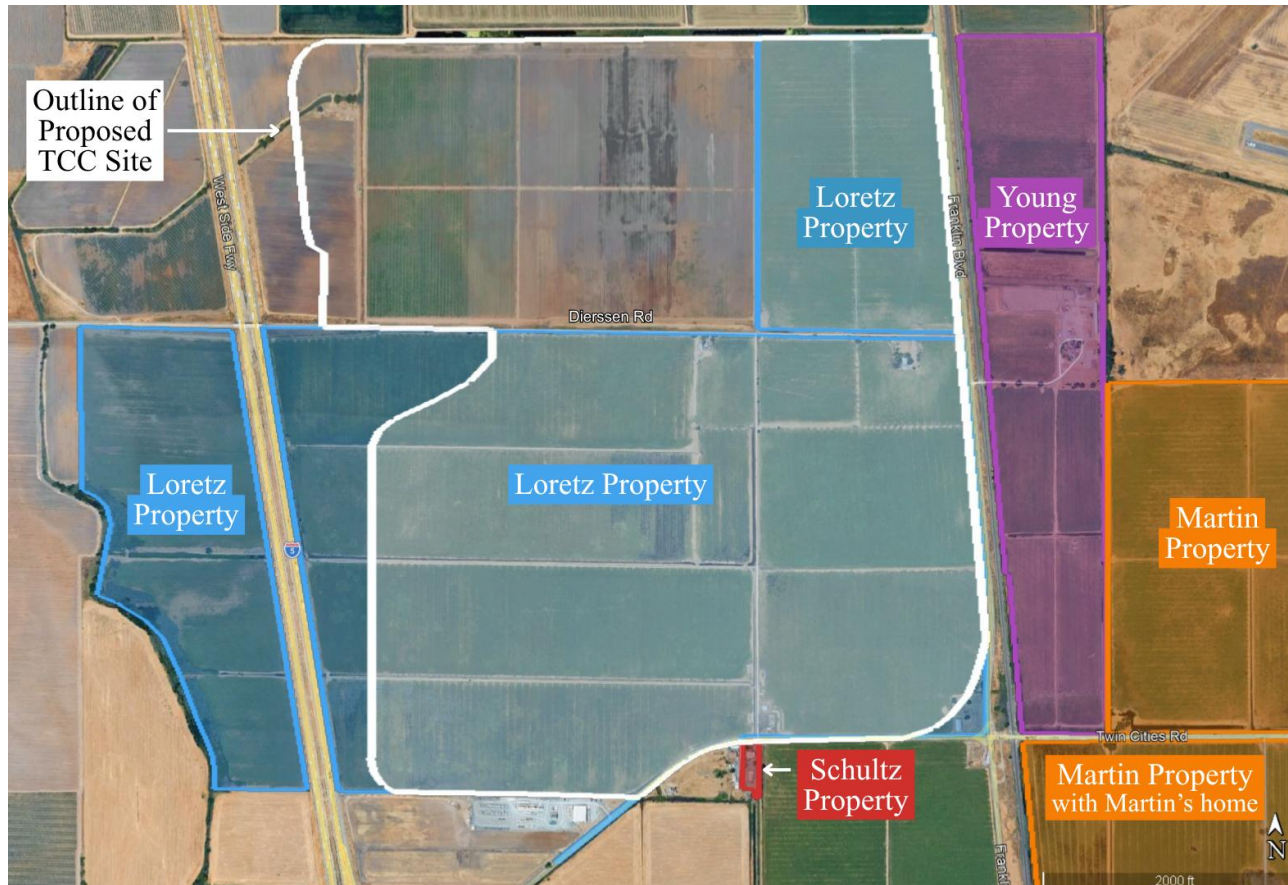
October 15, 2026



OPENING

Who Twin Cities Group Is

Landowners and residents under and around the proposed Twin Cities Complex (“TCC”) footprint



Frank Loretz

Owns Nevin Ranch, beneath the 586-acre TCC footprint; enrolled in SacSewer’s Harvest Water Program

Duane Martin

Runs Martin Livestock cattle on Nevin Ranch; Harvest Water user; lives just east of proposed TCC

Kevin Young

Owns ~ 102-acre cattle ranch directly east; employee’s family lives on the ranch; enrolled in Harvest Water; Swainson’s Hawk easement

David Schultz

Generation family home directly south of the TCC, where he is raising his son

The Question Before the Council

DP P2 - Respect to Local Land Use requires that:



Facilities must be sited to avoid or reduce conflicts with existing uses and uses in adopted general plans, when feasible.

— Cal. Code Regs, tit. 23, § 5011 (DP P2)

COUNCIL'S FINDING

DWR had not provided substantial evidence of consistency with DP P2 showing that the Twin Cities Complex was sited to avoid or reduce conflict with Harvest Water
Decision, p. 160:13-18

SCOPE

Has DWR now supplied substantial evidence of consistency with DP P2?
Wat. Code, § 85225.25

Where the Remanded Certification Falls Short

Five failures of evidence on the same parcels the Council remanded

1

Misstates the
Harvest Water
commitments
on the site

2

Labels two
occupied
homes as
storage/support

3

No verification
of basic ground
conditions

4

Ignores
neighboring
homes and
ranches

5

Leaves Dierssen
Road access
and flooding
unaddressed

Proposed Twin Cities Complex at a Glance

586

acres of construction footprint

TCG Appeal, p. 2

~ 222

acres permanently destroyed

TCG Appeal, p. 9

11+

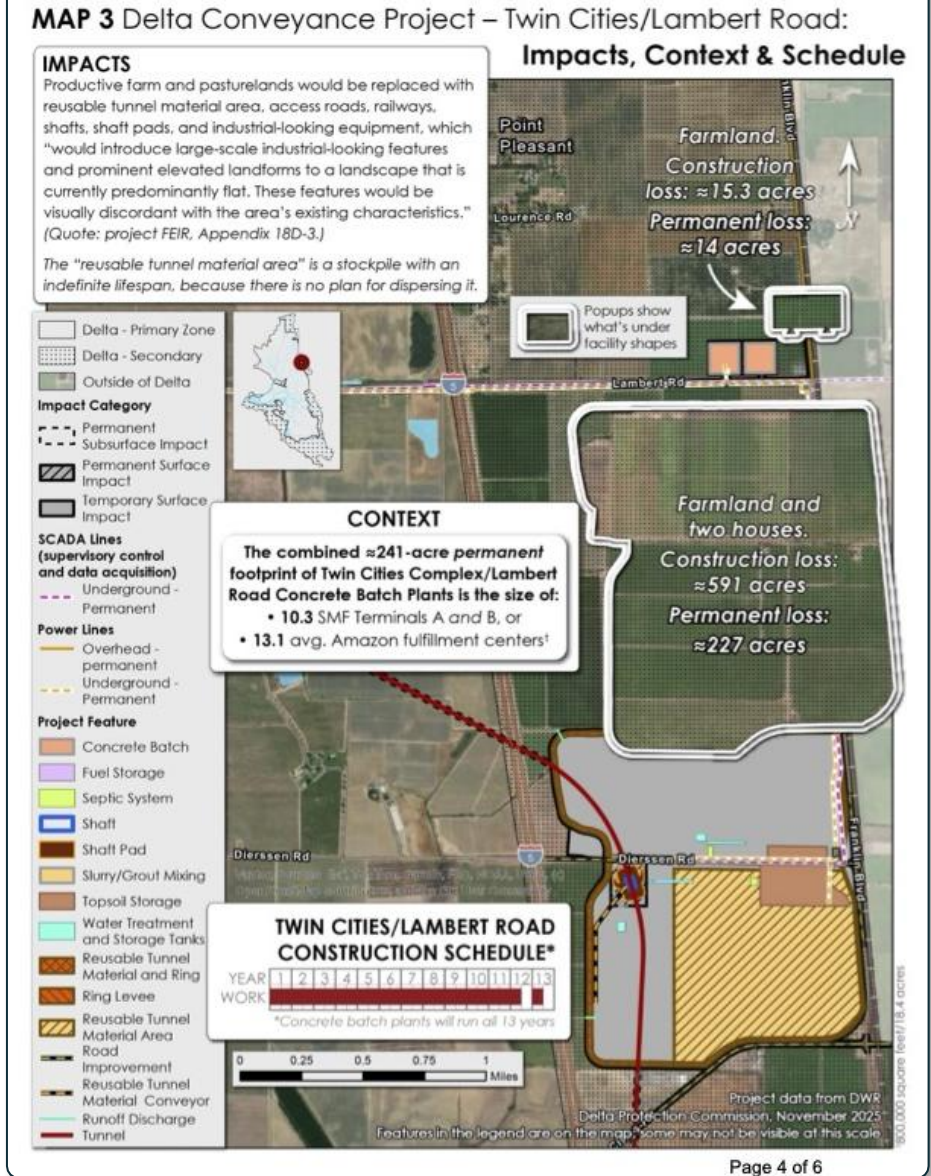
years of construction

TCG Appeal, p. 9

15 ft

of tunnel muck left permanently on grazing land

TCG Appeal, p. 9



Harvest Water: An Existing Land Use

May 2025

July 2025

July 2026

July 24, 2026



Recycled-water pipeline easement to SacSewer recorded on Loretz property

Service Agreement: Harvest Water recycled water for 20+ years

20-year EcoPlan agreement: 433 acres of Sandhill Crane habitat

DWR files the Remanded Certification

Kevin Young's Ranch

Also enrolled in the Harvest Water supply, supporting continued cattle and agricultural use.

Delta Protection Commission (Sept. 18, 2026)

Harvest Water is an existing land use, and the tunnel "would adversely impact Harvest Water's advancement of the coequal goals."

DWR's Claims vs. the Record

DWR's Remanded Certification

- Title search of all TCC parcels “found no recorded encumbrances by SacSewer” (*Remanded Cert.*, p. 46:14-15)
- Loretz’s Harvest Water agreement is not actually finished
- Does not address the siting impacts on these families’ properties

The Record

- SacSewer easement recorded May 6, 2025 on APN 146-0080-010 – over one year earlier
- Service Agreement (July 2025) and EcoPlan agreement (July 2026) both executed
- DWR knew of the SacSewer negotiations for years

A title search that misses a recorded instrument on the very parcel searched is not substantial evidence

Three Accounts of the Same Parcel

DWR's own record cannot agree on what exists on the Loretz property.

1

DCA Shaft Siting Study

DWR's joint powers authority rated site "CA-C" (now the TCC) *Favorable* based on factors including that there were "No identifiable structures" and "No water supply wells."

2

FEIR Mapbook 14-3, Sheet 2

Depicts two structures on Dierssen Road inside the TCC footprint that are labeled "Storage/Support."

3

On the Ground

Two occupied residential homes and three water supply wells serving the property.

Two Occupied Homes in the TCC Footprint



NOT A LABELING NUANCE

The homes predate the FEIR – Mapbook 14-3, Sheet 2 shows structures existed when DWR mis-classified them as non-residential.

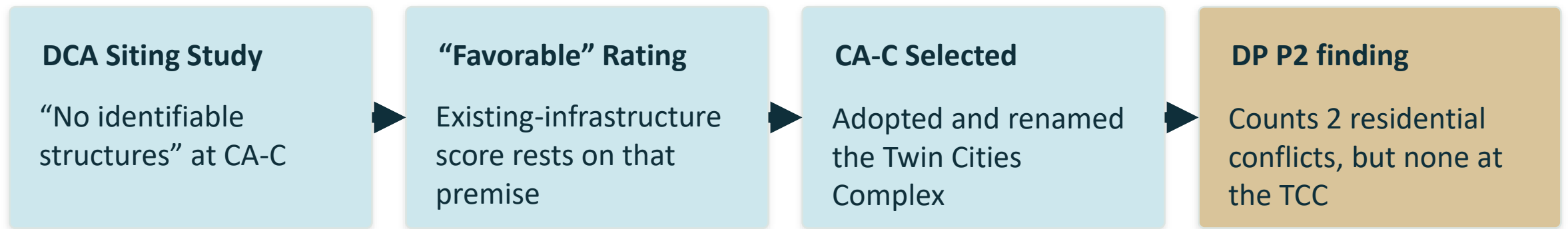
DWR proposes to destroy them and cover them with a permanent 15-foot tunnel muck stockpile.

Why the Mislabeling Matters

DWR's Fails at Showing Reasoned Evaluation of the Record

- DP P2 Attachment 1 says shafts will conflict with “an estimated two residential structures” – its only source is Mapbook 14-3, Sheet 2
- The only residences DWR admits shafts will destroy are at the Lower Roberts Island launch shaft, not the TCC
- These are the same parcels the Council remanded for Harvest Water conflicts

The error runs straight through DWR's siting choice and its DP P2 finding



No Verification Before Re-Certifying

- 1** **Dec. 2023:** FEIR certified on aerial-imagery analysis; homes erroneously labeled “Storage/Support”.
- 2** **Nov. 10, 2025:** DWR attended State Water Board hearing-related tour, which included stop on Dierssen Road adjacent to homes.
- 3** **State Water Board Testimony:** Duane Martin’s testimony describes the wells serving the homes.
- 4** **July 2026:** Remanded Certification filed – errors not corrected.

Simple steps would have caught the mistake:

- A more detailed aerial view
- Driving past the property
- Cross-referencing county records

Conflicts Do Not Stop at the Fence Line



- Home and a cattle operation are affected by what happens around them – not only by what is physically removed.
- The TCC is north of the Schultz home, west of the Young ranch, and northwest of the Martin Ranch.
- DWR treats “conflict” as limited to the footprint of physical structures – and even there mischaracterizes what exists.
- DWR’s claims of Minimizing Community Impacts from Construction are unsupported for these families.

Duane Martin: Business and Home

The Cattle Operation

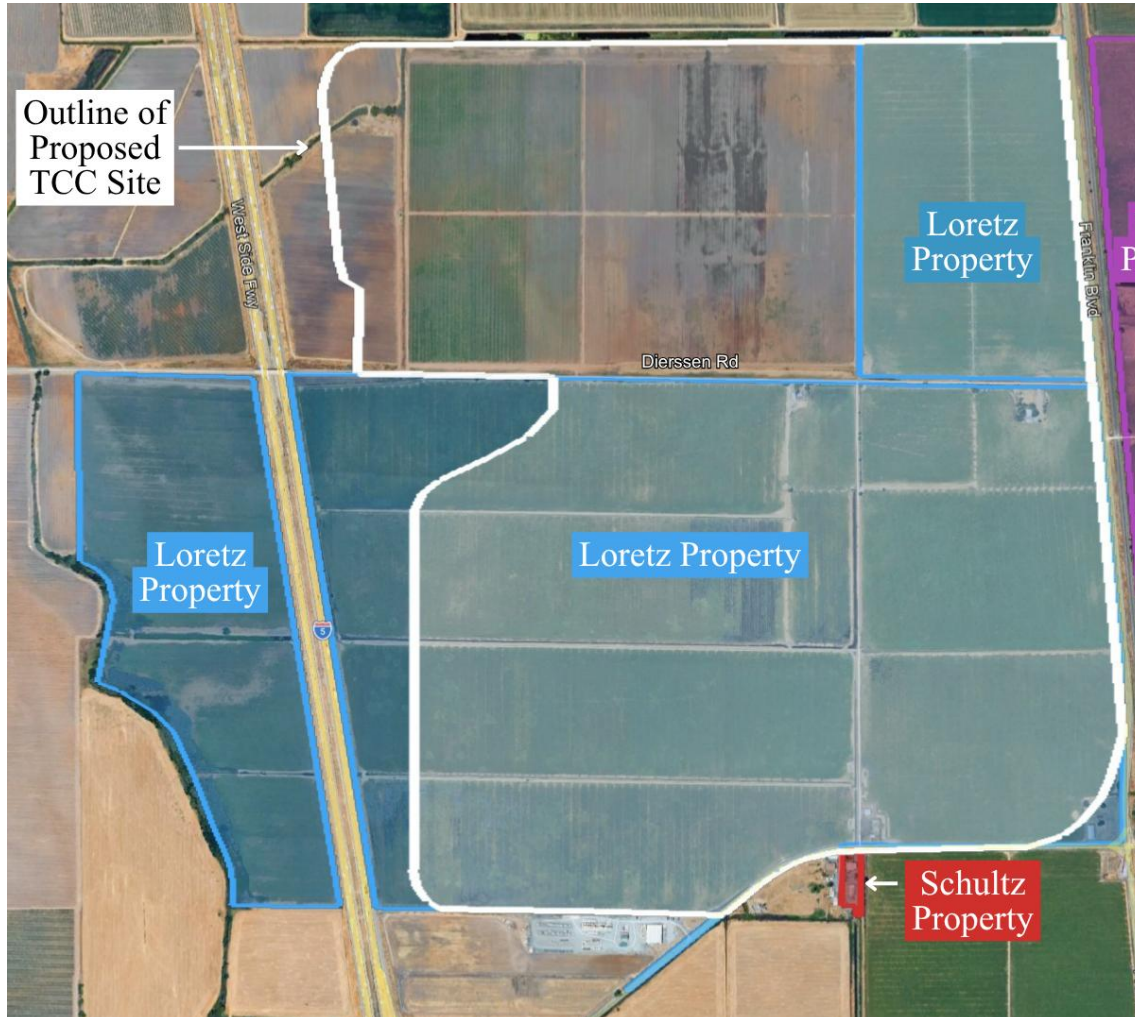
- Cannot pause during construction and restart after
- Needs continuous pasture, working fences, water, and room to move a herd
- Large, well-configured grazing parcels are scarce in the region

The Family Home

- Lives just east of the site, on the south side of Twin Cities Road
- Years of construction traffic, noise, and dust threaten to make his home unlivable
- Remanded Certification treats Martin only as the Harvest Water user

15 feet of permanent tunnel muck would be on about 222 acres of pasture his cattle graze today.

Frank Loretz and the Dierssen Road Homes



Two households lose their homes – destroyed and buried under muck stockpiles

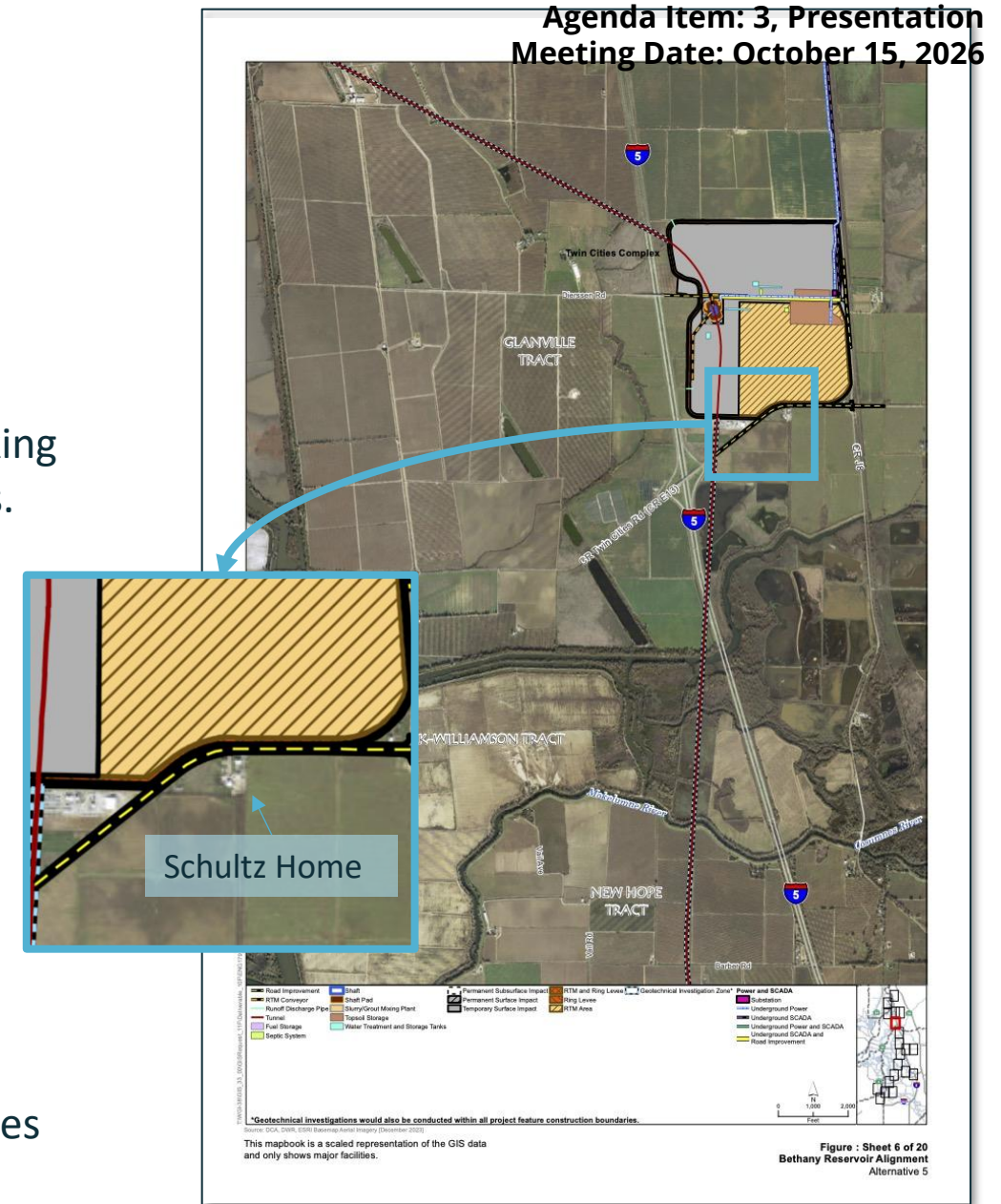
433 acres already committed to Sandhill Crane habitat for 20 or more years

Family land held for many years, and the income it generates

Remaining land diminished in value by the industrial character of the TCC and fragmentation of parcels

David Schultz: The TCC at His Front Door

- 1 Generational home**
 Family land for generations; he is raising his son here, walking near the property, and watching Martin's cattle and horses.
- 2 Road Widening**
 TCC access improvements would widen Twin Cities Road directly in front of his home.
- 3 Existing Hazard**
 Eastbound drivers already take the turn by his property at unsafe speeds; widening, plus years of heavy traffic, compounds it.
- 4 Flooding**
 In wet years, floodwater on Twin Cities Road already reaches his home.



TCG Appeal, pp. 10-11 (citing FEIR, Ch. 3, Mapbook 3-3 Sheet 6)

Kevin Young: A Working Ranch Next Door

1

Family on site

An employee's family, including children, lives in the home and relies on the ranch.

2

Harvest Water

Enrolled in recycled water to support cattle and agricultural operations.

3

Swainson's Hawk easement

Conservation easement on the property – a use DWR has not considered for conflicts.

4

Construction effects

Muck stockpile, traffic, and noise next door – and recurring flooding that the ring levee could worsen.

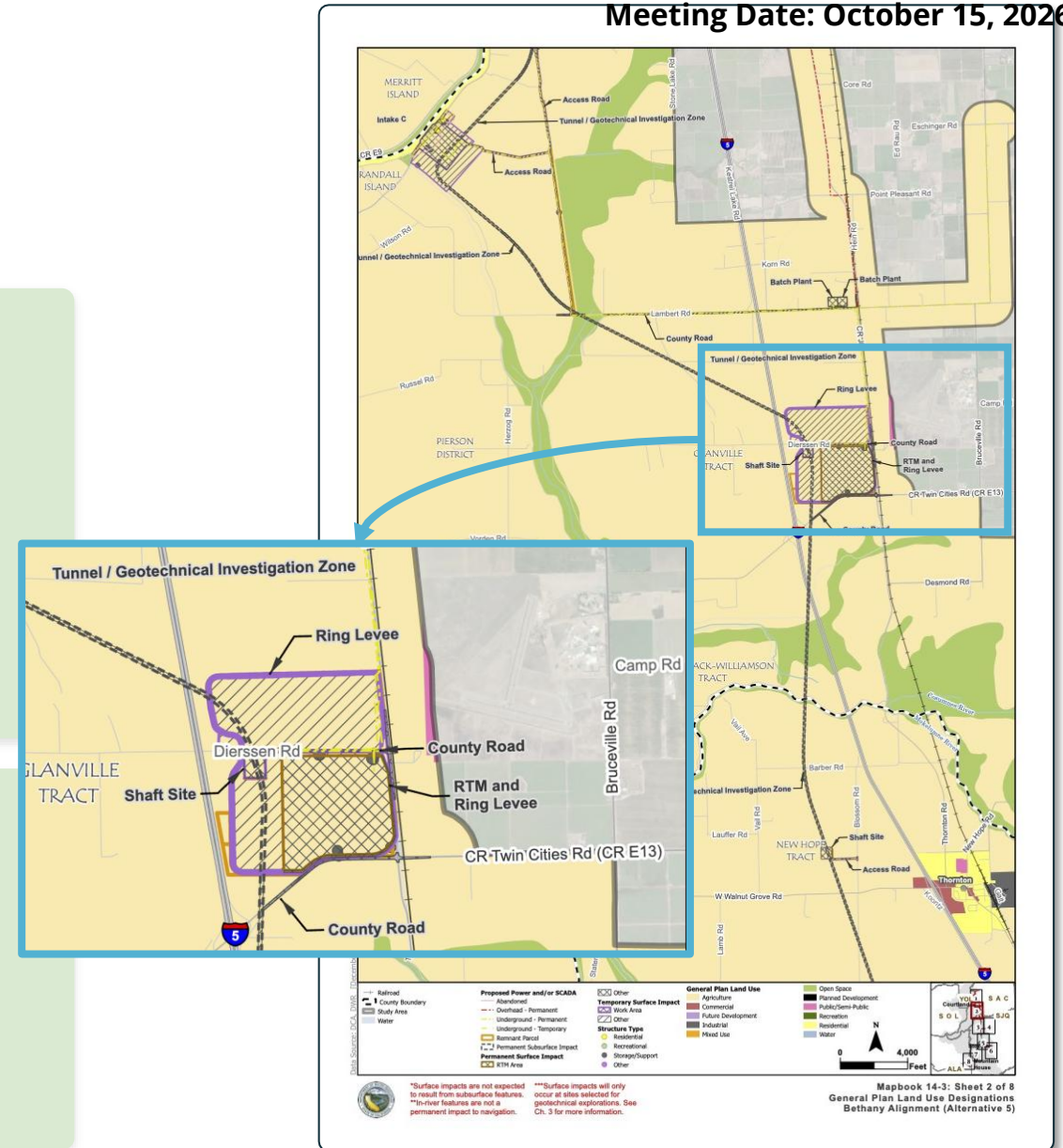
Dierssen Road: Access and Wildlife Corridor

Human access:

- Ring levee encloses the entire 586-acre site for 11+ years
- No explanation of whether Dierssen Road would be relocated, gated, or closed
- Local alternate route when Lambert Road floods
- Overpass sole access for properties west of I-5

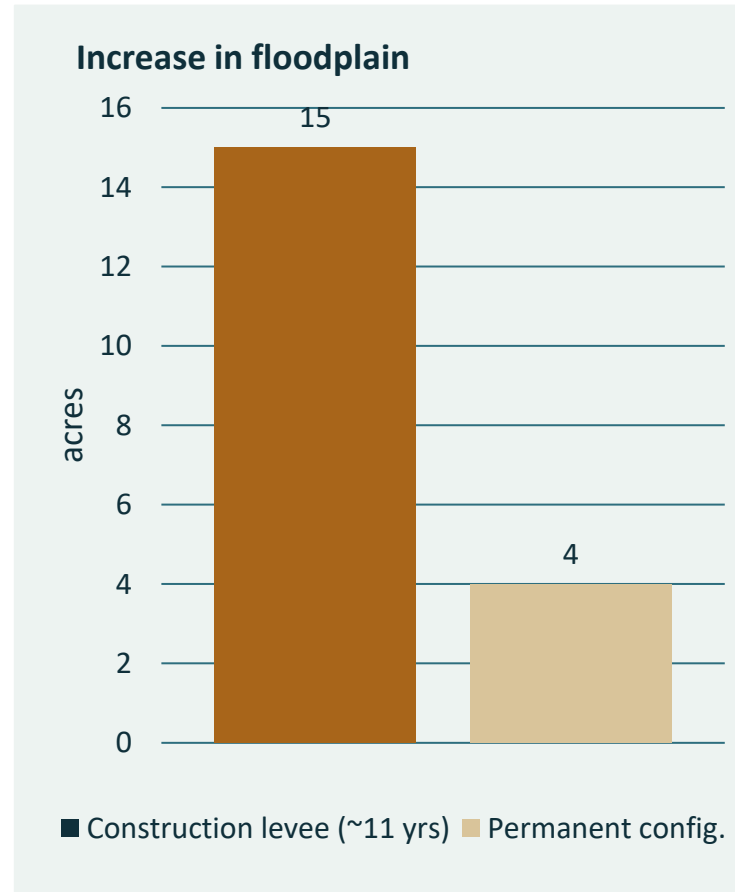
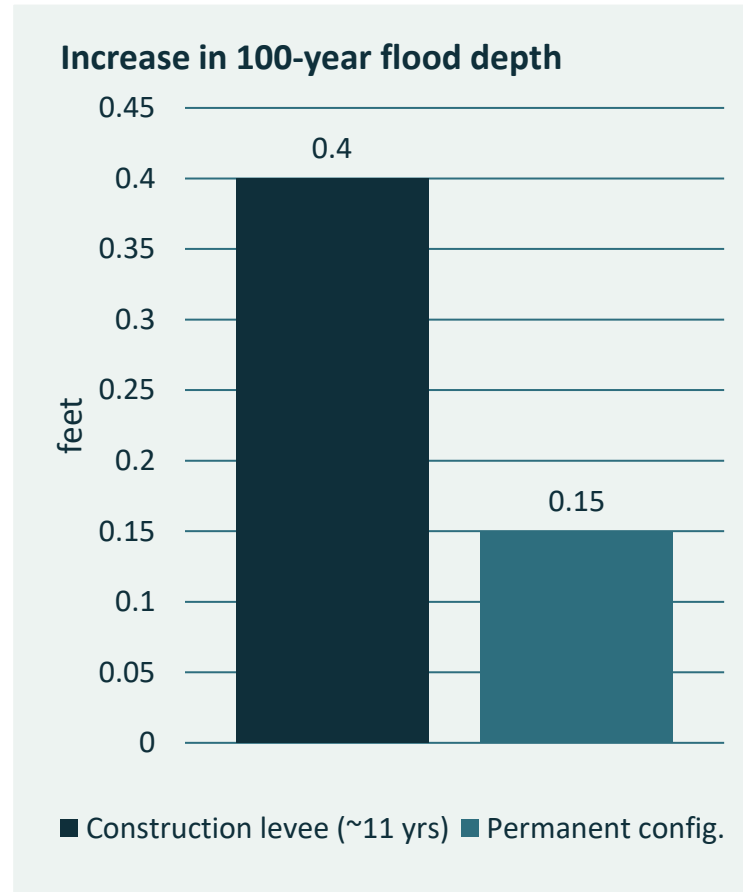
Wildlife corridor:

- Low-traffic (safer) crossing over I-5 from Snodgrass Slough to Franklin Blvd.
- Links Stone Lakes NWR and Consumnes River Preserve
- TCC would block part of the mapped "green core reserve" according to wildlife expert



Ring Levee Raises Flooding Next Door

Delta Conveyance Authority's modeling indicates that larger effect lasts about a decade



Already flooding

- Schultz: floodwater reaches his home in wet years
- Young: recurring flooding on the ranch

DWR does not address the flood effects on these specific properties

What DWR Failed to Do

DWR's finding rests on an unlawful reading of DP P2 that is arbitrary and not supported by substantial evidence. **DWR failed to:**

1 Reconsider and avoid or reduce conflicts with Harvest Water – agricultural use, groundwater recharge, and Sandhill Crane habitat

2 Recognize that the TCC would bury two existing residences under tunnel muck

3 Reduce conflicts with surrounding agricultural and residential uses

4 Address effects on existing land uses of blocking Dierssen Road access with the ring levee and construction activities

Remand the Certification Back to DWR

The coequal goals require restoring the Delta ecosystem while protecting its agricultural values.

DP P2

No substantial evidence that the TCC was sited to avoid or reduce conflicts with Harvest Water and other existing local land uses

THANK YOU! Any Questions?