

Certification of Consistency

C20265

Step 1 - Agency Profile

A. GOVERNMENT AGENCY: Local Agency

Government Agency: Department of Water Resources (DWR)

Primary Contact: Judah Grossman

Address: 715 P Street, 6th Floor

City, State, Zip: Sacramento, CA 94236

Telephone/Fax: (916) 460-0418

E-mail Address: dhuang@esassoc.com

B. GOVERNMENT AGENCY ROLE IN COVERED ACTION:

Will Approve / Will Carry Out / Will Fund

Step 2 - Covered Action Profile

A. COVERED ACTION PROFILE: Project

Title: Tide's End Multibenefit Restoration Project

B. PROPONENT CARRYING OUT COVERED ACTION (If different than State or Local Agency):

Proponent Name: Department of Water Resources (DWR)

Address: 715 P Street, 6th Floor

City, State, Zip: Sacramento, CA 94236

C. OPEN MEETING LAWS

Agencies whose actions are not subject to open meeting laws (Bagley-Keene Open Meeting Act [[Gov. Code sec 11120 et seq.](#)] or the Brown Act [[Gov. Code sec 54950 et seq.](#)]) must post their draft certification on their website and in their office for public review and comment, and mail to all persons requesting notice (Administrative Procedures Governing Appeals, Rule 3). A state or local public agency that is subject to open meeting laws is encouraged to post the draft certification on their website and in the office for public review and comment and to mail to all persons requesting notice.

Any state or local public agency that is subject to open meeting laws with regard to its certification is also encouraged to take those actions. It is encouraged to upload any evidence that the project, plan or program went through for public review and comment as part of a Bagley-Keene or Brown Act meeting.

Is your agency subject to open meeting laws (Bagley-Keene Open Meeting Act [Gov. Code sec 11120 et seq.] or the Brown Act [Gov. Code sec 54950 et seq.]? (Note: Select "Yes" if your agency or organization is subject to open meeting laws. Select "No" if your agency or organization is not subject to open meeting laws.) No

If your agency is not subject to open meeting laws (Bagley-Keene Open Meeting Act [Gov. Code sec 11120 et seq.] or the Brown Act [Gov. Code sec 54950 et seq.]) **did your agency, at least 10 days prior to the submission of a certification of consistency to the Delta Stewardship** Yes

Council, post the draft certification on your website and in the office for public review and comment, and mail the draft certification to all persons requesting notice?

Any state or local public agency that is subject to open meeting laws with regard to its certification is also encouraged to take those actions. It is encouraged to upload any evidence that the project, plan or program went through for public review and comment as part of a Bagley-Keene or Brown Act meeting.

Note: Any public comments received during this process must be included in the record submitted to the Council in case of an appeal.

[Notice of Intent to Submit Certification of Consistency with the Delta Plan.pdf](#)

D. COVERED ACTION SUMMARY: (Project Description from approved CEQA document may be used here)

The Tide's End Multibenefit Restoration Project (proposed Project) is being developed to restore and enhance tidal wetland and floodplain habitat, support multibenefit land uses (including managed wetlands and floodplain agriculture), and maintain or improve flood conveyance in the Yolo Bypass. Tidal inundation would be restored by hydrologically connecting the site to the Toe Drain via a series of berm openings, berm lowering, and channel excavation. The restored habitats would enhance aquatic production and export for food web support and would facilitate volitional fish passage of juvenile salmonids and other native fishes accessing the proposed Project area's floodplain during high-flow events. The proposed Project's restoration design elements include tidal wetland, transition zone habitat, floodplain habitat, managed wetlands, managed floodplain agriculture, site revegetation (including riparian communities), access improvements, as well as irrigation and drainage improvements. [00_ADA_TidesEnd_FSEIR_Sept26_OCR_rev.pdf](#), [Tides End_DSEIR_Appendices_Feb2026_Print.pdf](#)

E. STATUS IN THE CEQA PROCESS: NOD has been filed

F. STATE CLEARINGHOUSE NUMBER:(if applicable) 2024070944

G. COVERED ACTION ESTIMATED TIME LINE:

ANTICIPATED START DATE: (If available) 04/15/2027
ANTICIPATED END DATE: (If available) 11/01/2028

H. COVERED ACTION TOTAL ESTIMATED PROJECT COST: \$24,000,000

I. IF A CERTIFICATION OF CONSISTENCY FOR THIS COVERED ACTION WAS PREVIOUSLY SUBMITTED, LIST DSC REFERENCE NUMBER ASSIGNED TO THAT CERTIFICATION FORM:

J. Supporting Documents:

[Tides End NOD.pdf](#)

Step 3 - Consistency with the Delta Plan

DELTA PLAN CHAPTER 2

[G P1/Cal. Code Regs., tit. 23, § 5002](#) - Detailed Findings to Establish Consistency with the Delta Plan.

G P1/Cal. Code Regs., tit. 23, § 5002 identifies what must be addressed in a certification of consistency filed by a State or local public agency with regard to any covered action and only applies after a "proposed action" has been determined by a State or

local public agency to be a covered action because it is covered by one or more of the regulatory policies listed under Delta Plan Chapters 3, 4, 5, and 7 of this form. Inconsistency with this policy may be the basis for an appeal.

A certification of consistency must include detailed findings that address each of the regulatory policies identified in Cal. Code Regs., tit. 23, §§ 5002-5013 and listed on this Form that is implicated by the covered action.

As outlined in Cal. Code Regs., tit. 23, § 5002 (b)(1), the Delta Stewardship Council acknowledges that in some cases, based upon the nature of the covered action, full consistency with all relevant regulatory policies may not be feasible. In those cases, the agency that files the certification of consistency may nevertheless determine that the covered action is consistent with the Delta Plan because, on whole, that action is consistent with the coequal goals. That determination must include a clear identification of areas where consistency with relevant regulatory policies is not feasible, an explanation of the reasons why it is not feasible, and an explanation of how the covered action nevertheless, on whole, is consistent with the coequal goals. That determination is subject to review by the Delta Stewardship Council on appeal.

Specific requirements of this regulatory policy:

a. [G P1\(b\)\(1\)/Cal. Code Regs., tit. 23, § 5002, subd. \(b\)\(1\)](#) - Coequal Goals

As outlined in **Cal. Code Regs., tit. 23, § 5002 (b)(1)**, the Delta Stewardship Council acknowledges that in some cases, based upon the nature of the covered action, full consistency with all relevant regulatory policies may not be feasible. In those cases, the agency that files the certification of consistency may nevertheless determine that the covered action is consistent with the Delta Plan because, on whole, that action is consistent with the coequal goals. That determination must include a clear identification of areas where consistency with relevant regulatory policies is not feasible, an explanation of the reasons why it is not feasible, and an explanation of how the covered action nevertheless, on whole, is consistent with the coequal goals. That determination is subject to review by the Delta Stewardship Council on appeal.

Is the covered action consistent with this portion of the regulatory policy?

Yes

Answer Justification:

DWR has determined that the Covered Action is consistent with all relevant Delta Plan policies. DWR also has determined that the Covered Action is consistent with both coequal goals: it is consistent with the restored-ecosystem goal because the project is consistent with the Delta Plan's Coequal Goals through restoration of native ecosystem habitats and functions, restores tidal wetlands, and supports ecosystem health. The second of the Delta Plan's Coequal Goals, water supply reliability, is not significantly changed by the Proposed Project. [00_ADA_TidesEnd_FSEIR_Sept26_OCR_rev.pdf](#)

b. [G P1\(b\)\(2\)/Cal. Code Regs., tit. 23, § 5002, subd. \(b\)\(2\)](#) - Mitigation Measures

G P1(b)(2)/Cal. Code Regs., tit. 23, § 5002, subd. (b)(2) provides that covered actions not exempt from CEQA, must include all applicable feasible mitigation measures adopted and incorporated into the Delta Plan as amended April 26, 2018, (unless the measure(s) are within the exclusive jurisdiction of an agency other than the agency that files the certification of consistency), or substitute [mitigation measures](#) that the agency that files the certification of consistency finds are equally or more effective. For more information, see Cal. Code Regs., tit. 23, § 5002, and Delta Plan Appendix O, Mitigation Monitoring and Reporting Program, which are referenced in this regulatory policy.

Is the covered action consistent with this portion of the regulatory policy?

Yes

Answer Justification:

The supplemental EIR for the Tide's End Multibenefit Restoration Project has identified and DWR has adopted mitigation measures which meet, exceed, or are functionally equivalent to those identified in the Delta Plan MMRP.

c. [G P1\(b\)\(3\)/Cal. Code Regs., tit. 23, § 5002, subd. \(b\)\(3\)](#) - **Best Available Science**

G P1(b)(3)/Cal. Code Regs., tit. 23, § 5002, subd. (b)(3) provides that, relevant to the purpose and nature of the project, all covered actions must document use of best available science. For more information, see [Appendix 1A](#), which is referenced in this regulatory policy.

Is the covered action consistent with this portion of the regulatory policy?

Yes

Answer Justification:

Development of the Tide's End Multibenefit Restoration Project utilized a wide range of relevant data, literature, modeling tools, and scientific experts. DWR used the best available scientific information to develop project design and analyze the effects of the project, drawing on a number of scientific and engineering-related disciplines that include hydrology, ecology, and civil engineering. The impact analysis produced for the Tide's End Multibenefit Restoration Project were subject to review and comment by the general public under the California Environmental Quality Act (CEQA). Use of best available science practices is evident in the Adaptive Management and Monitoring Plan (AMMP) prepared for this project. [AMMP_202610_ADA.pdf](#), [Tides End_Draft SEIR_Feb2026_Print.pdf](#), [Tides End_DSEIR_Appendices_Feb2026_Print.pdf](#), [Tides End_Draft SEIR_Feb2026_Print.pdf](#)

d. [G P1\(b\)\(4\)/Cal. Code Regs., tit. 23, § 5002, subd. \(b\)\(4\)](#) - **Adaptive Management**

G P1(b)(4)/Cal. Code Regs., tit. 23, § 5002, subd. (b)(4) provides that an ecosystem restoration or water management covered action must include adequate provisions, appropriate to its scope, to assure continued implementation of adaptive management. For more information, see [Appendix 1B](#), which is referenced in this regulatory policy. Note that this requirement may be satisfied through both of the following:

(A) An adaptive management plan that describes the approach to be taken consistent with the adaptive management framework in Appendix 1B; and

(B) Documentation of access to adequate resources and delineated authority by the entity responsible for the implementation of the proposed adaptive management process.

Is the covered action consistent with this portion of the regulatory policy?

Yes

Answer Justification:

Delta Plan Policy G P1 requires that ecosystem restoration covered actions must include adequate provisions to assure continued implementation of adaptive management. Refer to attached Adaptive Management and Monitoring Plan (AMMP) developed for the Project. [AMMP_202610_ADA.pdf](#)

DELTA PLAN CHAPTER 3

[WR P1 / Cal. Code Regs., tit. 23, § 5003](#) - **Reduce Reliance on the Delta through Improved Regional Water Self-Reliance**

Is the covered action consistent with this portion of the regulatory policy?

N/A

Answer Justification:

The project does not export water from or transfer water through the Delta. The project will not affect whether or not water suppliers receive water from the Delta. As such, DWR has determined that Policy WR P1 is not applicable.

[WR P2 / Cal. Code Regs., tit. 23, § 5004](#) - **Transparency in Water Contracting**

Is the covered action consistent with this portion of the regulatory policy?

N/A

Answer Justification:

Delta Plan Policy WR P2 calls for the contracting process for water from the State Water Project and/or the Central Valley Water Project to be done in a publicly transparent manner. The project does not involve contracting for water from the State Water Project and/or the Central Valley Project. As such, DWR has determined that Policy WR P2 is not applicable.

DELTA PLAN CHAPTER 4

[Cal. Code Regs., tit. 23, § 5002, subd. \(c\)](#) - Conservation Measure

Cal. Code Regs., tit. 23, § 5002, subd. (c) provides that a conservation measure proposed to be implemented pursuant to a natural community conservation plan or a habitat conservation plan that was: (1) Developed by a local government in the Delta; and (2) Approved and permitted by the California Department of Fish and Wildlife prior to May 16, 2013 is deemed to be consistent with the regulatory policies listed under Delta Plan Chapter 4 of this Form (i.e. sections 5005 through 5009) if the certification of consistency filed with regard to the conservation measure includes a statement confirming the nature of the conservation measure from the California Department of Fish and Wildlife.

Is the covered action consistent with this portion of the regulatory policy?

N/A

Answer Justification:

The project does not include a conservation measure proposed to be implemented pursuant to a natural community conservation plan or a habitat conservation plan. As such, DWR has determined that this provision is not applicable.

[ER P1 / Cal. Code Regs., tit. 23, § 5005](#) - Delta Flow Objectives

Is the covered action consistent with this portion of the regulatory policy?

N/A

Answer Justification:

DWR has determined that Policy ER P1 is not applicable because the proposed Project will not impact the flow objectives set forth in the State Water Resources Control Board's Bay Delta Water Quality Control Plan. Hydraulic modeling was conducted to quantify changes resulting from operation of the restoration project (DWR 2026, Appendix H). The hydraulic modeling demonstrates that the impacts of the proposed Project would be localized (i.e., within the Project area and the Yolo Bypass); therefore, the proposed Project's potential to affect flows in other areas of the Delta where flow objectives are established under the State Water Resources Control Board's Bay-Delta Water Quality Control Plan (e.g., Rio Vista or Delta outflow) would be negligible.

[ER PA/Cal. Code Regs., tit.23, § 5005.1](#) - Contributions to Restoring Ecosystem Function and Providing Social Benefits

Effective Date April 1, 2025

Is the covered action consistent with this portion of the regulatory policy?

Yes

Answer Justification:

DWR has determined, based on substantial evidence in the record, that the covered action is consistent with Delta Plan Policy ER PA (Cal. Code Regs., tit. 23, § 5005.1). ER PA requires DWR to answer the questions in Delta Plan Appendices 3A, Sections 1 and 2, and to disclose the information supporting DWR's answers. The policy merely calls for disclosure, specifically for the certifying agency of a restoration project to describe the expected contribution

of a covered action to ecosystem functions and social benefits as guided by the prompts in Delta Plan Appendix 3A. DWR has complied with these requirements. [ER PA_202610_ADA.pdf](#)

[ER P2 / Cal. Code Regs., tit. 23, § 5006](#) - Restore Habitats at Appropriate Elevations

For covered actions with a Notice of Preparation, Negative Declaration, or Mitigated Negative Declaration issued before April 1, 2025, the effective date of this policy is April 1, 2027. If this applies to you, please contact Council staff.

Is the covered action consistent with this portion of the regulatory policy?

Yes

Answer Justification:

DWR has determined, based on substantial evidence in the record, that the Tides End Multibenefit Restoration Project is consistent with Delta Plan Policy ER P2 (Cal. Code Regs., tit. 23, § 5006) because habitat restoration will occur at appropriate elevations as identified in Delta Plan Appendices 3 and 4. When relevant to discerning the appropriate scope of analysis pursuant to Delta Plan Policy ER P2, this consistency analysis also considers the following prior DSC decisions on appeals of previous covered actions: Delta Stewardship Council Decision No. D20257; Delta Stewardship Council Decision No. D20242; Delta Stewardship Council Decision re: C20215; Delta Stewardship Council Decision re: C202110; Delta Stewardship Council Decision re: C20188. [ER P2_202609_ADA.pdf](#)

[ER P3 / Cal. Code Regs., tit. 23, § 5007](#) - Protect Opportunities to Restore Habitat

For covered actions with a Notice of Preparation, Negative Declaration, or Mitigated Negative Declaration issued before April 1, 2025, the effective date of this policy is April 1, 2027. If this applies to you, please contact Council staff.

Is the covered action consistent with this portion of the regulatory policy?

Yes

Answer Justification:

The Tide's End Multibenefit Restoration Project (proposed Project) is located within the Yolo Bypass Priority Habitat Restoration Area within the Delta (Delta Stewardship Council 2024). DWR has determined that the proposed Project is consistent with Delta Plan Policy ER P3 (Cal. Code Regs., tit. 23, § 5007) because it will not adversely impact the opportunity to restore habitat, and in fact the proposed Project is the very type of restoration effort advocated by the Delta Stewardship Council in the Delta Plan. When relevant to discerning the appropriate scope of analysis pursuant to Delta Plan Policy ER P3, this consistency analysis also considers the following prior DSC decisions on appeals of previous covered actions: Delta Stewardship Council Decision No. D20257; Delta Stewardship Council Decision No. D20242; Delta Stewardship Council Decision re: C20215; Delta Stewardship Council Decision re: C202110; Delta Stewardship Council Decision re: C20188. [ER P3_202609_ADA.pdf](#)

[ER P4 / Cal. Code Regs., tit. 23, § 5008](#) - Expand Floodplains and Riparian Habitats in Levee Projects

For covered actions with a Notice of Preparation, Negative Declaration, or Mitigated Negative Declaration issued before April 1, 2025, the effective date of this policy is April 1, 2027. If this applies to you, please contact Council staff.

Is the covered action consistent with this portion of the regulatory policy?

N/A

Answer Justification:

The project will not construct, rehabilitate, or reconstruct a levee located in or on the Sacramento River between Freeport and Walnut Grove, the San Joaquin River from the Delta boundary to Mossdale, Paradise Cut, Steamboat Slough, Sutter Slough, the North and South Forks of the Mokelumne River, or in the cities of West Sacramento or Sacramento. DWR has determined, therefore, that Policy ER P4 is not applicable.

[ER P5 / Cal. Code Regs., tit. 23, § 5009](#) - **Avoid Introductions of and Habitat for Invasive Nonnative Species**

Is the covered action consistent with this portion of the regulatory policy?

Yes

Answer Justification:

DWR has determined, based on substantial evidence in the record, that the Tides End Multibenefit Restoration Project is consistent with Delta Plan Policy ER P5 (Cal. Code Regs., tit. 23, § 5009). This consistency analysis describes the nonnative species that occur in the proposed Project area and the proposed Project's design features and mitigation measures that avoid the potential for new introductions of or improved habitat conditions for nonnative invasive species in a way that appropriately protects the ecosystem. Mapping of non-native invasive plant species will occur during the pre-construction, construction, and post-construction phases; control of mapped non-native invasive plant species – if they are determined to be adversely impacting habitat quality – would be removed from the site using locally and routinely accepted agricultural practices. The design of the Project disadvantages non-native fish species by restoring shallow, seasonal floodplain that favor native fish. Post-construction monitoring will include looking for the presence of nuisance wildlife such as nutria; if nutria are detected, DWR expects to work with CDFW's Nutria Eradication Program. When relevant to discerning the appropriate scope of analysis pursuant to Delta Plan Policy ER P5, this consistency analysis also considers the following prior DSC decisions on appeals of previous covered actions: Delta Stewardship Council Decision No. D20257; Delta Stewardship Council Decision No. D20242; Delta Stewardship Council Decision re: C20215; Delta Stewardship Council Decision re: C202110; Delta Stewardship Council Decision re: C20188. [ER P5_202609_ADA.pdf](#)

DELTA PLAN CHAPTER 5

[DP P1 / Cal. Code Regs., tit. 23, § 5010](#) - **Locate New Urban Development Wisely**

Is the covered action consistent with this portion of the regulatory policy?

N/A

Answer Justification:

The project does not involve new residential, commercial, or industrial development. As such, DWR has determined that Policy DP P1 is not applicable.

[DP P2 / Cal. Code Regs., tit. 23, § 5011](#) - **Respect Local Land Use When Siting Water or Flood Facilities or Restoring Habitats**

Is the covered action consistent with this portion of the regulatory policy?

Yes

Answer Justification:

The California Department of Water Resources (DWR) has determined that the proposed Project is consistent with Delta Plan Policy DP P2 (Cal. Code Regs., tit. 23, § 5011) as it is sited in a manner to avoid or minimize conflicts with existing land uses where feasible, considering comments from the Delta Protection Commission and local agencies. This consistency analysis describes the considerations of DWR during the design process to avoid and minimize conflicts with local land uses whenever feasible. When relevant to discerning

the appropriate scope of analysis pursuant to Delta Plan Policy DP P2, this consistency analysis also considers the following prior DSC decisions on appeals of previous covered actions: Delta Stewardship Council Decision No. D20257; Delta Stewardship Council Decision No. D20242; Delta Stewardship Council Decision re: C20215; Delta Stewardship Council Decision re: C202110; Delta Stewardship Council Decision re: C20188. As outlined below, conflicts were avoided when feasible during design of the Project. Although it was not possible to avoid all potential conflicts with existing land uses, the scale of any potential conflict was reduced through design considerations and/or identification of appropriate various environmental commitments and mitigation measures. [DP P2_202609_ADA.pdf](#)

DELTA PLAN CHAPTER 7

[RR P1 / Cal. Code Regs., tit. 23, § 5012](#) - Prioritization of State Investments in Delta Levees and Risk Reduction

Is the covered action consistent with this portion of the regulatory policy?

N/A

Answer Justification:

Delta Plan Policy RR P1 guides state discretionary funding in Delta flood risk management. The policy calls for such funding to be limited to those projects which support specific goals regarding the priorities of localized flood protection, the Delta levee network, and ecosystem conservation. The project does not involve any state investments in Delta levees. As such, DWR has determined that Policy RR P1 is not applicable.

[RR P2 / Cal. Code Regs., tit. 23, § 5013](#) - Require Flood Protection for Residential Development in Rural Areas

Is the covered action consistent with this portion of the regulatory policy?

N/A

Answer Justification:

The project does not include any residential development. As such, DWR has determined that Policy RR P2 is not applicable.

[RR P3 / Cal. Code Regs., tit. 23, § 5014](#) - Protect Floodways

Is the covered action consistent with this portion of the regulatory policy?

N/A

Answer Justification:

DWR has determined that this Policy is not applicable to the proposed Project. This policy covers encroachments from covered actions in floodways that are not subject to regulatory authority of the Central Valley Flood Protection Board (i.e., this policy is neither duplicative of, nor supersedes Central Valley Flood Protection Flood Board authority). The project would not involve any encroachment of floodways that are neither a designated floodway or regulated stream. Amongst other regulatory processes, the project will be subject to obtaining approval of the Central Valley Flood Protection Board.

[RR P4 / Cal. Code Regs., tit. 23, § 5015](#) - Floodplain Protection

Is the covered action consistent with this portion of the regulatory policy?

Yes

Answer Justification:

Delta Plan Policy RR P4 requires that no encroachments be placed in certain Delta floodplains unless there is sufficient analysis that such an encroachment would not have a significant impact on floodplain values and functions. DWR has determined, based on substantial evidence in the record, that the Tide's End Multibenefit Restoration Project is consistent with Delta Plan Policy RR P4

(Cal. Code Regs., tit. 23, § 5015) because the Project will not include any infrastructure-related encroachments into the Yolo Bypass and will only modify vegetation within the site through intentional plantings. When relevant to discerning the appropriate scope of analysis pursuant to Delta Plan Policy RR P4, this consistency analysis also considers the following prior DSC decisions on appeals of previous covered actions: Delta Stewardship Council Decision No. D20257; Delta Stewardship Council Decision No. D20242; Delta Stewardship Council Decision re: C20215; Delta Stewardship Council Decision re: C202110; Delta Stewardship Council Decision re: C20188. [RR P4_202609_ADA.pdf](#)

10/27/2026