

Certification of Consistency

C20262

Step 1 - Agency Profile

A. GOVERNMENT AGENCY: Local Agency

Government Agency: California Department of Water Resources

Primary Contact: Katherine Marquez

Address: 1600 9th Street Bateson, 2nd Floor

City, State, Zip: Sacramento, CA 95814

Telephone/Fax: (866) 924-9955

E-mail Address: dcp_consistency@water.ca.gov

B. GOVERNMENT AGENCY ROLE IN COVERED ACTION: Will Carry Out

Step 2 - Covered Action Profile

A. COVERED ACTION PROFILE: Project

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

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

Proponent Name: California Department of Water Resources

Address: 1600 9th Street Bateson, 2nd Floor

City, State, Zip: Sacramento, CA 95814

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.](#)])? No
(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.)

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 Council, post the draft Yes

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.

[RDCP.AA3.2.00008.pdf](#), [RDCP.AA3.2.00007.pdf](#), [RDCP.AA3.2.00006.pdf](#), [RDCP.AA3.2.00005.pdf](#), [RDCP.AA3.2.00004.pdf](#), [RDCP.AA3.2.00003.pdf](#), [RDCP.AA3.2.00002.pdf](#), [RDCP.AA3.2.00001.pdf](#), [RDCP.AA3.2.00005.1.pdf](#), [RDCP.AA3.2.00006.3.pdf](#), [RDCP.AA3.2.00006.2.pdf](#), [RDCP.AA3.2.00006.1.pdf](#), [RDCP.AA3.1.00002.pdf](#), [RDCP.AA3.1.00001.pdf](#), [RDCP.PD.1.0002.pdf](#), [RDCP.PD.1.0003.pdf](#), [RDCP.PD.1.0001.pdf](#), [RDCP.AA3.2.00004.4.pdf](#), [RDCP.AA3.2.00004.5.pdf](#), [RDCP.AA3.2.00004.6.pdf](#), [RDCP.AA3.2.00004.7.pdf](#), [RDCP.AA3.2.00004.8.pdf](#), [RDCP.AA3.2.00004.9.pdf](#), [RDCP.AA3.2.00004.32.pdf](#), [RDCP.AA3.2.00004.2.pdf](#), [RDCP.AA3.2.00004.3.pdf](#), [RDCP.AA3.2.00004.20.png](#), [RDCP.AA3.2.00004.21.pdf](#), [RDCP.AA3.2.00004.22.pdf](#), [RDCP.AA3.2.00004.23.docx](#), [RDCP.AA3.2.00004.24.pdf](#), [RDCP.AA3.2.00004.25.pdf](#), [RDCP.AA3.2.00004.26.pdf](#), [RDCP.AA3.2.00004.27.pdf](#), [RDCP.AA3.2.00004.28.pdf](#), [RDCP.AA3.2.00004.29.pdf](#), [RDCP.AA3.2.00004.30.pdf](#), [RDCP.AA3.2.00004.31.pdf](#), [RDCP.AA3.2.00004.1.pptx](#), [RDCP.AA3.2.00004.10.pptx](#), [RDCP.AA3.2.00004.11.pdf](#), [RDCP.AA3.2.00004.12.pdf](#), [RDCP.AA3.2.00004.13.pdf](#), [RDCP.AA3.2.00004.14.pdf](#), [RDCP.AA3.2.00004.15.pdf](#), [RDCP.AA3.2.00004.16.xlsx](#), [RDCP.AA3.2.00004.17.pdf](#), [RDCP.AA3.2.00004.18.pdf](#), [RDCP.AA3.2.00004.19.pptx](#), [RDCP.AA3.2.00004.33.pdf](#), [RDCP.AA3.2.00004.34.pdf](#), [RDCP.AA3.2.00004.35.zip](#), [RDCP.AA3.1.00003.pdf](#)

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

The covered action consists of the construction, operation, and maintenance of new SWP water diversion and conveyance facilities in the Delta that will be part of the SWP and will be operated in coordination with the existing SWP south Delta water diversion facilities. The covered action includes the following five key components and actions: (1) Two intake facilities along the Sacramento River in the north Delta near the community of Hood with on-bank intake structures that will include state-of-the-art fish screens approved by state and federal fish and wildlife agencies; (2) A concrete-lined tunnel, and associated vertical tunnel shafts, to convey flow from the intakes about 45 miles to the south to the Bethany Reservoir Pumping Plant and Surge Basin at a location south of the existing SWP Clifton Court Forebay; (3) A Bethany Reservoir Pumping Plant to lift the water from inside the tunnel below ground into the Bethany Reservoir Aqueduct for conveyance to the Bethany Reservoir Discharge Structure and into the existing Bethany Reservoir; (4) Other ancillary facilities to support construction and operation of the conveyance facilities including access roads, concrete batch plants, fuel stations, and power transmission and distribution lines; (5) Efforts to identify geotechnical, hydrogeologic, agronomic, and other field conditions that will guide appropriate construction methods and monitoring programs for final engineering design and construction (including the 2024–2026 Proposed Geotechnical Activities). For the purposes of this Certification, the covered action includes the actions described in Final EIR 1 Volume 1, Chapter 3, Description of the Proposed Project and Alternatives (California Department of Water Resources 2023c), refinements to those actions as described in Addendum 1 and Addendum 2 to the Final EIR (California Department of Water Resources 2025a, 2025g), and commitments included in the adopted MMRP (California Department of Water Resources 2023e) (including the Compensatory Mitigation Plan for Special-Status Species and Aquatic Resources [CMP], as described in Final EIR Volume 1, Appendix 3F). For details on the engineering design for the covered action see the Delta Conveyance Project Concept Engineering Report (Delta Conveyance Design and Construction Authority 2024a). For details on operations of the covered action see the Delta Conveyance Project Operations Plan (California Department of Water Resources 2025f). For information on SWP water supply contract amendments, negotiations of project-wide contract amendments, and the Agreement in Principle (AIP) among DWR and many SWP contractors that describes a conceptual approach to cost allocation and the related financial and water management matters, see Final EIR Chapter 3, Section 3.22, Contract Amendments. See the Delta Conveyance Project Certification of Consistency with the Delta Plan (DCP.AA1.2.00001) for additional details.

E. STATUS IN THE CEQA PROCESS:

Final Certified Document

F. STATE CLEARINGHOUSE NUMBER:(if applicable) 2020010227

G. COVERED ACTION ESTIMATED TIME LINE:

ANTICIPATED START DATE: (If available) 06/01/2029

ANTICIPATED END DATE: (If available) 12/31/2042

H. COVERED ACTION TOTAL ESTIMATED PROJECT COST: \$20,120,000,000

I. IF A CERTIFICATION OF CONSISTENCY FOR THIS COVERED ACTION WAS
PREVIOUSLY SUBMITTED, LIST DSC REFERENCE NUMBER ASSIGNED TO THAT C20257
CERTIFICATION FORM:

J. Supporting Documents:

[RDCP.FD.1.0003.pdf](#), [RDCP.FD.1.0001.pdf](#), [RDCP.AA4.1.00001.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?

N/A

Answer Justification:

DWR addressed this policy in Certification C20257. The Council did not remand any issues related to this policy in decision D20257, and there have not been any material changes to the covered action since that decision issued.

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?

N/A

Answer Justification:

DWR addressed this policy in Certification C20257. The Council did not remand any issues related to this policy in decision D20257, and there have not been any material changes to the covered action since that decision issued.

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?

N/A

Answer Justification:

DWR addressed this policy in Certification C20257. The Council did not remand any issues related to this policy in decision D20257, and there have not been any material changes to the covered action since that decision issued.

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?

N/A

Answer Justification:

DWR addressed this policy in Certification C20257. The Council did not remand any issues related to this policy in decision D20257, and there have not been any material changes to the covered action since

that decision issued.

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: DWR addressed this policy in Certification C20257. The Council did not remand any issues related to this policy in decision D20257, and there have not been any material changes to the covered action since that decision issued.

[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: DWR addressed this policy in Certification C20257. The Council did not remand any issues related to this policy in decision D20257, and there have not been any material changes to the covered action since that decision issued.

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: DWR addressed this policy in Certification C20257. The Council did not remand any issues related to this policy in decision D20257, and there have not been any material changes to the covered action since that decision issued.

[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 addressed this policy in Certification C20257. The Council did not remand any issues related to this policy in decision D20257, and there have not been any material changes to the covered action since that decision issued.

[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?

N/A

Answer Justification:

DWR addressed this policy in Certification C20257. The Council did not remand any issues related to this policy in decision D20257, and there have not been any material changes to the covered action since that decision issued.

[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 the amended policy is April 1, 2027.

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

N/A

Answer Justification:

DWR addressed this policy in Certification C20257. The Council did not remand any issues related to this policy in decision D20257, and there have not been any material changes to the covered action since that decision issued.

[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 the amended policy is April 1, 2027.

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

N/A

Answer Justification:

DWR addressed this policy in Certification C20257. The Council did not remand any issues related to this policy in decision D20257, and there have not been any material changes to the covered action since that decision issued.

[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 the amended policy is April 1, 2027.

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

N/A

Answer Justification:

DWR addressed this policy in Certification C20257. The Council did not remand any issues related to this policy in decision D20257, and there have not been any material changes to the covered action since that decision issued.

[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 that the covered action is consistent with ER P5 with respect to habitat conditions for the nonnative golden mussel. Golden mussel is already established throughout much of the central and southern Delta (and recently has been found in the north Delta), and eradication of the species from the Delta ecosystem is not currently a realistic management objective. On the remanded item of the potential for improved habitat conditions for the nonnative

invasive golden mussel with the covered action, DWR has fully considered this item. The intake structures (and other in-water features) do not improve habitat conditions in the Sacramento River as compared to existing baseline conditions. Regarding the intake structures that interface directly with the Delta ecosystem, the new hard surfaces will represent a decrease in potential habitat relative to the vast amount of hard surfaces and substrate already present at the site. Design and operational characteristics of the intake structures will reduce, rather than enhance, the suitability for sustained mussel colonization compared to baseline conditions, including regular mechanical cleaning of the cylindrical fish screens by brushes designed to remove settled organisms, including invasive mussels. Finally, covered action operations will not improve habitat conditions because the covered action would not significantly change key environmental variables influencing gold mussel establishment and biofouling risk in water diversion projects, including water temperature, flow velocity, pH, total nitrogen, and ammonia nitrogen. The isolated facilities do not connect to the Delta ecosystem and will not improve habitat conditions for golden mussel. With the implementation of enforceable commitments from the MMRP, permit requirements, construction and operations of the covered action will not improve habitat for the golden mussel in the Delta ecosystem beyond what would occur in the covered action's absence. Through implementation of the Golden Mussel Management Plan (GMMP) (ER P5 Attachment 1), DWR will manage golden mussel during construction, operations, and maintenance of the covered action to appropriately protect the Delta ecosystem. The GMMP will be implemented and refined per an adaptive management approach as new information becomes available, the existing Delta invasion progresses, and additional control technologies are further developed and validated for use in water supply infrastructure. While not a remanded item, the covered action will also not result in new introduction of golden mussel in the Delta ecosystem. DWR has therefore determined, based on substantial evidence in the administrative record, that the covered action is consistent with Delta Plan Policy ER P5 regarding the potential for and mitigation of improved habitat conditions for the golden mussel in the Delta ecosystem. See the following supporting documents for additional details: Delta Conveyance Project Revised Certification of Consistency with the Delta Plan on Remanded Items (RDCP.FD.1.0001.pdf); ER P5 Attachment 1: Delta Conveyance Project Golden Mussel Management Plan (RDCP.FD.1.0003.pdf) [RDCP.FD.1.0001.pdf](#), [RDCP.FD.1.0003.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:

DWR addressed this policy in Certification C20257. The Council did not remand any issues related to this policy in decision D20257, and there have not been any material changes to the covered action since that decision issued.

[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:

SacSewer's Harvest Water is not an existing use, nor is it described or depicted in any city's or county's general plan. Nonetheless, DWR has determined that the covered action's Twin City's Complex ("TCC") was sited to avoid or reduce conflicts with SacSewer's Harvest Water and that it is infeasible to site TCC to further avoid or reduce siting conflicts. Substantial evidence in the record, including materials provided by SacSewer, shows that there is plenty of potential sandhill crane habitat within the Recycled Water Area. Additionally, DWR has further reduced any potential conflict with Harvest Water's implementation by offering to convey a conservation easement to SacSewer to limit future land uses on an approximately 331-acre portion of the TCC site to uses that are compatible with crane habitat under the EcoPlan criteria once the covered action's construction at the TCC site is complete. Substantial evidence in the record supports DWR's determination that the covered action is consistent with DP P2. See the following supporting document for additional details: Delta Conveyance Project Revised Certification of Consistency with the Delta Plan on Remanded Items (RDCP.FD.1.0001.pdf). [RDCP.FD.1.0001.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:

DWR addressed this policy in Certification C20257. The Council did not remand any issues related to this policy in decision D20257, and there have not been any material changes to the covered action since that decision issued.

[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:

DWR addressed this policy in Certification C20257. The Council did not remand any issues related to this policy in decision D20257, and there have not been any material changes to the covered action since that decision issued.

[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 addressed this policy in Certification C20257. The Council did not remand any issues related to this policy in decision D20257, and there have not been any material changes to the covered action since that decision issued.

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

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

N/A

Answer Justification:

DWR addressed this policy in Certification C20257. The Council did not remand any issues related to this policy in decision D20257, and there have not been any material changes to the covered action since that decision issued.

07/24/2026