

November 8, 2024

**NOTICE OF APPEALS OF CERTIFICATION OF CONSISTENCY**

Appeals have been filed in response to the following certification of consistency:

**Certification Number:** C20242

**Proposed Covered Action:** 2024-2026 Proposed Geotechnical Activities

**Certification Date:** October 8, 2024

**APPEAL INFORMATION**

The table below provides a brief description of the appeals, and their effective date. (Cal. Code Regs., tit. 23, § 5023.) For more information about these appeals, please go to the Council’s Covered Actions website.<sup>1</sup>

<b>Appeal No.</b>	<b>Appellant</b>	<b>Respondent</b>	<b>Effective Date</b>
<a href="#">C20242-A1</a>	San Francisco Baykeeper, Winnemem Wintu, Shingle Springs Band of Miwok Indians, California Indian Environmental Alliance, Friends of the River, Center for Biological Diversity, Save California Salmon, California Sportfishing Protection Alliance, Golden State Salmon Association, and Restore the Delta	Department of Water Resources (DWR)	Nov. 7, 2024
<a href="#">C20242-A2</a>	South Delta Water Agency	DWR	Nov. 7, 2024
<a href="#">C20242-A3</a>	County of Sacramento, Sacramento County Water Agency, Sacramento Area Sewer District, and City of Stockton	DWR	Nov. 7, 2024

<sup>1</sup> <https://coveredactions.deltacouncil.ca.gov/?page=1>

<a href="#">C20242-A4</a>	County of San Joaquin, Central Delta Water Agency, and Local Agencies of the North Delta	DWR	Nov. 7, 2024
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## APPEAL PROCEDURE

The California Code of Regulations sets forth the administrative process for the appeal of a proposed covered action.<sup>2</sup> (See Cal. Code Regs., tit. 23, § 5020 et seq.) If you have a procedural question, please submit your question via email, copying all parties, to: [2024GeoTechProject@deltacouncil.ca.gov](mailto:2024GeoTechProject@deltacouncil.ca.gov).

### Certified Record

No later than five calendar days from the date of this notice, the certifying agency (“respondent”) must submit a certified copy of the full and complete record that was before the respondent at the time of the certification. (Cal. Code Regs., tit. 23, § 5022, subd. (e)(1).) The certified record will be made available online at the Covered Actions website for this appeal. Failure to timely submit the certified record may lead the Council to remand the matter to the respondent. (Cal. Code Regs., tit. 23, § 5022, subd. (e)(4).)

### Hearing and Written Submissions

The Council will hold a hearing within 60 days of the effective date of the appeals, unless otherwise stipulated by the parties and the Council. (Wat. Code, § 85225.20; Cal. Code Regs., tit. 23, § 5030, subd. (a).) In advance of the hearing, appellants and respondent will each be provided an opportunity to file a written submission (Cal. Code Regs., tit. 23, § 5029; see also Cal. Code Regs., tit. 23, § 5026.) The Delta Protection Commission may also provide a written submission commenting on the issues raised in the appeal. (Cal. Code Regs., tit. 23, § 5028.) The Council will issue a *Notice of Hearing and Schedule of Written Submissions* with a hearing date and specific deadlines for the parties’ written submissions once the certified record is submitted. The Council will issue a final decision on the appeals within 60 days of the hearing.

### CONSOLIDATION OF MULTIPLE APPEALS

All appeals referenced above are hereby consolidated pursuant to California Code of Regulations, title 23, section 5031.

<sup>2</sup><https://www.deltacouncil.ca.gov/pdf/delta-plan/regulations/2024-02-09-appeals-regulations-resubmit-01-24-2024-oal-approved.pdf>

**EX PARTE COMMUNICATIONS PROHIBITED**

Ex parte communications are restricted. (Cal. Code Regs., tit. 23, § 5024; Gov. Code, § 11430.10 et seq.). An ex parte communication is a “communication, direct or indirect, regarding any issue in the proceeding, to the [Council, including staff] from an employee or representative of any agency that is a party or from an interested person outside the agency [such as appellants or the respondent], without notice and opportunity for all parties to participate in the communication.” Ex parte communications regarding this certification of consistency or the appeal are prohibited for the duration of the appeal. (Cal. Code Regs., tit. 23, § 5024.)