

Certification of Consistency

C20257

Step 1 - Agency Profile

A. GOVERNMENT AGENCY: State 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

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.]? (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.

[DCP.AA3.1.00001.pdf](#), [DCP.AA3.1.00002.pdf](#), [DCP.AA3.1.00003.pdf](#), [DCP.AA3.2.00001.pdf](#), [DCP.AA3.2.00002.pdf](#), [DCP.AA3.2.00003.pdf](#), [DCP.AA3.2.00004.pdf](#), [DCP.AA3.2.00005.pdf](#), [DCP.AA3.1.00004.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 \$20,120,000,000

COST:

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:

[DCP.AA1.2.00001.pdf](#), [DCP.AA1.2.00004.pdf](#), [DCP.AA1.2.00005.pdf](#), [DCP.AA1.2.00006.pdf](#), [DCP.AA1.2.00009.pdf](#),
[DCP.AA1.2.00010.pdf](#), [DCP.AA1.2.00011.pdf](#), [DCP.AA1.2.00012.pdf](#), [DCP.AA1.2.00013.pdf](#), [DCP.AA1.2.00014.pdf](#),
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[DCP.AA1.2.00003.xlsx](#), [C20257.pdf](#), [TransmittalLetterfromDWRDirectorNemeth.pdf](#), [Detailed Findings of Consistency.pdf](#),
[DCP.A.1.00001.pdf](#), [DCP.AA1.1.00001.pdf](#), [DCP.AA1.1.00002.pdf](#), [DCP.AA1.1.00004.pdf](#), [DCP.AA1.1.00005.pdf](#),
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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:

Based on substantial evidence in the record, DWR has determined that the covered action is consistent both with the Delta Plan, and with the Delta Plan's implementing regulations. Substantial evidence demonstrates that DWR has followed the Delta Plan's recommendations to promote, evaluate, design, and implement new and improved facilities for water conveyance and water diversion in the Delta, and that the covered action will achieve the Delta Plan's goal of improving the Delta's water conveyance system. DWR believes that the approach and substantial evidence supporting this Certification demonstrate that the covered action is consistent with all applicable Delta Plan policies. However, if it is determined by the DSC that substantial evidence does not support DWR's detailed findings for one or more policies, DWR has also determined, based on substantial evidence as discussed above, that the covered action is consistent with the Delta Plan pursuant to California Code of Regulations, title 23, section 5002, subdivision (b)(1). See the following supporting documents for additional details: Delta Conveyance Project Certification of Consistency with the Delta Plan (DCP.AA1.2.00001); Attachment A: Delta Plan Recommendations WR R12a and WR R12b Crosswalk Table (DCP.AA1.2.00004) [DCP.AA1.2.00001.pdf](#), [DCP.AA1.2.00004.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:

Based on substantial evidence in the record, DWR has determined that the covered action is consistent with Delta Plan Policy G P1 (b)(2) because, as described above and demonstrated in detail in G P1 (b)(2) Attachment 1, the covered action's design features, environmental commitments, and mitigation measures are the same as, or at least as effective as, the mitigation measures described in Appendix O of the Delta Plan. See the following supporting documents for additional details: Delta Conveyance Project Certification of Consistency with the

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:

Based on substantial evidence in the record, DWR has determined that the covered action is consistent with Delta Plan Policy G P1 (b)(3) because development of the covered action and the analysis of its environmental impacts as required under CEQA relied on a wide range of relevant data, literature, and tools, including hydrologic, groundwater, aquatic resource, and terrestrial biological resource models specific to the Sacramento–San Joaquin Delta and a vast array of Delta-specific information and data. Drawing on scientific and engineering disciplines that include geology, hydrology, biology, ecology, chemistry, engineering, and climatology, DWR used scientific information, tools, and methods that are inclusive, objective, and timely to produce effects analyses for the covered action. The data, models, and literature employed in the analyses are publicly available, and the methods used to apply these tools and information are described in the analyses in the Final EIR and in G P1 (b)(3) Attachment 1. In the attachment, new information related to best available science is described in Chapter 3, Consistency Findings Common to All Resources and Issues, Section 3.9, New Information Relevant to Best Available Science; in the New Information Relevant to Best Available Science section for each resource in Chapter 4, Consistency Findings for Specific Resources and Issues; and in the discussions in Chapter 5, Other Resources and Issues. The incorporation of new information reflects DWR’s commitment and methodical approach to using best available science and its consistency with the Delta Plan’s best available science criteria. This new information includes both information and data developed or made available between the time of the Final EIR analyses and preparation of this Certification, such as updated modeling with refined project operational criteria using CalSim 3 and DSM2 that was incorporated through exhibits and evidence submitted for the Change in Point of Diversion hearing process, and information that is anticipated as part of future work, such as that gathered during site-specific field investigations. The data, models, literature, and analyses used for the Final EIR analyses and those discussed in G P1 (b)(3) Attachment 1 have undergone review either as part of the customary practices of scientific publication or as part of legal and regulatory processes. The analyses were themselves subject to review and comment by the public (e.g., under CEQA), experts in relevant scientific disciplines (e.g., the Delta Independent Science Board), and expert staff from regulatory agencies having jurisdiction over one or more aspects of the covered action or its permitting (e.g., NMFS, USFWS, CDFW, and USACE). For these reasons,

DWR has determined that the analyses used to assess the covered action are consistent with the best available science criteria defined in Table 1A-1 of the Delta Plan (Table 2.1-1 in G P1 (b)(3) Attachment 1), and therefore the covered action is consistent with Delta Plan Policy G P1 (b)(3). See the following supporting documents for additional details: Delta Conveyance Project Certification of Consistency with the Delta Plan (DCP.AA1.2.00001); G P1(b)(3) Attachment 1: Delta Conveyance Project Best Available Science Consistency Analysis (DCP.AA1.2.00021) [DCP.AA1.2.00001.pdf](#), [DCP.AA1.2.00021.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

Based on substantial evidence in the record, DWR has determined that its approach to adaptive management is consistent with G P1 (b)(4)(A) because, as demonstrated in the Consistency of the Covered Action AMPs with the Delta Plan section of the Delta Conveyance Project Certification of Consistency with the Delta Plan, the covered action's adaptive management processes described in each AMP are consistent with the three phases and nine steps outlined in Appendix 1B of the Delta Plan. The program-level detail in each AMP will be refined and expanded as design of the covered action and the permitting processes progress. DWR has determined that its approach to adaptive management is consistent with G P1 (b)(4)(B) because, as demonstrated in the Consistency of the Covered Action AMPs with the Delta Plan section of the Delta Conveyance Project Certification of Consistency with the Delta Plan, DWR has adequate resources and delineated authority to implement its adaptive management process. See the following supporting documents for additional details: Delta Conveyance Project Certification of Consistency with the Delta Plan (DCP.AA1.2.00001); G P1(b)(4) Attachment 1: North Delta Diversion Operations Adaptive Management and Monitoring Plan (DCP.AA1.2.00022); G P1(b)(4) Attachment 2: Compensatory Mitigation Plan Adaptive Management Plan (DCP.AA1.2.00023); G P1(b)(4) Attachment 3: Habitat Connectivity Adaptive Management Plan (DCP.AA1.2.00024); G P1(b)(4) Attachment 4: Groundwater Monitoring Adaptive Management Plan (DCP.AA1.2.00025); G P1(b)(4) Attachment 5: Sediment Monitoring, Modeling, and Reintroduction Adaptive Management Plan (DCP.AA1.2.00026) [DCP.AA1.2.00001.pdf](#), [DCP.AA1.2.00022.pdf](#), [DCP.AA1.2.00023.pdf](#), [DCP.AA1.2.00024.pdf](#),

Answer Justification:

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?

Yes

Answer Justification:

Delta Plan Policy WR P1 (a) states that water shall not be exported from, transferred through, or used in the Delta if all three conditions as provided in WR P1 (a)(1), (a)(2), and (a)(3) apply. In other words, if one or more of these three conditions are not applicable, the covered action is consistent with WR P1 because the prohibition in subsection (a) does not apply. Substantial evidence in the record supports DWR's detailed findings that, with respect to WR P1 (a)(2), the need for the covered action was not significantly caused by one or more water suppliers that will receive water from the project failing to adequately contribute to reduced reliance on the Delta. Thus, based on substantial evidence in the record, DWR has determined that the prohibition on exports in WR P1 (a) is not triggered and therefore the covered action is consistent with Delta Plan Policy WR P1. See the following supporting documents for additional details: Delta Conveyance Project Certification of Consistency with the Delta Plan (DCP.AA1.2.00001); WR P1 Attachment 1: Supplemental Technical Memorandum: Results of Data Compilation and Analysis for Demonstrating Contributions to Reduced Reliance on the Delta and Improved Regional Self-Reliance (DCP.AA1.2.00009); WR P1 Attachment 2: Project Need and Historical Background (DCP.AA1.2.00010) [DCP.AA1.2.00001.pdf](#), [DCP.AA1.2.00009.pdf](#), [DCP.AA1.2.00010.pdf](#)

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

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

Yes

Answer Justification:

Based on substantial evidence in the record, DWR has determined that its SWP contracting process for the covered action followed DWR Guidelines 03-09 and 03-10 as required by the 2003 Settlement Agreement and stipulated in WR P2 (a). No CVP contract amendments are part of the covered action and therefore WR P2 (b)(2) is not applicable to the covered action. Therefore, the covered action has been transparent in water contracting and is consistent with Delta Plan Policy WR P2. See the following supporting documents for additional details: Delta Conveyance Project Certification of Consistency with the Delta Plan (DCP.AA1.2.00001); WR P2 Attachment 1: Public Participation and Outreach Materials for the Agreement in Principle for the State Water Project Water Supply Contract Amendment on a Delta Conveyance Project (DCP.AA1.2.00011) [DCP.AA1.2.00001.pdf](#), [DCP.AA1.2.00011.pdf](#)

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

Is a statement confirming the nature of the conservation measure from the California Department of Fish and Wildlife available?

N/A

Answer Justification:

Delta Plan Policy G P1 (c) is not applicable to the covered action because the covered action does not include a conservation measure that is proposed to be implemented pursuant to the SJC MSHCP or ECCC HCP/NCCP. See the following supporting documents for additional details: Delta Conveyance Project Certification of Consistency with the Delta Plan (DCP.AA1.2.00001)

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

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

Yes

Answer Justification:

Based on substantial evidence in the record, DWR has determined that the covered action is consistent with Delta Plan Policy ER P1. The modeling of covered action operations shows that the SWP with the covered action and operated under the project's operational criteria will meet the D-1641 flow objectives. That alone is substantial evidence of the covered action's consistency with ER P1. In addition, the SWP has historically met D-1641 flow objectives 99.8% of the time, and the modeling shows that adding the covered action will not hinder the SWP's ability to meet D-1641 flow objectives. Thus, substantial evidence presented in this Certification and elsewhere in the administrative record supports DWR's determination that the covered action is consistent with ER P1. When and if the Bay-Delta WQCP is revised, the SWP and the covered action are legally obligated to comply with any revised flow objectives properly assigned to it, and the SWP will be operated to do so. See the following supporting documents for additional details: Delta Conveyance Project Certification of Consistency with the Delta Plan (DCP.AA1.2.00001); ER P1 Attachment 1: Delta Flow Data Tables (DCP.AA1.2.00013) [DCP.AA1.2.00001.pdf](#), [DCP.AA1.2.00013.pdf](#)

[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:

Although the covered action is not an ecosystem restoration project, it involves habitat creation as part of its CMP. Based on substantial evidence in the record, DWR has determined that the covered action is

consistent with the Delta Plan Policy ER PA regarding disclosure of contributions to restoring ecosystem function and providing social benefits. See the following supporting documents for additional details: Delta Conveyance Project Certification of Consistency with the Delta Plan (DCP.AA1.2.00001); ER PA Attachment 1: Delta Plan Appendix 3A (DCP.AA1.2.00012) [DCP.AA1.2.00001.pdf](#), [DCP.AA1.2.00012.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 the amended policy is April 1, 2027.

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

Yes

Answer Justification:

Although the covered action is not an ecosystem restoration project, it involves habitat creation as part of its CMP. Based on substantial evidence in the record and DWR's evaluation of the CMP, DWR has determined that the CMP is consistent with the Delta Plan Policy ER P2 regarding establishment and enhancement of habitats at appropriate elevations as identified in Delta Plan Appendices 3, 4, and 4A. See the following supporting documents for additional details: Delta Conveyance Project Certification of Consistency with the Delta Plan (DCP.AA1.2.00001); ER P2 Attachment 1: Delta Plan Appendix 4A (DCP.AA1.2.00014); ER P2 Attachment 2: Initial Mitigation Sites Ecosystem Restoration in Relation to Elevation Bands (DCP.AA1.2.00015) [DCP.AA1.2.00001.pdf](#), [DCP.AA1.2.00014.pdf](#), [DCP.AA1.2.00015.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 the amended policy is April 1, 2027.

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

Yes

Answer Justification:

Each project feature or improvement located in the two PHRAs has been carefully sited to minimize impacts such that they have no significant adverse impacts on habitat restoration opportunities, in conformance with Delta Plan Policy ER P3. Considerable effort was made to site the New Hope Tract tunnel maintenance shaft in the best possible location at the southwestern edge of the PHRA, taking numerous criteria into consideration. The New Hope Tract tunnel maintenance shaft and road improvements to Blossom Road, Bonetti Road, and Clifton Court Road together represent a small acreage impact compared to the overall size of the two PHRAs (0.18% of the Cosumnes-Mokelumne River confluence PHRA and 0.017% of the Lower San Joaquin River floodplain between Stockton and Manteca PHRA). The road improvements within the Cosumnes-Mokelumne River confluence PHRA and the Lower San Joaquin River floodplain between Stockton and Manteca PHRA will be small (11 acres) and would facilitate maintenance, which could be beneficial for transportation of materials and could result in safer access to restoration projects. None of the

mentioned covered action infrastructure elements that occur near the edges of PHRAs will interfere with known existing or proposed ecosystem restoration plans. Although the selected initial mitigation sites described in the CMP are outside the six identified PHRA areas, they offer unique opportunities to enhance and restore habitat. If additional elements of the CMP are sited within a PHRA, the covered action will provide opportunities to restore habitat. Thus, the covered action does not create significant adverse impacts on opportunities to restore habitat as described in California Code of Regulations, title 23, section 5006 within the PHRAs depicted in Appendix 5. Based on substantial evidence in the record, DWR has determined that the covered action is consistent with Delta Plan Policy ER P3. See the following supporting documents for additional details: Delta Conveyance Project Certification of Consistency with the Delta Plan (DCP.AA1.2.00001); ER P3 Attachment 1: Conveyance Facilities in Relation to Priority Habitat Restoration Areas (DCP.AA1.2.00016); ER P3 Attachment 2: Initial Mitigation Sites in Relation to Priority Habitat Restoration Areas (DCP.AA1.2.00017) [DCP.AA1.2.00001.pdf](#), [DCP.AA1.2.00016.pdf](#), [DCP.AA1.2.00017.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 the amended policy is April 1, 2027.

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

Yes

Answer Justification:

Although the covered action is not a levee project, it will require alteration of levees at the new north Delta intake sites that are part of the Sacramento River Flood Control Project, which is among the areas described in ER P4 (a)(1). The analysis for the covered action determined that there were no feasible levee alternatives that would increase floodplains and riparian habitat and also meet the overall project objectives or the necessary project levee work objectives at the levees to be altered. However, the project does include measures that mitigate impacts on floodplain and riparian habitat. Therefore, based on substantial evidence in the record, DWR has determined that the covered action is consistent with ER P4. See the following supporting documents for additional details: Delta Conveyance Project Certification of Consistency with the Delta Plan (DCP.AA1.2.00001) [DCP.AA1.2.00001.pdf](#)

[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:

Based on substantial evidence in the record, DWR has determined that the covered action is consistent with Delta Plan Policy ER P5 because the potential for new introductions of or improved habitat conditions for nonnative invasive species has been fully considered for the covered action and has been avoided or mitigated in a way that appropriately protects the ecosystem through the covered action's design features,

mitigation measures, environmental commitments, CMP, and Adaptive Management and Monitoring Program paired with permit requirements and DWR's Department-wide invasive species programs. See the following supporting documents for additional details: Delta Conveyance Project Certification of Consistency with the Delta Plan (DCP.AA1.2.00001) [DCP.AA1.2.00001.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:

Delta Plan Policy DP P1 is not applicable to the covered action because the covered action is a State government use and does not involve residential, commercial, or industrial development. See the following supporting documents for additional details: Delta Conveyance Project Certification of Consistency with the Delta Plan (DCP.AA1.2.00001) [DCP.AA1.2.00001.pdf](#)

[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:

Based on substantial evidence in the record, DWR has determined that the covered action's facilities are situated in such a way to avoid or reduce conflicts with existing land uses when feasible. Conflicts were avoided when feasible during design of the covered action. Although it was not possible to avoid all potential conflicts with existing land uses, the scale of any potential conflict was reduced through various environmental commitments and mitigation measures. The DCA undertook actions early in the planning process to design the covered action to avoid and minimize conflicts with existing land uses when feasible, such as through the Stakeholder Engagement Committee discussed in DP P2 Attachment 1. In addition, as shown in DP P2 Attachment 1 and DP P2 Attachment 2, the covered action considered the comments provided to DWR and DCA that were germane to characterizing existing land uses within and around the covered action's footprint and recommendations to avoid or minimize conflicts with these existing land uses. This process of reviewing comments and recommendations—including input from local and regional entities, Tribes, local landowners, and users of Delta resources—provided to DWR and DCA involved extensive analysis of potential conflicts with existing land uses. While it is inevitable that any project of the magnitude of the covered action will conflict with existing land uses, substantial evidence supports DWR's determination that the covered action's siting, when feasible, will reduce such conflicts. In addition, although DP P2 does not so require, DWR has made significant efforts during the planning process to reduce such conflicts through, for example, project design and outreach that solicited and collected comments from local counties, agencies, and organizations that might identify conflicts. See the following supporting documents for additional details: Delta Conveyance Project Certification of Consistency with the Delta Plan (DCP.AA1.2.00001); DP P2 Attachment 1: Existing Land Uses

Conflicts Analysis (DCP.AA1.2.00018); DP P2 Attachment 2: Evaluation of Operation Effects Relevant to Delta Plan Policy DP P2 on Existing Land Uses (DCP.AA1.2.00019) [DCP.AA1.2.00001.pdf](#), [DCP.AA1.2.00018.pdf](#), [DCP.AA1.2.00019.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 is not applicable to the covered action because the project involves no investment in Delta levees or flood risk reduction. See the following supporting documents for additional details: Delta Conveyance Project Certification of Consistency with the Delta Plan (DCP.AA1.2.00001) [DCP.AA1.2.00001.pdf](#)

[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:

Delta Plan Policy RR P2 is not applicable to the covered action because the covered action does not involve new residential development. See the following supporting documents for additional details: Delta Conveyance Project Certification of Consistency with the Delta Plan (DCP.AA1.2.00001) [DCP.AA1.2.00001.pdf](#)

[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:

Delta Plan Policy RR P3 is not applicable to the covered action because the covered action does not include any proposed actions that will encroach in a floodway that is not either a designated floodway or regulated stream. See the following supporting documents for additional details: Delta Conveyance Project Certification of Consistency with the Delta Plan (DCP.AA1.2.00001); RR P3 Attachment 1: Conveyance Facilities in Relation to Regulated Floodways and Streams (DCP.AA1.2.00005); RR P3 Attachment 2: Initial Mitigation Sites in Relation to Regulated Floodways and Streams (DCP.AA1.2.00006) [DCP.AA1.2.00001.pdf](#), [DCP.AA1.2.00005.pdf](#), [DCP.AA1.2.00006.pdf](#)

[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:

Delta Plan Policy RR P4 is not applicable to the covered action because the project will not have a significant adverse impact on floodplain values and functions in any of the floodplain areas described in RR P4, as no project infrastructure or project-level mitigation will encroach in any of these floodplain areas. See the following supporting documents for additional details: Delta Conveyance Project Certification of Consistency with the Delta Plan (DCP.AA1.2.00001); RR P4 Attachment 1: Conveyance Facilities in Relation to Floodplain Protection

(DCP.AA1.2.00007); RR P4 Attachment 2: Initial Mitigation Sites in
Relation to Floodplain Protection (DCP.AA1.2.00008)
[DCP.AA1.2.00001.pdf](#), [DCP.AA1.2.00007.pdf](#), [DCP.AA1.2.00008.pdf](#)

10/17/2025