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DELTA STEWARDSHIP COUNCIL

A California State Agency

August 29, 2018

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NOTICE OF APPEALS REGARDING CALIFORNIA WATERFIX CERTIFICATION OF CONSISTENCY WITH THE DELTA PLAN

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

Certification Number: [C20185](#)¹
Covered Action Title: **California WaterFix**
Certifying Agency: **Department of Water Resources**
Certification Date: **July 27, 2018**

INFORMATION REGARDING APPEALS: The table below lists information regarding the appeals as required by the Section 8.a of the Council's [Administrative Procedures Governing Appeals](#).² The table also includes links to each appeal. For more information regarding the California WaterFix covered action consistency certification, please click the Certification Number link above, or go to the Council's Covered Actions [website](#)³ and click the link for the California WaterFix project certification of consistency page. Each appeal is listed on the certification page, arranged by Appeal Number (click the Appeal Number on the page to see the appeal).

APPEAL PROCESS: The Council will hold a hearing no later than 60 days from the effective date of the appeals. The Council will make a decision on the appeals no later than 60 days following the hearing. If necessary, the Council may hold additional meetings on the appeals within this period. Additional information regarding the appeal process, including meeting notices and hearing procedures, will be emailed to the parties and posted on the Council's WaterFix consistency [certification page](#). For general information regarding the appeal process, please see the Council's appeal [website](#)⁴ and the [Administrative Procedures Governing Appeals](#).

¹ https://coveredactions.deltacouncil.ca.gov/profile_summary.aspx?c=1790396c-5419-4ccb-b0d3-10cc4e985105

² <http://deltacouncil.ca.gov/docs/covered-actions-delta-plan/appeals-procedures>

³ <http://deltacouncil.ca.gov/covered-actions>

⁴ <http://deltacouncil.ca.gov/what-appeal>

"Coequal goals" means the two goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The coequal goals shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place."

– CA Water Code §85054

CONSOLIDATION OF MULTIPLE APPEALS: The Council will consider consolidating these appeals pursuant to Section 31 of the Administrative Procedures Governing Appeals.

EX PARTE COMMUNICATIONS PROHIBITED: Council hearings on appeals are subject to the ex parte communication restrictions of the California Administrative Procedures Act (Gov. Code § 11430.10 et seq.; Administrative Procedures Governing Appeals, §§ 26-28). An ex parte communication is a “communication, direct or indirect, regarding any issue in the proceeding, to the [Council or Council member or Council staff] from an employee or representative of any agency that is a party or from an interested person outside the agency, without notice and opportunity for all parties to participate in the communication.” Ex parte communications regarding this certification of consistency or the appeals are prohibited. This restriction generally applies from the date that any appeals are filed to the date that the Council reaches a final decision on the appeals. However, given the likelihood of appeals regarding the WaterFix certification of consistency, the Council implemented the ex parte communication restriction effective July 17, 2018, the date the Department of Water Resources posted its draft certification of consistency ahead of filing with the Council. More information regarding the ex parte prohibition is available [here](#).⁵

Appeal Number	Appellant(s)	Effective Date ⁶
C20185-A1 ⁷	North Coast Rivers Alliance, Institute for Fisheries Resources, Pacific Coast Federation of Fishermen’s Associations, San Francisco Crab Boat Owners Association, Winnemem Wintu Tribe	August 27, 2018
C20185-A2 ⁸	Save the California Delta Alliance	August 27, 2018
C20185-A3 ⁹	Friends of the River, California Sportfishing Protection Alliance, California Water Impact Network, Planning and Conservation League, AquAlliance, Environmental Water Caucus, Sierra Club California, Restore the Delta	August 27, 2018
C20185-A4 ¹⁰	North Delta CARES Action Committee	August 27, 2018
C20185-A5 ¹¹	City of Stockton	August 27, 2018
C20185-A6 ¹²	Sacramento Regional County Sanitation District	August 27, 2018
C20185-A7 ¹³	San Joaquin County, Contra Costa County, Solano	August 27, 2018

⁵ <http://deltacouncil.ca.gov/ex-parte-communication-disclosures-regarding-california-waterfix>

⁶ The date an appeal is deemed “filed” by Council staff pursuant to Section 7 of the Council’s Administrative Procedures Governing Appeals may be different than the date the party submitted the appeal. Section 7 requires Council staff to review each appeal for completeness prior to marking them filed. Where multiple appeals are submitted or expected, Council staff may deem all timely and complete appeals filed effective on the same day, in order to coordinate the hearing and decision timelines under the Delta Reform Act and the Administrative Procedures.

⁷ https://coveredactions.deltacouncil.ca.gov/profile_summary.aspx?c=1d7e50e2-7c64-4b3b-842b-efe652456eed

⁸ https://coveredactions.deltacouncil.ca.gov/profile_summary.aspx?c=f794626c-c216-4600-885d-fe27c1cbdedb

⁹ https://coveredactions.deltacouncil.ca.gov/profile_summary.aspx?c=d66cd496-f1a2-43df-80a4-fbdf2b14e98b

¹⁰ https://coveredactions.deltacouncil.ca.gov/profile_summary.aspx?c=fa3d566e-2752-4dc1-abc3-ced82f03e4f4

¹¹ https://coveredactions.deltacouncil.ca.gov/profile_summary.aspx?c=5f8aec1b-c8a7-412d-aef0-fec526b528be

¹² https://coveredactions.deltacouncil.ca.gov/profile_summary.aspx?c=e681d256-bd50-4546-905e-783ffd109f2c

¹³ https://coveredactions.deltacouncil.ca.gov/profile_summary.aspx?c=34293a2a-69bd-4b2f-bf1b-b7ebaea622cd

	County, Yolo County, Local Agencies of the North Delta	
C20185-A8 ¹⁴	Central Delta Water Agency, South Delta Water Agency	August 27, 2018
C20185-A9 ¹⁵	County of Sacramento, Sacramento County Water Agency	August 27, 2018

¹⁴ https://coveredactions.deltacouncil.ca.gov/profile_summary.aspx?c=79ae41e1-b0cb-4fc2-948e-6e6f3509bce3

¹⁵ https://coveredactions.deltacouncil.ca.gov/profile_summary.aspx?c=e1654b93-23ac-4be0-8c7d-3e3b96bdefec