

1 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
2 **COUNTY OF SACRAMENTO**
3 **Department 36**
4 **Judge: Hon. Stephen P. Acquisto**

5
6 Related Case Nos. 24WM000006; 24WM000008; 24WM000009;
7 24WM000010; 24WM000011; 24WM000014;
8 24WM000012; 24WM000017; 24WM000062; 24WM000076

9
10
11 **DECLARATION OF**
12 **JEFF HENDERSON**
13 **IN SUPPORT OF CALIFORNIA**
14 **DEPARTMENT OF WATER RESOURCES’**
15 **EX PARTE APPLICATION TO**
16 **MODIFY OR STAY PRELIMINARY**
17 **INJUNCTION**
18
19
20
21
22
23
24
25
26
27
28

1 I, Jeff Henderson, declare:

2 1. I am the Deputy Executive Officer for the Planning and Performance Division of the
3 Delta Stewardship Council (“Council”). I have been employed as Deputy Executive Officer since
4 February 2018. I have personal knowledge of the facts set forth in this declaration, and if called
5 and sworn as a witness, I could and would competently testify thereto.

6 2. The following statements are based upon my personal knowledge and upon my review
7 of records kept by the Council. I have personal knowledge of the manner in which the Council’s
8 records are kept. Each of the records upon which I rely was made in the ordinary course of
9 business at or near the time of the act, condition, or event. The sources of information at the time
10 of preparation are such that I believe the records to be trustworthy.

11 3. The Delta Plan policies have been codified as regulations and are set forth in Chapter 2
12 of Division Six, Title 23, of the California Code of Regulations (CCR). Staff have prepared a
13 document for the public’s ease of reference titled “Delta Plan Policies” that contains a table with
14 all Delta Plan regulatory policies and includes: 1) a policy number and citation to the relevant
15 section of the CCR for each policy; 2) a short title for each policy; and 3) the specific policy
16 language from the CCR for each policy. Attached as **Exhibit A** is a true and correct copy of the
17 document titled “Delta Plan Policies” which I downloaded on July 18, 2024, from the Council’s
18 website at [https://deltacouncil.ca.gov/pdf/delta-plan/regulations/2024-01-25-delta-plan-policies-](https://deltacouncil.ca.gov/pdf/delta-plan/regulations/2024-01-25-delta-plan-policies-handout.pdf)
19 [handout.pdf](https://deltacouncil.ca.gov/pdf/delta-plan/regulations/2024-01-25-delta-plan-policies-handout.pdf)> (last visited July 18, 2024). Any member of the public can access this document by
20 clicking on the relevant hyperlink at this page of the Council’s website:

21 <https://deltacouncil.ca.gov/delta-plan/regulations>> (last visited July 18, 2024).

22 4. On July 27, 2018, the California Department of Water Resources (Department)
23 submitted a certification of consistency to the Council for the California WaterFix project
24 (WaterFix). Nine appeals were timely filed with the Council opposing the certification of
25 consistency. The Council held a hearing on the appeals from October 24-26, 2018 in West
26 Sacramento, California. Upon conclusion of the hearing, the Presiding Officer directed Council
27 staff to prepare draft findings for the appeals based on the record and comments received in the
28 matter. Accordingly, staff prepared draft findings for the appeals titled “Determination

1 Regarding Appeals of the Certification of Consistency by the California Department of Water
2 Resources for California WaterFix” that was publicly issued on November 8, 2018. The
3 Department subsequently withdrew its certification of consistency for the project so that the draft
4 was never voted on nor adopted by the Council. A true and correct copy of staff’s draft
5 “Determination Regarding Appeals of the Certification of Consistency by the California
6 Department of Water Resources for California WaterFix” is attached hereto as **Exhibit B**.

7 I declare under penalty of perjury under the laws of the State of California that the
8 foregoing is true and correct. Executed on July 19, 2024, in Sacramento County, California.

9
10 
11 _____
12 JEFF HENDERSON
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28