

DELTA STEWARDSHIP COUNCIL
RESOLUTION 2025-01

Adoption of a Determination on Appeals of Department of Water Resources Certification of Consistency Number C20242 for the 2024-2026 Proposed Geotechnical Activities

WHEREAS, on October 8, 2024, the Department of Water Resources (Department) submitted to the Delta Stewardship Council (Council) a certification of consistency number C20242 (Certification) for the 2024-2026 Proposed Geotechnical Activities (Certification); and

WHEREAS, the Delta Reform Act directs that the Council's Delta Plan must further the "coequal goals" (Water Code § 85300) and defines the coequal goals to mean the two goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem to 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 (Cal. Wat. Code § 85054); and

WHEREAS, any person may file an appeal with regard to a certification of consistency submitted to the Council, claiming that a proposed covered action is inconsistent with the Delta Plan and, as a result of that inconsistency, the action will have a significant adverse impact on the achievement of one or both of the coequal goals or implementation of government-sponsored flood control programs to reduce risks to people and property in the Delta (Cal. Wat. § Code 85225.10(a)); and

WHEREAS, on November 7, 2024, the Council received four timely appeals of the Certification from the following parties: 1) Appeal No. C20242-A1 – 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; 2) Appeal No. C20242-A2 – South Delta Water Agency; 3) Appeal No. C20242-A3 – County of Sacramento, Sacramento County Water Agency, Sacramento Area Sewer District, and City of Stockton; and 4) Appeal No. C20242-A4 – County of San Joaquin, Central Delta Water Agency, and Local Agencies of the North Delta (Cal. Code Regs., tit. 23, § 5022); and

WHEREAS, the Department submitted a "full and complete" certified record for the Certification on November 13, 2024 (Cal. Code Regs., tit. 23, § 5022, subd. (e)); and

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WHEREAS, each party and the Delta Protection Commission (Commission) were given the opportunity to submit a brief, including any request to supplement the record pursuant to the Council's regulations (Cal. Code Regs., tit. 23, §5027); and

WHEREAS, on December 19, 2024, the Council held a hearing (Hearing) on the appeals at its regularly scheduled meeting (Cal. Wat. Code § 85225.20; 23 Cal. Code Regs § 5030); and

WHEREAS, each party and the Commission appeared and made presentations concerning the appeals to the Council (Cal. Code Regs., tit. 23, §§ 5027 and 5028); and

WHEREAS, at the conclusion of the Hearing, the Presiding Officer directed staff to prepare a draft determination on the appeals for the Council's consideration at a future Council meeting; and

WHEREAS, the Council is required to make written findings on appeals within 60 days of the Hearing, and may deny the appeals, remand the matter to the Department for reconsideration, or dismiss the appeals (Cal. Wat. Code §§ 85225.10(c), 85225.20 and 85225.25; Cal. Code Regs., tit. 23, §§ 5025, 5030, 5033, and 5034(d)); and

WHEREAS, the Council has reviewed and considered the Draft Determination (Decision No. D20242) (Attachment 1 to this Resolution) prepared by staff as directed by the Presiding Officer.

NOW, THEREFORE, BE IT RESOLVED BY THE DELTA STEWARDSHIP COUNCIL THAT:

1. The Council hereby finds the foregoing recitals to be true and correct and incorporates them herein.
2. The Council adopts the Draft Determination (Decision No. D20242) (Attachment 1 to this Resolution) and the findings therein, except for any modifications approved by the Council and read into the record during the agenda item for this matter at the January 23, 2025, Council meeting.
3. The Council authorizes and directs the Executive Officer, or their delegatee, to incorporate any modifications to the Draft Determination (Decision No. D20242) that were approved by the Council and read into the record during the agenda item for this matter at the January 23, 2025, Council meeting.
4. The Council authorizes and directs the Executive Officer, or their delegatee, to finalize the Draft Determination (Decision No. D20242), including any necessary non-substantive changes.

- 5. The Council authorizes and directs the Executive Officer, or their delegee, to take such steps as are necessary to effect the intent of this resolution, including posting and distribution of the finalized Decision No. D20242.

Attachment 1: Draft Determination (Decision No. D20242) (Certification Number C20242 for 2024-2026 Proposed Geotechnical Activities)

CERTIFICATION

On a motion by Councilmember _____, seconded by Councilmember _____, and a vote of the Council, the foregoing resolution was passed and adopted by the Delta Stewardship Council by the following vote at a regular meeting of the Delta Stewardship Council on January 23, 2025.

Burgis _____

Damrell _____

Hueso _____

Lee _____

Mehranian _____

Miller _____

Zingale _____

Dated: January 23, 2025

Emma Askea _____
Clerk of the Board of the Delta Stewardship Council