



Delta Conveyance Project Update

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Delta Conveyance Project Updates

- Community Benefits Program
- General Permitting
- Change in Point of Diversion



Refresher: Community Benefits Program Components

Delta Community Fund

- Proposed overarching fund to support community-prioritized projects in the Delta

Economic Development

- Hiring targets, jobs training and education
- Local business utilization

Integrated Benefits

- Infrastructure and facilities

*Community Benefit Agreements provide an opportunity for more targeted collaboration with communities (local entities) and can cover consideration of all program components





CBP Implementation Plan and Guidelines

A potential way to:

- Structure the components of program
- Scheduling of grant solicitation periods, identification of integrated benefits, and development of community benefit agreements
- Screen and score grant proposals for eligibility and prioritization

The draft plan was available for public review and comment from October 2024 through early March 2025.



CBP Implementation Plan and Guidelines: Comment Summary

Thirty-four responses on the feedback form plus one comment letter expressed:

- A desire for continued input and more involvement by Delta residents
- An interest in safeguards and transparency in how program funds are managed
- A desire to maintain low overhead for program costs
- Some confusion about the relationship of the program to mitigation and the Ombudsman program



DCP Permit Update

California Endangered Species Act

- Incidental Take Permit issued February 14, 2025

Endangered Species Act

- Biological Opinions anticipated mid-2025

Water Rights

- Change in Point of Diversion hearing dates currently set from March through October 2025

Delta Plan Consistency

- 2024-2026 Proposed Geotechnical Activities determination that it was not a covered action was adopted on January 23, 2025.
- DCP certification anticipated to be submitted late 2025

Geotechnical Activities

- Currently paused while court appeal process is pending



What happens if DWR is granted a Change in Point of Diversion?

- DWR's water right permits would be amended to allow the diversion of water from the DCP intakes in the North Delta, which is a step in the process that could lead to implementation of the DCP
- Other permits and approvals will be required for the DCP, including, for instance, permits necessary to comply with the Federal and California Endangered Species Acts, among other statutory requirements



How does the CPOD Petition process relate to the State Water Board's Bay-Delta Water Quality Control Plan Update?

- The SWRCB's update to the San Francisco Bay/Sacramento-San Joaquin Delta Estuary Water Quality Control Plan (Bay-Delta WQCP) is a separate regulatory process
- DWR will need to show that implementation of the DCP will comply with the regulatory requirements of the Bay-Delta WQCP



How will the
State Water
Board decide
whether to grant
DWR's Petition?

To grant DWR's Petition, the State Water Board must determine that granting the Petition would cause:

- 1) No injury to a legal user of water (including other water right holders); and
- 2) No unreasonable impacts to fish and wildlife



Organization of the State Water Board Hearing Process

Hearing Process:

- 1) Pre-hearing Conferences
- 2) Policy Statements
- 3) Opening Statements
- 4) DWR Case in Chief
 - Cross examination by Protestants
- 5) DWR Supplemental Information
 - Cross examination by Protestants
- 6) Remaining Policy Statements
- 7) Protestant's Case in Chief
 - Cross examination by DWR



Organization of the State Water Board Decision Process

Decision Process:

- 1) Hearing
- 2) Draft Decision and Permits/Order Prepared
- 3) Meet with Hearing Officer to Review Decisions/Order
- 4) Revise Decision/Order as Appropriate
- 5) Board Closed Session (Changes to the Draft can be made)
- 6) Workshop to Discuss Draft Order (Optional)
- 7) Consider Draft at Board Meeting
- 8) Order is Issued, by the Board - Approving or Denying Petition
- 9) Decision Adopted



State Water Board Hearing Process

Hearing Notices can be found on the Administrative Hearings Office website at:

https://waterboards.ca.gov/water_issues/programs/administrative_hearings_office/delta-conveyance.html

Regular updates on the Hearing Process can be found on our permit portal at:

<https://www.deltaconveyanceproject.com/planning-processes/change-in-point-of-diversion/cpod-hearing-updates>



Questions?



Creating a Community Benefits Program for the Delta Conveyance Project is an acknowledgment that:

1

The direct project benefits related to SWP water supply reliability do not directly benefit the communities of the Delta;

2

The project, if approved, could have potential adverse effects that Delta communities experience through the term of construction; and

3

The California Environmental Quality Act (CEQA) and other required environmental mitigation typically do not address all adverse effects on the local communities.