

# Delta Stewardship Council

*PROPOSED DELTA CONVEYANCE PROJECT*



Appeal No. C20257-A3

Sacramento County

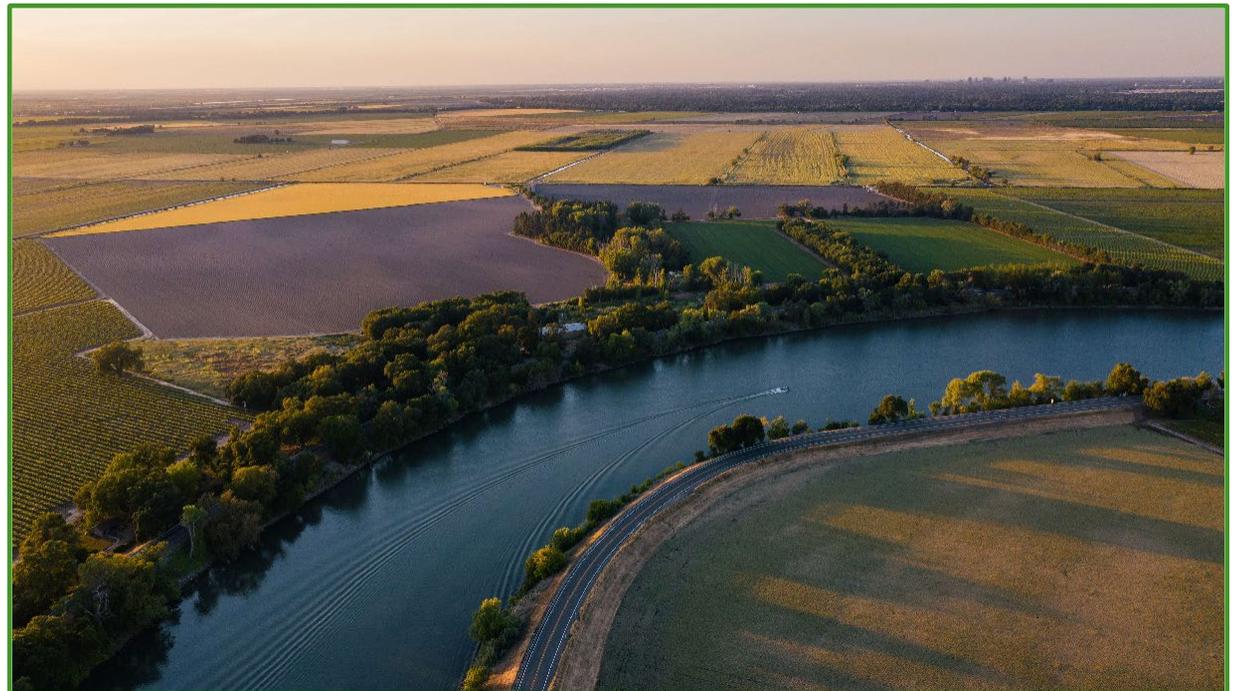
Sacramento County Water Agency

February 26, 2026

## Sacramento County is “Ground Zero”

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- **DCP Infrastructure in the County**
  - Two Intake Locations
  - Twin Cities Complex
  - Access Roads
- **Significant Impacts**
  - Community of Hood
  - Delta **National Heritage Area**
  - Cosumnes River Preserve
  - Stone Lakes National Wildlife Refuge



## The DCP is Inconsistent with Co-Equal Goals

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Co-Equal Goal	Inconsistency
Provide a More Reliable Water Supply	<b>X</b> The DCP Makes Delta Water Supply <b>Less Reliable</b>
Protect, Restore, and Enhance the Delta Ecosystem	<b>X</b> The DCP will <b>Substantially Damage and Degrade</b> the Delta Ecosystem
"The Co-Equal Goals shall be achieved in a manner that protects and enhances the <b>unique cultural, recreational, natural resource, and agricultural values</b> of the Delta as an evolving place." (Wat. Code, § 85084.)	<b>X</b> The DCP <b>Does Not Protect or Enhance</b> any of the unique cultural, recreational, natural resource, or agricultural values of the Delta

## The DCP Is Inconsistent with Delta Plan Policies

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<b>G P1</b>	Best Available Science (BAS) Include All Applicable Mitigation Measures
<b>DP P2</b>	Respect Local Land Use When Siting Water or Flood Facilities or Restoring Habitats
<b>WR P1</b>	Reduce Reliance on the Delta through Improved Regional Water Self-Reliance
<b>ER P1</b>	Delta Flow Objectives

**G P1(b)(2)**

Include All Applicable Mitigation Measures

G P1(b)(2) requires the DCP to include “all applicable feasible mitigation measures adopted and incorporated into the Delta Plan . . . or “equally or more effective” substitute mitigation measures.

**DWR Fails to Include the Following Mitigation Measures (MM):**

- X** Protect Agricultural Land Uses (MM 7-1)
- X** Select Project Sites that Avoid Sensitive Natural Communities and Habitat (MM 4-1, 4-2)
- X** Site Project in Areas Where Recreation is Not Impaired (MM 18-1)

**G P1(b)(3)**

Best Available Science (BAS)

G P1 (b)(3) requires all covered actions to “document the use of **best available science**...”

Legislative mandate for use of “**best available science to further two coequal goals**.” *Delta Stewardship Council Cases (2020) 48 Cal.App.5th 1014, 1028*

**DWR did not use BAS:**

- X** Delta Independent Science Board Letter Confirms Failure to Use BAS
- X** Lack of Peer Review
- X** Failure to Adequately Consider Impacts Related to Noise, Water Quality, and Water Supply

or Flood Facilities or Restoring Habitats

DP P2 requires water management facilities to “be sited to **avoid or reduce conflicts with existing uses or those uses described or depicted in city and county general plans**...when feasible, from local agencies **considering comments** and the Delta Protection Commission.”

### **DCP is Inconsistent with DP P2:**

- X** Failure to Consider City and County General Plans
- X** DCP Conflicts with the County’s Existing Uses
- X** Failure to Meaningfully Consider Agency Comments
- X** Failure to Demonstrate DCP Could Not Have Been Sited to Avoid Conflicts



or Flood Facilities or Restoring Habitats

## X DCP Conflicts with Existing Use as the Delta National Heritage Area (NHA)

- Established by Congress in 2019
- California's **only** NHA designation of 62 nationwide

"NHAs are non-regulatory, **congressionally designated** cultural landscapes that use local coordination and partnership to **conserve, enhance, and promote nationally significant resources** and share important elements of American history by integrating interpretation, resource stewardship, and heritage-based economic development."

– *Dr. Nancy Morgan, Delta NHA Management Plan Project Coordinator*

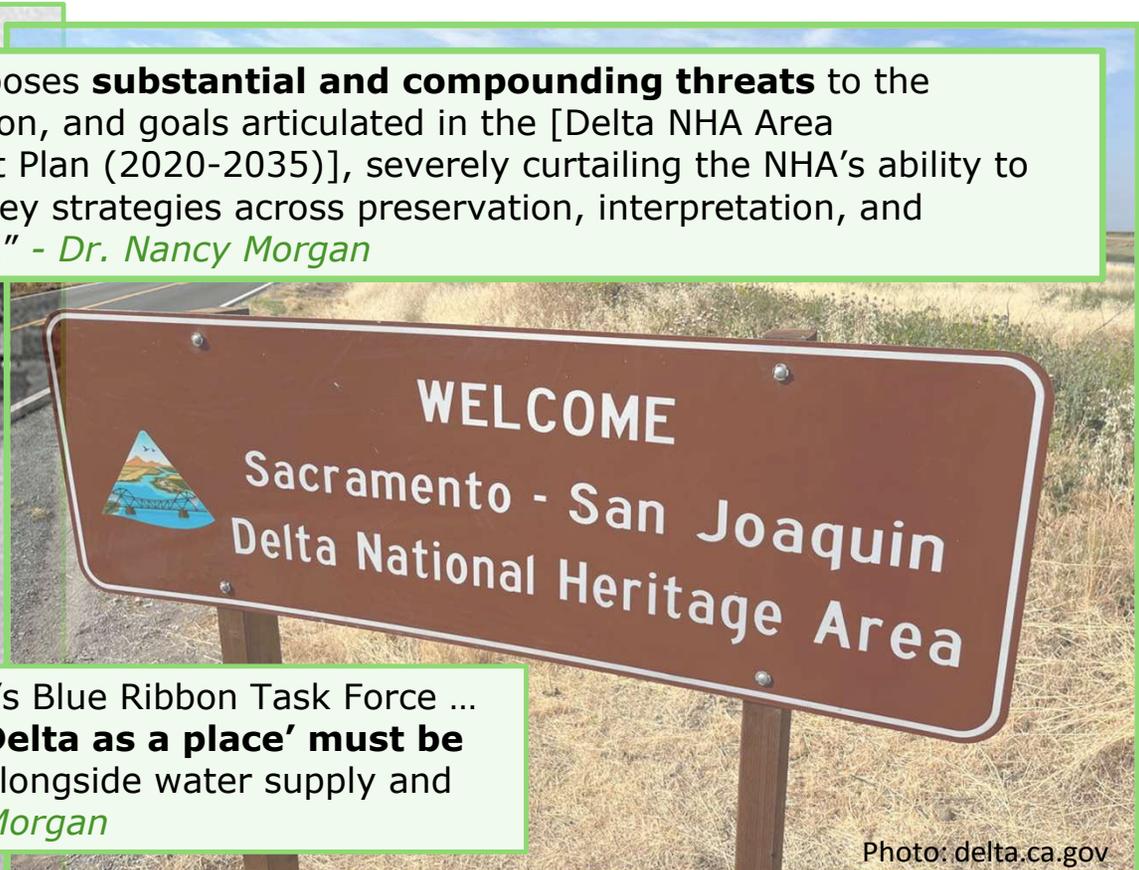
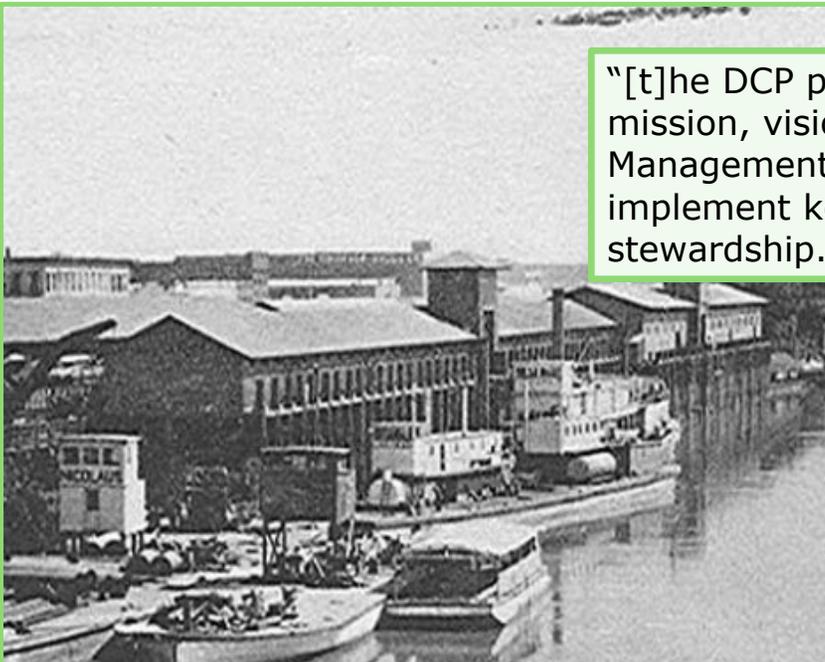


Images: delta.ca.gov

or Flood Facilities or Restoring Habitats

## **X DCP Conflicts with Existing Use as NHA**

"[t]he DCP poses **substantial and compounding threats** to the mission, vision, and goals articulated in the [Delta NHA Area Management Plan (2020-2035)], severely curtailing the NHA's ability to implement key strategies across preservation, interpretation, and stewardship." - *Dr. Nancy Morgan*



"Delta Vision, the 2008 Governor's Blue Ribbon Task Force ... emphasized that recognition of '**Delta as a place**' must be **the third foundational pillar**, alongside water supply and ecosystem health." - *Dr. Nancy Morgan*

Photo: visitcadelta.com

Photo: delta.ca.gov

or Flood Facilities or Restoring Habitats

## **X DCP Conflicts with Town of Hood's Water Supply**

- Groundwater is Hood's only water supply for its residents and commercial operations
- Substantial evidence supports that the DCP could significantly impact this water supply
- Conflicts with Hood Community Action Plan



Record No. DCP.D1.1.00026

or Flood Facilities or Restoring Habitats

## **X** DCP Conflicts with the County's Residential and Commercial Uses

- No measures provided to mitigate noise impacts, expected to last **over a decade**
- Noise, dust, constant construction trucks, and industrialization will **deter tourism** and lessen enjoyment of cultural and natural heritage
- DCP will remove 71 existing structures, including **15 homes**

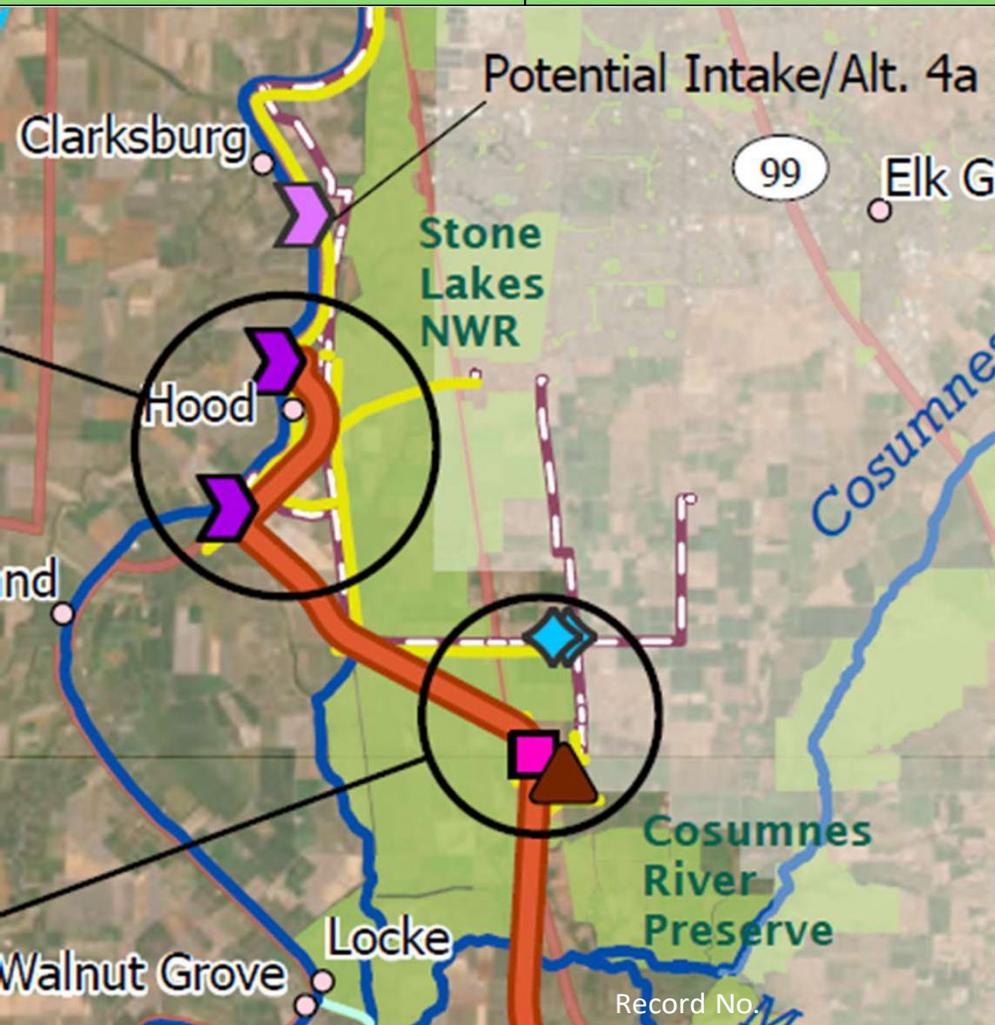


"[L]ong-term operation of the [DCP], with large industrial facilities at the intake locations, will severely degrade the scenic and peaceful nature of the Hood locale... I am deeply concerned about the economic and cultural impacts of the intakes on the Hood community, and surrounding area."– *Angelica Whaley, owner of Willow Ballroom*

Photos: visitcadelta.com

DP P2

Respect Local Land Use When Siting Water  
or Flood Facilities or Restoring Habitats



## **X DCP Conflicts with Cosumnes River Preserve (CRP) and Stone Lakes National Wildlife Refuge (SLNWR)**

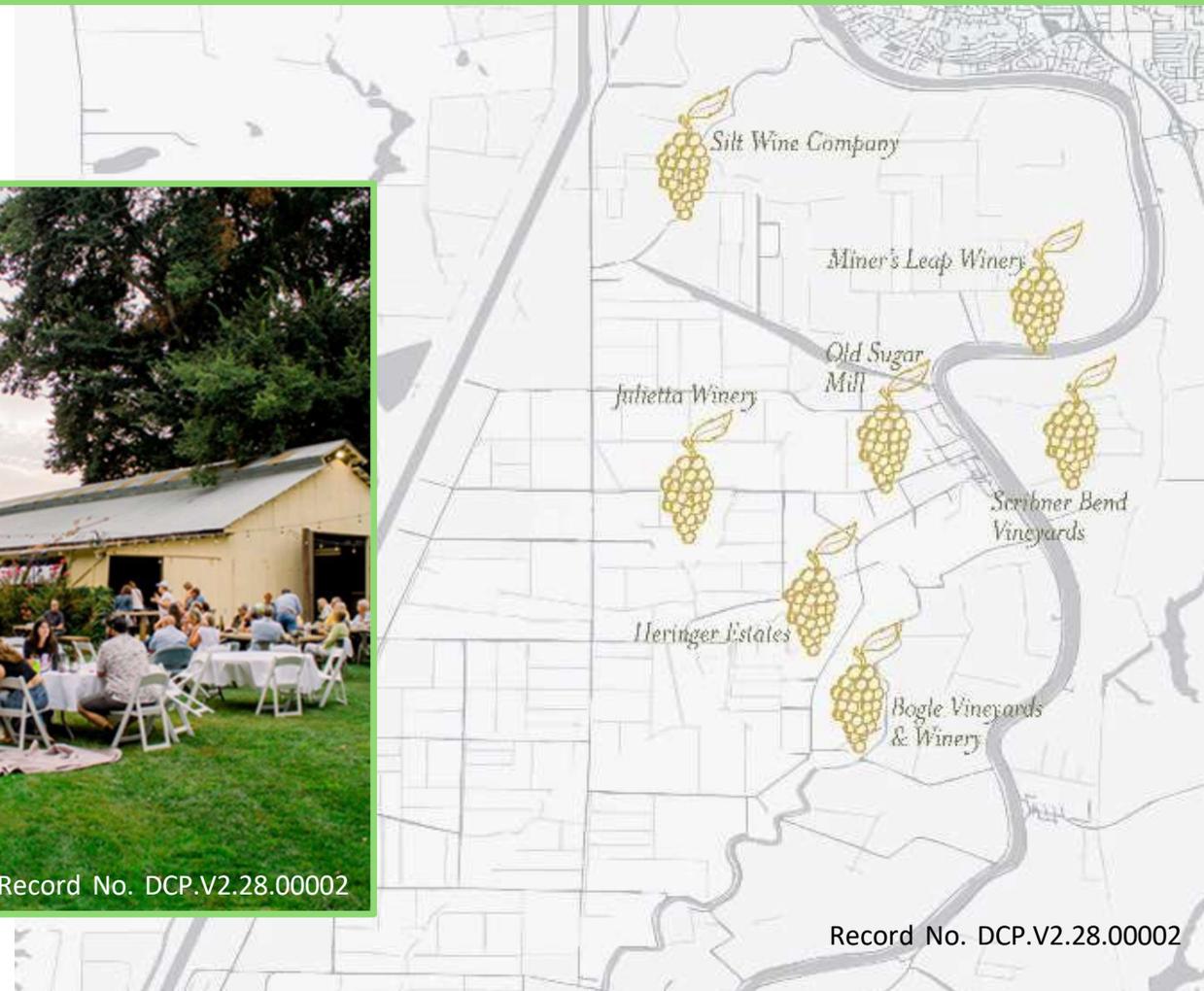


- TCC sited directly adjacent to CRP
- Intakes immediately adjacent and one mile from SLNWR
- Conflict with **connectivity of habitats** and **recreational uses**
  - 100,000 birds annually at CRP
  - 200+ wildlife species at SLNWR
  - CRP and SLNWR create a **contiguous corridor** for migratory Pacific Flyway birds, other plants, and wildlife
  - 100,000 annual visitors at CRP

or Flood Facilities or Restoring Habitats

## **X** DCP Conflicts with the County's **Agricultural Uses**

- Traffic and road closures will harm harvest operations
- Noise, traffic, and access issues, along with overall changes to the area's character from DCP facilities, would deter agritourism



or Flood Facilities or Restoring Habitats

## **X Failure to Meaningfully Consider Comments**

<b>The County's Comment</b>	<b>DWR's "DP P2 Consideration"</b>	<b>Generalized Findings with "Analysis"</b>
<p>"The Project will have impacts (noise, dust, traffic) upon the use of the Cosumnes River Preserve due to boring and other construction activity at the Twin Cities Tunnel Shaft. The Cosumnes River Preserve has an estimated 70,000 actual visitation numbers."</p>	<p>"[t]his comment from Sacramento County expresses its concern that the project could conflict with the Cosumnes River Preserve."</p>	<p><b>X</b> No mention of Cosumnes River Preserve  <b>X</b> No mention of how TCC conflicts with Cosumnes River Preserve</p> <p>"DWR has determined that substantial evidence in the record demonstrates that the tunnel shafts will have minimal conflicts with the existing recreational uses. Indirect effects on existing recreational uses will be reduced [by] measures to reduce conflicts described below."</p>

## Improved Regional Water Self-Reliance

WR P1: Water may not be exported from, moved through, or used in the Delta if:

- Any receiving water supplier has failed to adequately **reduce reliance** in the Delta and improve regional self-reliance;
- That failure significantly causes need to export, transfer, or use; and
- The export, transfer, or use would significantly impact the Delta's environment.

### **DCP is Inconsistent with WR P1:**

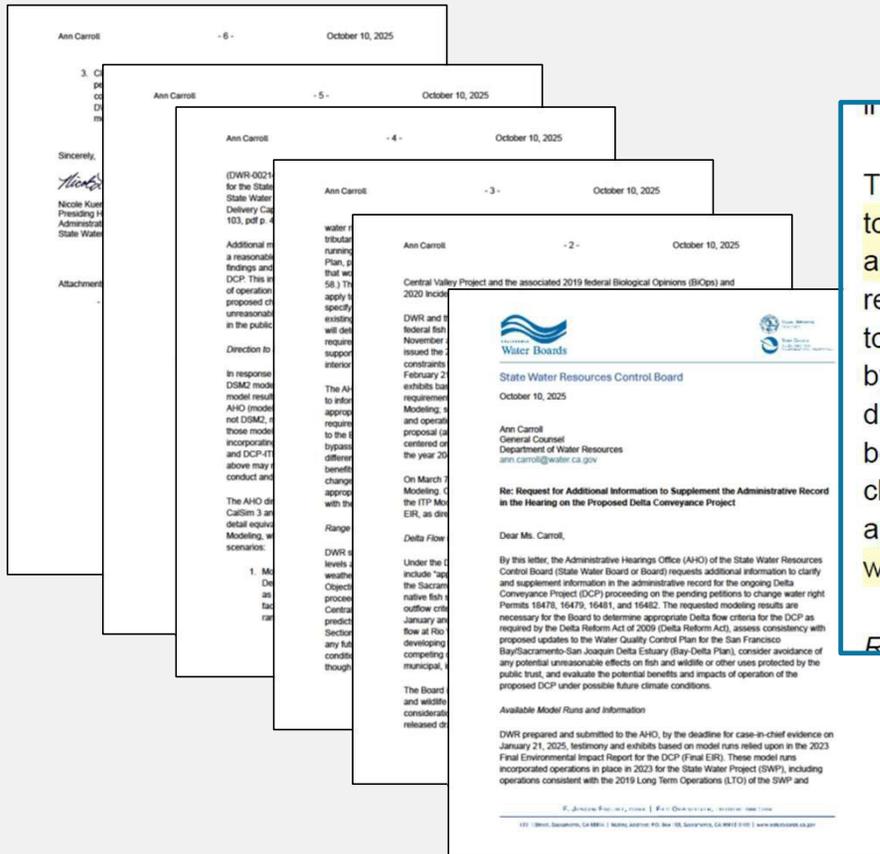
- **X** DWR relies on clear legal error to determine policy is not implicated
  - DWR's Certification shows only 24.5% of suppliers have demonstrated reduced reliance
  - **Failure of over 75%** of SWP exporters to reduce reliance resulted in "need" for the DCP
- **X** DCP will have, at minimum, **16** significant and unavoidable environmental impacts

ER P1: “The [SWRCB’s] Bay Delta Water Quality Control Plan **flow objectives** shall be used to determine consistency with the Delta Plan.

### **DCP is Inconsistent with ER P1:**

**X** Modeling deficiencies prevent DWR from determining consistency with flow objectives, as identified by the SWRCB’s Office of Administrative Hearings (AHO)

# X Excerpt from Letter from SWRCB's AHO to DWR (Oct. 10, 2025)



interior Delta flow objectives. (Id. at pp. 40, 64.)

The AHO has determined that the administrative record developed to date is inadequate to inform the State Water Board's decision concerning what Delta flow criteria would be appropriate for the DCP, as required by the Delta Reform Act, and to evaluate requirements that may be necessary to ensure consistency with the proposed updates to the Bay-Delta Plan. Modeling of DCP operational scenarios with a range of possible bypass flow requirements will inform the Board's consideration of the trade-offs between different levels of protection for fish and wildlife in the Delta and the water supply benefits of the DCP, and is relevant to the Board's findings whether the proposed changes to DWR's water right permits would unreasonably affect fish and wildlife, appropriately protect public trust resources, be in the public interest, and be consistent with the Bay-Delta Plan applicable at the time the Board acts on the petitions.

Range of Climate Scenarios

Record No. DCP.V3.1.00042

## The DCP Is Inconsistent with Delta Plan Policies

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<b>G P1</b>	<ul style="list-style-type: none"><li>✗ Fails to Include Applicable Mitigation Measures</li><li>✗ Fails to Use BAS</li></ul>
<b>DP P2</b>	<ul style="list-style-type: none"><li>✗ Fails to Consider City and County Plans</li><li>✗ Fails to Meaningfully Consider Comments</li><li>✗ Fails to Site the DCP to Avoid or Reduce Conflicts</li><li>✗ Fails to Show DCP Couldn't Have Been Sited to Avoid Conflicts</li></ul>
<b>WR P1</b>	<ul style="list-style-type: none"><li>✗ Fails to Reduce Reliance</li></ul>
<b>ER P1</b>	<ul style="list-style-type: none"><li>✗ Fails to Provide Modeling Sufficient to Show Consistency with Flow Objectives</li></ul>

## The DCP is Inconsistent with Co-Equal Goals

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