



Delta Protection Commission
2101 Stone Blvd. Suite 200
West Sacramento CA 95691

January 12, 2026

Chair Julie Lee and Councilmembers
Delta Stewardship Council
715 P Street, 15-300
Sacramento, CA 95814

**RE: Delta Protection Commission *additional comments and recommendations*
pursuant to Public Resources Code 29773 for the Delta Conveyance Project
Certification of Consistency (C20257)**

Dear Chair Lee and Councilmembers,

The Delta Protection Commission (Commission), in its role representing Delta communities and advising the Delta Stewardship Council (Council) on protecting and enhancing unique Delta values, provides the following Public Resources Code (PRC) 29773 recommendations on the Delta Conveyance Project (DCP, or proposed project) certification of Delta Plan consistency. The Project is a significant proposed project, proposed by DWR, that will affect the unique cultural, recreational, and agricultural values within the primary and secondary zones of the Delta. In order to ensure consistency with the Delta Plan, the Commission is exercising its authority to comment and make recommendations on the proposed project pursuant to PRC 29773.

PRC section 29773 provides that:

- (a) The commission may review and provide comments and recommendations to the Delta Stewardship Council on any significant project or proposed project within the

scope of the Delta Plan, including, but not limited to, actions by state and federal agencies, that may affect the unique cultural, recreational, and agricultural values within the primary and secondary zones. Review and comment authority granted to the commission shall include, but is not limited to, all of the following:

- (1) Identification of impacts to the cultural, recreational, and agricultural values of the Delta.
 - (2) Recommendations for actions that may avoid, reduce, or mitigate impacts to the cultural, recreational, and agricultural values of the Delta.
 - (3) Review of consistency of the project or proposed project with the resources management plan and the Delta Plan.
 - (4) Identification and recommendation of methods to address Delta community concerns regarding large-scale habitat plan development and implementation.
- (b) The council shall take into consideration the recommendations of the commission, including the recommendations included in the economic sustainability plan. If the council, in its discretion, determines that a recommendation of the commission is feasible and consistent with the objectives of the Delta Plan and the purposes of this division, the council shall adopt the recommendation.

This authority to provide comments and recommendations to the Council pursuant to PRC 29773 is separate from and in addition to the Commission's ability to participate in the Council's appeal process. Pursuant to PRC 29773, the Commission is authorized to provide comments and recommendations to the Council on projects before it and the Council is required to consider the Commission's recommendations and to adopt them, if the Council determines they are feasible and consistent with the objectives of the Delta Plan.

The Commission submitted initial PRC 29773 comments, in combination with its appeal, on November 17, 2025 and those comments are incorporated by reference here. This letter also incorporates by reference the subsequent letter we submitted to the Council on January 2, 2026 in support of the Commission's appeal and as comments on other filed appeals. This letter serves to further detail the specific recommendations the Commission is making pursuant to PRC 29773.

As the State agency charged with representing the Delta region, the Commission works to protect, maintain, enhance and enrich the overall quality of the Delta environment and economy. We do this with a focus on agriculture, recreation, heritage and natural resources, while remaining mindful of the importance of the Delta to all Californians. While

the 15-member Commission is comprised largely of local agency representatives throughout the region, it also includes representatives of four State agencies. Please note that the State agency Commission members took no position on the Commission's comments and position relative to the DCP.

The Delta Reform Act of 2009 articulates the State's basic goals for the Delta:

- (a) Achieve the two coequal goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. It also states that 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."
- (b) Protect, maintain, and where possible enhance and restore the overall quality of the Delta environment, including but not limited to agriculture, wildlife habitat, and recreational activities.
- (c) Ensure orderly, balanced conservation and development of Delta land resources.
- (d) Improve flood protection by structural and nonstructural means to ensure an increased level of public health and safety.

(PRC section 29702; Water Code section 85054.)

As discussed in our November 17, 2025 PRC 29773 letter and in our January 2, 2026 submission in the appeals process, the proposed DCP is inconsistent with the Delta Plan policies and recommendations regarding "Delta as Place." If carried out as proposed, the DCP will irrevocably alter the rural character of the Delta, its economic pillars (agriculture and recreation), and its cultural heritage. This represents a significant adverse impact on the achievement of the coequal goals, since the coequal goals must 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. The DCP purports to achieve water supply reliability, but does so at the expense of the Delta, as we demonstrate below and in our appeal.¹ By failing to adhere to the mandates of the Delta Plan and the Delta Reform Act, including PRC section 29702(a) and Water Code section 85054 to "protect and enhance" Delta values, the DCP undermines, and is inherently inconsistent with, the Delta Plan and the Delta Reform Act. **DWR cannot mitigate its way out of the enduring impacts of the DCP that will be felt in the Delta and undermine its statutorily protected values for the State of California and should be rejected as proposed.**

¹ The Commission's appeal also included a request for consideration of a series of maps that illustrate the impact the proposed project will have on the Delta. We submit these maps again here (See Attachment 1) as a part of our PRC 29773 comments.

As stated above, PRC 29773 provides the Commission with review and comment authority on any significant project within the scope of the Delta Plan. It also, per the last clause, states that the Council “shall take into consideration the recommendations...and...if the council...determines that a recommendation of the commission is feasible and consistent with the objectives of the Delta Plan...the council shall adopt the recommendation.”

To this end, the Commission makes two specific recommendations—one procedural and one substantive—to the Council. Both include remanding the DCP to DWR.

Procedural Recommendation

From a procedural standpoint, the Commission recommends that the Council require that water conveyance build on past, successful collaborative processes. The State of California has a robust and successful history of collaboration around Delta issues: the Delta Protection Act of 1992, the Delta Blue Ribbon Task Force, the Delta Reform Act of 2009, and the Delta Plan. Conveyance should be no different. Instead, it has been the sole pursuit of DWR operating in isolation, without a collaborative process. It is telling, however, that despite DWR’s decades-long pursuit of isolated conveyance (peripheral canal, dual tunnels, one tunnel), and the initial inclusion of WaterFix in the Delta Plan, none of these has come to fruition.

The State of California has an opportunity to continue to lead in this collaborative space. The Commission recommends that the State of California convene a **time-bound** process to develop a path forward. This process should be led by the Delta Stewardship Council in their role as an independent state agency and should be underpinned by the policies and recommendations in the Delta Plan, including best available science.

Furthermore, all future discussions regarding conveyance should be conducted in full partnership with the stewards of Delta as Place values: tribes, county commissioners, city council members, community-based organizations, legislative policy committees, and the Delta Protection Commission.

Substantive Recommendation

The Commission recommends that the Council insist that any future proposal fully take into consideration the value of a portfolio approach that respects “Delta as Place” values and conforms with the goals and policies of the Delta Plan. A portfolio approach should include the following: reinforcement of levees for through-Delta conveyance, improved storage, conservation, recycling, reuse, and investment in regional self-sufficiency toward reduced reliance on the Delta. These components can be combined and utilized to provide water reliability for those outside of the Delta while also protecting Delta as Place. This

approach also includes components that will need to be completed even if the DCP, as proposed, is implemented. Thus, the portfolio approach is fiscally wise for California.

The Commission acknowledges the decades of work and money that the State of California has invested to formulate solutions for water supply reliability and agrees that something must be done to ensure water supply reliability for the people and farms outside of the Delta who rely on Delta water. However, it's time to get past the binary thinking that has boxed the State of California into believing that a canal or a tunnel is the best path forward for water supply reliability. The Commission is willing to discuss ways to meet water supply reliability outside of the Delta but not at the expense of Delta values. As we've seen for the past several decades, the people of the Delta oppose a project that does nothing for the Delta and in the case of the presently proposed DCP, has significant adverse impacts on Delta values. A portfolio approach can respect the Delta as place and provide water supply reliability for those outside of the Delta.

The Commission welcomes the opportunity to be part of conversations and a defined process to identify a path forward that respects all aspects of the coequal goals.

Sincerely,

A handwritten signature in black ink that reads "Amanda Bohl". The signature is fluid and cursive, with the first name "Amanda" being more prominent than the last name "Bohl".

Amanda Bohl
Executive Director

Attachment 1: Maps

cc: Members, Delta Protection Commission

Attachment 1: Maps

The maps are available on the Commission's website: <https://delta.ca.gov/wp-content/uploads/2026/01/DPC-Request-for-Council-to-Take-Official-Notice-Appeal-No.-C20257-A1.pdf>.

Please note, this link also includes the justification for including the maps in the official record for the Delta Conveyance Project Certification of Consistency (C20257). For the purposes of the Commission's PRC 29773 comments, this justification is not required.