

## Delta Conveyance Project – Review, Permitting, Finance and Property Rights

Status: **MOSTLY INCOMPLETE** ✘

PERMIT/MILESTONE (Red=In Litigation)	ACTIONS	STATUS		OTHER NOTES*
		COMPLETE	INCOMPLETE	
<b>Environmental Review</b>				
<b>CEQA</b> <i>Department of Water Resources</i>	Draft EIR circulated for public review July 27, 2022.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	Final EIR released December 8, 2023; Certification and Notice of Determination filed December 21, 2023.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Litigation filed January 2024; trial court consolidated 10 actions in October 2024.
<b>NEPA</b> <i>U.S. Army Corps of Engineers</i>	Draft EIS Analyzing Construction of Tunnel released for public review December 16, 2022.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Does not analyze operation impacts of DCP.
	Final EIS Analyzing Construction of Tunnel.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No Record of Decision.
<i>U.S. Bureau of Reclamation</i>	Final EIS Analyzing Long-Term Operations of the Central Valley Project and State Water Project November 15, 2024. Record of Decision issued on December 19, 2024,	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Very coarse programmatic assessment of DCP operations in Final EIR appendix.
<b>Other Processes</b>				
<b>Federal ESA, Biological Opinions</b> <i>U.S. Fish and Wildlife Service</i> <i>National Marine Fisheries Service</i>				
<i>Construction</i>	USACE submitted draft Biological Assessments for construction only to federal agencies in May 2024.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	FWS draft Biological Assessment still pending.
<i>Operation</i>	Biological Opinions issued by U.S. Fish and Wildlife Service and National Marine Fisheries Service in December 2024 includes a Framework Programmatic ESA section 7	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Framework only; no incidental take statement for DCP operation.

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	consultation that includes a qualitative effects analysis for operation.			
<b>Other Processes (cont.)</b>				
<b>California ESA, Section 2081, Incidental Take Permit</b> <i>California Department of Fish and Wildlife</i>	Incidental Take Permit application submitted April 9, 2024. Incidental Take Permit issued on February 14, 2025.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<b>California Fish and Game Code, Section 1602, Lake and Streambed Alteration Agreement</b> <i>California Department of Fish and Wildlife</i>		<input type="checkbox"/>	<input checked="" type="checkbox"/>	It appears this process has not begun.
<b>Clean Water Act, Section 404</b> <i>U.S. Army Corps of Engineers</i>	Amended application submitted July 7, 2022.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>Rivers and Harbors Act, Section 10</b> <i>U.S. Army Corps of Engineers</i>	Amended application submitted July 7, 2022.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>Rivers and Harbors Act, Section 14, 33 USC Section 408</b> <i>U.S. Army Corps of Engineers</i>	Central Valley Flood Protection Board Statement of No Objection submitted May 22, 2020.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>National Historic Preservation Act, Section 106, Programmatic Agreement</b> <i>U.S. Army Corps of Engineers</i>	Revised draft circulated to consulting parties January 27, 2023.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Programmatic Agreement under development.
<b>Change in Point of Diversion</b> <i>State Water Resources Control Board</i>	DWR Change in Point of Diversion Petition submitted February 22, 2024; Notice of Public Hearing issued July 31, 2024; Amended Notices of Public Hearing issued November 18, 2024, January 21, 2025, February 28, 2025, April 4, 2025, April 25, 2025, June 20, 2025, September 12, 2025, and October 22, 2025. <sup>1</sup>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	40 protests to DWR’s Petition filed. Resolution of procedural issues and Case in Chief phases of hearing process occurred in 2025. Rebuttal phase of hearing is expected to occur in 2026.

<sup>1</sup> [https://www.waterboards.ca.gov/water\\_issues/programs/administrative\\_hearings\\_office/delta-conveyance.html](https://www.waterboards.ca.gov/water_issues/programs/administrative_hearings_office/delta-conveyance.html)

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<b>Other Processes (cont.)</b>				
<b>Extension of Time to Construct and Put Water to Beneficial Use</b> <i>State Water Resources Control Board – Division of Water Rights</i>	DWR Petition for Extension of Time filed in December 2009, withdrawn in August 2024. Time period for the DWR to perfect beneficial use of its water rights under SWP Permits has expired. DWR submitted new Petition for Extension of Time on January 21, 2025, seeking 76-year extension of time to complete construction (to 2085) of State Water Project/the DCP.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Due Diligence litigation filed in Fresno County Superior Court commenced in April 2024. No action has been taken by SWRCB on DWR’s most recent Petition for Extension of Time. DWR released a Notice of Preparation of an Environmental Impact Report for Petition for Extension of Time in September 2025.
<b>Clean Water Act, Section 401, and Porter-Cologne Act, California Water Code, § 13000 et. seq., Water Quality Certification and Waste Discharge Requirements</b> <i>State Water Resources Control Board</i>		<input type="checkbox"/>	<input checked="" type="checkbox"/>	It appears process has not begun.
<b>Wetland Riparian Area Protection Policy</b> <i>State Water Resources Control Board</i>		<input type="checkbox"/>	<input checked="" type="checkbox"/>	It appears process has not begun.
<b>Consistency with Delta Plan Geotechnical Activities</b> <i>Delta Stewardship Council Sacramento Superior Court Third District Court of Appeal</i>	Consistency Certification for limited geotechnical activities submitted to Delta Stewardship Council October 8, 2024; four appeals filed November 8, 2024. DSC dismissed appeals on January 24, 2025. DSC’s January 2025 decision stating DWR can split the project into smaller pieces to avoid DSC consistency certification process challenged in February 2025.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Trial court enjoined geotechnical activities pending Consistency Certification for entire DCP in June 2024. DWR appealed and Opinion issued in October 2025 allowed DWR to commence preconstruction geotechnical activities without consistency certification. Rehearing request pending.

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<b>Other Processes (cont.)</b>	Other Processes (cont.)	Other Processes (cont.)		Other Processes (cont.)
<b>Consistency of Delta Conveyance</b> <i>Delta Stewardship Council</i>	DWR submitted consistency certification to Delta Stewardship Council on October 17, 2025.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Appeals of DWR’s consistency certification must be filed by November 17, 2025.
<b>Finance</b>				
<b>Revenue Bond Financing (ATTEMPT #1) FOR SINGLE TUNNEL</b> <i>Department of Water Resources</i>	Bond Resolutions issued and DWR Validation Action filed in August 2020; seven answers were filed; trial court judgment against DWR and Supporting Water Contractors January 2024, concluding that the Bond Resolutions exceeded DWR’s authority.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	DWR and other appeals filed February 2024; appellate briefing concluded. Oral argument set for November 19, 2025.
<b>Revenue Bond Financing (ATTEMPT #2) FOR SINGLE TUNNEL</b> <i>Department of Water Resources</i>	Bond Resolutions issued and DWR Validation Action filed in January 2025.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	9 answers to DWR’s new Validation Action filed by deadline of March 25, 2025. Briefing underway.
<b>Contractor Financing Commitments</b> <i>State Water Contractors</i>	DWR has obtained additional \$300 million funds sought for continued DCP planning and permitting costs. Estimated \$700 million has already been spent in furtherance of tunnel.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No funds committed for construction.
<b>Property Access/Acquisition</b>				
<b>Access for Geotechnical and Environmental Investigations</b> <i>Department of Water Resources</i>	Since 2009, DWR commenced over 200 Temporary Entry Permit cases; in 2010 cases were coordinated in San Joaquin County (JCCP 4594), in order to advance the BDCP, WaterFix, and, now, the DCP.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	DWR continues to file “add-on” entry cases, most of which are contested by Delta landowners, in JCCP 4594.
<b>Acquisition/Eminent Domain for Construction</b> <i>Department of Water Resources</i>	Hundreds of private property interests would be necessary for construction of the DCP. The EIR estimates 1,277 acres are needed for permanent use and 1,390 acres are needed for temporary use—a total of 2,667 acres.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	DWR does not own any land needed for DCP. Separate eminent domain lawsuits likely necessary to obtain property.

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\* For more information on the Delta Conveyance Project’s environmental compliance and permitting processes, visit <https://www.deltaconveyanceproject.com/planning-processes>. Other permits, including local permits and those related to construction, may also be needed.