



Delta Stewardship Council

A CALIFORNIA STATE AGENCY

February 1, 2022

NOTICE OF APPEALS REGARDING CERTIFICATION OF CONSISTENCY C202110, LOOKOUT SLOUGH TIDAL HABITAT RESTORATION AND FLOOD IMPROVEMENT PROJECT

Two appeals have been filed in response to the following certification of consistency:

Certification Number: [C202110](#)

Covered Action Title: Lookout Slough Tidal Habitat Restoration and Flood Improvement Project

Certification Date: December 30, 2021

INFORMATION REGARDING APPEALS

The table below lists information regarding the appeals as required by Section 8.a of the Council's [Administrative Procedures Governing Appeals](#).¹ For more information regarding this appeal, please go to the Council's [Covered Actions website](#)² and click the link for the Certification Number listed above.

Appeal Number	Appellant	Effective Date
C2021110-A1	Solano County Water Agency	January 31, 2022
C2021110-A2	Liberty Island Access	January 31, 2022

APPEAL PROCESS

The Council will hold a hearing within 60 days from the effective date of the appeals, unless otherwise stipulated by the parties and the Council. The Council will make a decision on the appeal within 60 days following the hearing, unless otherwise stipulated by the parties and the Council. If necessary, the Council may hold additional meetings on the appeals within this period. Additional information regarding the appeal process, including meeting notices and hearing procedures, will be emailed to the parties and posted on the Council's webpage for the Lookout Slough Tidal Habitat Restoration and Flood Improvement Project

¹ <https://deltacouncil.ca.gov/pdf/delta-plan/regulations/2020-05-08-appeals-procedures.pdf>

² <https://coveredactions.deltacouncil.ca.gov>

Notice of Appeals Regarding the Lookout Slough Tidal Habitat Restoration and Flood Improvement Project
December 30, 2021
Page 2

Certification of Consistency #C202110.³ For general information regarding the appeal process, please see the Covered Actions website and the [Administrative Procedures Governing Appeals](#).

CONSOLIDATION OF MULTIPLE APPEALS

The Council may consider consolidating these appeals pursuant to Section 31 of the [Administrative Procedures Governing Appeals](#).

VIDEO AND TELECONFERENCE MEETING DURING COVID-19 EMERGENCY

As a result of the COVID-19 emergency, some or all of the Council meetings, including hearings, may occur via remote presence. Additionally, due to the COVID-19 emergency, Council offices are closed and staff are working from home. As a result, some Council services may be temporarily delayed. We appreciate your patience. Council staff will be monitoring lookoutsloughproject@deltacouncil.ca.gov during working hours for any procedural inquiries, subject to the ex parte restriction below.

EX PARTE COMMUNICATIONS PROHIBITED

Council hearings on appeals are subject to the ex parte communication restrictions of the California Administrative Procedures Act (Gov. Code § 11430.10 et seq.). An ex parte communication is a “communication, direct or indirect, regarding any issue in the proceeding, to the [Council or Council member or Council staff] from an employee or representative of any agency that is a party or from an interested person outside the agency, without notice and opportunity for all parties to participate in the communication.” Ex parte communications regarding this certification of consistency or the appeal are prohibited. This restriction applies from the date that any appeals are filed to the date that the Council reaches a final decision on the appeals. (See [Administrative Procedures Governing Appeals](#), § 26.)

³ https://coveredactions.deltacouncil.ca.gov/profile_summary.aspx?c=4c044a3a-d011-449e-a79e-502c8a191ce0