

Notice of Preparation of an Environmental Impact Report for Long-Term Operations of the State Water Project

CALIFORNIA DEPARTMENT OF WATER RESOURCES

To: Agencies and Interested Parties

Date: June 16, 2023

Subject: Notice of Preparation of an Environmental Impact Report for Long-Term Operations of the State Water Project facilities in the Sacramento-San Joaquin Delta, Suisun Marsh, and Suisun Bay

CEQA Lead Agency Contact

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The Department of Water Resources (DWR) will prepare an Environmental Impact Report (EIR) for Long-Term Operations of the State Water Project (SWP) facilities in the Sacramento-San Joaquin Delta, Suisun Marsh, and Suisun Bay. The EIR will be prepared pursuant to the California Environmental Quality Act (CEQA), California Public Resources Code sections 21000, et seq., and the CEQA Guidelines, Title 14 of the California Code of Regulations sections 15000, et seq. DWR, as the project proponent, will be the lead agency in accordance with CEQA.

Purpose of the Notice of Preparation

The purpose of a notice of preparation (NOP) is to notify responsible and trustee agencies involved in approving or funding a project, the Office of Planning and Research, and interested parties that an EIR will be prepared. The NOP provides information about the proposed project and its potential environmental impacts to allow recipients the opportunity to provide a meaningful response related to the scope and content of the EIR. Responsible and trustee agencies should respond to the NOP with the following information: “[t]he significant environmental issues and reasonable alternatives and mitigation measures that the responsible or trustee agency, or the Office of Planning and Research will need to have explored in the draft EIR”; and “[w]hether the agency will be a responsible agency or trustee agency for the project.” (CEQA Guidelines, § 15082, subd. (b)(1).)

The description, location, and potential environmental effects of the proposed project are presented below. DWR has determined that an EIR will be required for the proposed project, so an initial study is not needed.

Background

The California State Water Project (SWP) is a multi-purpose water storage and delivery system that extends more than 705 miles. A collection of canals, pipelines, reservoirs, and hydroelectric power facilities delivers clean water to 27 million Californians, 750,000 acres of farmland, and businesses throughout the State. The SWP includes water, power, and conveyance systems, conveying an annual average of 2.9 million acre-feet of water. The principal facilities of the SWP are Oroville Reservoir and related facilities, facilities in the Sacramento-San Joaquin Delta and Suisun Marsh including the Barker Slough Pumping Plant and North Bay Aqueduct, Suisun Marsh Salinity Control Gates, South Bay Aqueduct, Harvey O. Banks Pumping Plant, San Luis Dam and related facilities and the California Aqueduct including its branches and terminal reservoirs. The SWP includes 36 storage facilities, 21 pumping plants, five hydroelectric power plants, four pumping-generating plants, and approximately 700 miles of canals, tunnels, and pipelines. DWR holds contracts with 29 public agencies in northern, central, and southern California for water supplies from the SWP, collectively referred to as public water agencies or water contractors. These water contractors in turn deliver water to wholesale or retail customers or deliver it directly to agriculture and municipal and industrial water users. Water stored in the Oroville facilities, along with water available in the Delta (consistent with applicable regulations), is exported to the State Water Project contractors throughout the State.

The SWP is operated to provide for the primary purpose of water supply delivery and flood control, and it provides additional benefits including power generation, recreation, and environmental stewardship. The SWP operates pursuant to water rights permits and licenses issued by the State Water Resources Control Board, which allow appropriation of water by diverting, storing, releasing, and conveying it throughout the year.

In 1986, DWR and Reclamation signed the Coordinated Operation Agreement (COA). The COA is the agreement between DWR and Reclamation that governs how the SWP and CVP share water under their water rights and operate to meet specific water quality and outflow requirements in the Delta. It is authorized by Public Law 99-546. DWR and Reclamation executed a COA Addendum on December 12, 2018, updating the agreement.

The SWP and CVP are operated consistent with the State Water Resources Control Board's Water Right Decision 1641, as revised (D-1641), which imposes certain water quality objectives and Delta flow criteria on the projects as a condition of exercising their respective water rights.

In 2019, the United States Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) issued biological opinions under section 7 of the federal Endangered Species Act (ESA) covering SWP and CVP operations (2019 USFWS Biological Opinion and 2019 NMFS Biological Opinion). As a part of ongoing litigation, a federal court has issued orders temporarily modifying certain ESA operational requirements for recent years.

In 2021, Reclamation, in coordination with DWR, requested reinitiation of consultation on the long-term operation of the CVP and SWP with both the USFWS and NMFS to address the review of agency actions required by Executive Order 13990 and to voluntarily reconcile CVP operating criteria with operational requirements of the SWP under the California Endangered Species Act (CESA). Reinitiation of consultation is ongoing. Reclamation is pursuing a separate environmental review process under the National Environmental Policy Act related to the reinitiation of consultation.

DWR operates the SWP in compliance with the California Endangered Species Act (CESA). DWR obtained an Incidental Take Permit (ITP) in 2020 from the California Department of Fish and Wildlife (CDFW), pursuant to section 2081 of the California Fish and Game Code. The 2020 ITP covers all threatened or endangered aquatic species that are listed under CESA and are subject to incidental take from long-term operation of the SWP in the Sacramento-San Joaquin Delta and the Suisun Marsh (Delta smelt, winter-run Chinook salmon, spring-run Chinook salmon and Longfin smelt).

In light of various ongoing regulatory processes involving SWP operations, including the reinitiation of section 7 consultation under the ESA, DWR seeks a new Incidental Take Permit from CDFW pursuant to section 2081 of the California Fish and Game Code to replace the 2020 ITP. CDFW will rely on this EIR when issuing a decision on DWR's Incidental Take Permit application.

Project Description

DWR is seeking approval of long-term operations of the SWP facilities in the Delta, Suisun Marsh, and Suisun Bay to continue to provide water supply for agricultural, municipal, and industrial uses, along with the additional benefits to recreation and the environment in compliance with all applicable laws and regulations, including contractual obligations. SWP operations will be coordinated with DWR's implementation of the Voluntary Agreements, an alternative implementation approach for satisfying the revised State Water Resources Control Board's Bay-Delta Water Quality Control Plan, including flows to satisfy legal obligations under both endangered species laws and the Voluntary Agreements should the Voluntary Agreements be adopted by the State Water Resources Control Board. Considering other ongoing regulatory processes, the project will provide a framework for future projects involving SWP operations to come online.

The EIR will evaluate potential impacts associated with long-term operations of the SWP including:

- Updated operating criteria, including operations of SWP facilities in the Delta such as pumps, the Suisun Marsh Salinity Control Gates, and the North Bay Aqueduct.
- Measures that may be adopted to avoid, minimize, or mitigate impacts to listed species resulting from SWP long-term operations.

No new infrastructure facilities are included in the proposed project and long-term SWP operations would not change DWR's water rights or impact the water rights of any other legal user of water.

Location of Project

The CEQA project encompasses the Sacramento River from the Feather River confluence to the Sacramento-San Joaquin Delta (Delta) and the SWP water diversion, storage, and conveyance facilities in the Delta, Suisun Marsh, and Suisun Bay, as shown in Figure 1, attached.

Potential Environmental Effects

The EIR will contain a detailed discussion of the potential impacts to the following resource categories. As the proposed project and alternatives are refined and analyses performed, additional resource categories, as identified in Appendix G of the State CEQA Guidelines, may be identified for evaluation within the EIR.

- Biological Resources
 - Fisheries and aquatic resources: Long-term operations will potentially have effects on fish, including CESA and ESA listed species. Operations affect hydrodynamic conditions in the Delta, which, in turn, could affect habitat suitability, entrainment, food supply,

predation, migration, and other factors that could influence survival and reproduction of several special-status fish species.

- Surface Water Hydrology: Changes in operations could affect surface water hydrology in the Delta and its tributaries, floodplains, and reservoirs within the EIR project area.
- Surface Water Quality: Changes in operations could affect water quality of surface waters in the project area and will be addressed in the EIR. The SWP will continue to meet all regulatory requirements, including compliance with water rights decision D-1641.
- Tribal Cultural Resources: DWR will coordinate with interested tribes to ascertain if there are tribal cultural resources that could be affected by the project.
- Other CEQA Discussions, which include discussion of cumulative impacts, growth inducement, climate change and resiliency, and environmental justice.

Public Scoping Meetings

A public scoping meeting will be held to inform interested parties about the proposed project and to solicit input on the scope and content of the EIR.

Date and Time: June 27, 2023, 11:30 a.m. to 1:30 p.m.
Location: Virtual Meeting via Zoom
<https://us02web.zoom.us/j/89067984085>
Call-in only: 1-877-853-5247
Meeting ID: 890 6798 4085

Comment Submission and Document Availability

This NOP is being circulated for a 31-day public comment period, beginning on June 16, 2023, and ending on July 17, 2023. Documents are available from the DWR CEQA contact person for this project, identified above (Chris Wilkinson).

Written or oral comments may be submitted at the public scoping meetings, or written comments may be sent to the contact identified above (Chris Wilkinson). Written comments should include your name/organization, address, and contact information, and the name for a contact person in your organization if applicable. Please note that your comment in its entirety could be made publicly available at any time.

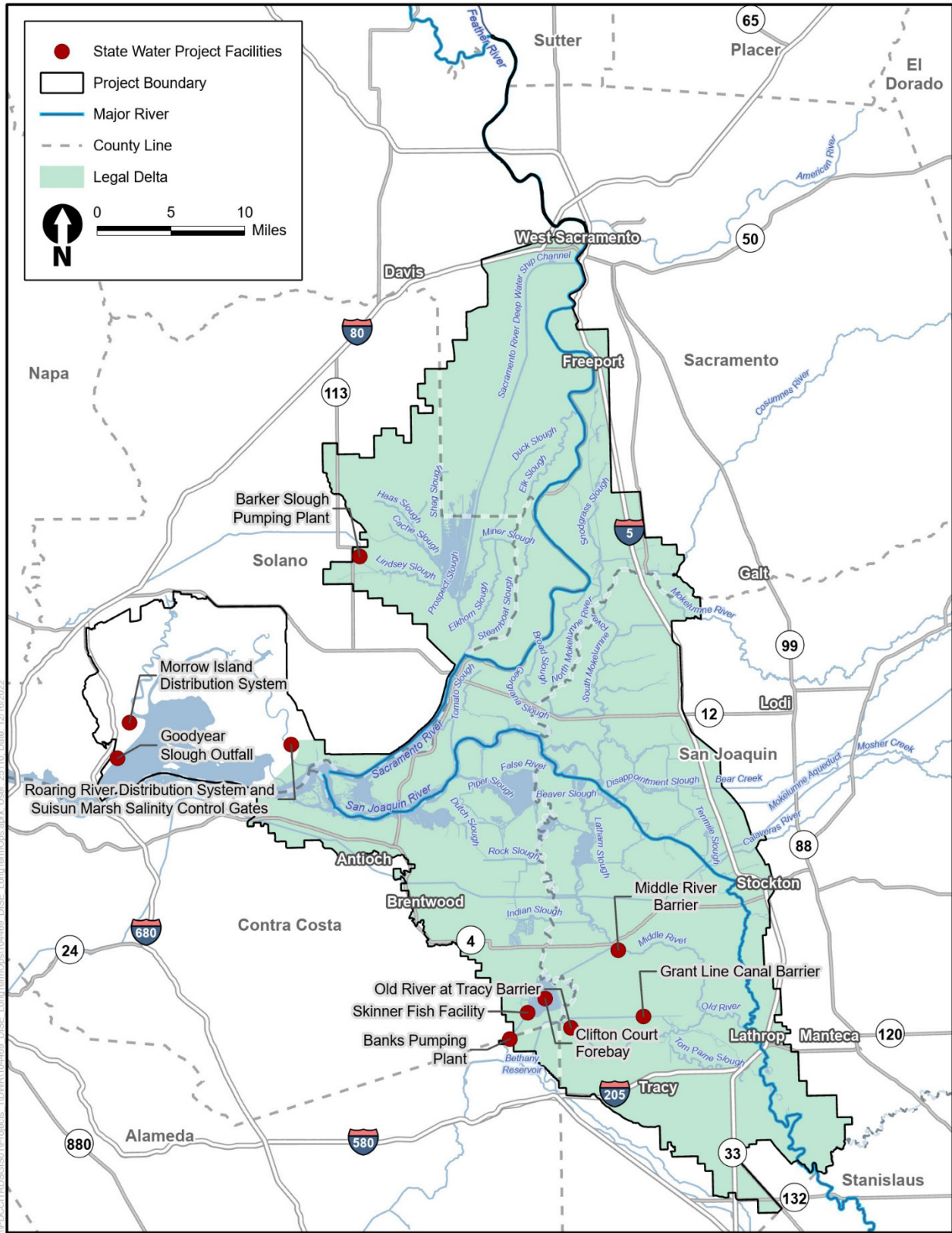


Figure 1. Location of SWP Facilities in the Delta and Suisun Marsh