



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT
1325 J STREET
SACRAMENTO CA 95814-2922

June 26, 2020

Regulatory Division (SPK-2019-00899)

California Department of Water Resources
Attn: Ms. Carolyn Buckman
901 P Street, Room 432
Sacramento, California 94236-0001
Carolyn.Buckman@water.ca.gov

Dear Ms. Buckman:

We are responding to your June 15, 2020, request for a Department of the Army permit to discharge of dredged and/or fill material into approximately 334.62 acres of waters of the U.S. subject to Section 404 of the Clean Water Act and work within waters subject to Section 10 of the Rivers and Harbors Act of 1899 to construct the Delta Conveyance project. Construction of the intakes and setback levees along the Sacramento River, the crossing under the Stockton Deep Water Ship Channel, and the barge landing in the Stockton Deep Water Ship Channel also requires permission under Section 14 of the RHA (33 U.S.C. 408) (Section 408). The approximately 4,565-acre project site is located in the Sacramento-San Joaquin Delta, starting along the east bank of the Sacramento river at approximately latitude 38.38531°, longitude -121.51519°, and continuing south approximately 45 miles, crossing 14 navigable waterways, to the existing south Delta pumping facilities at latitude 37.81358°, longitude -121.60311°, within Sacramento, San Joaquin, Contra Costa, and Alameda Counties, California.

We have determined that construction of the proposed project has the potential to significantly affect the quality of the human environment through impacts to waters of the U.S., the Federal flood control project, navigation, and air quality. Therefore, pursuant to the National Environmental Policy Act (NEPA), this office will prepare an Environmental Impact Statement (EIS). The EIS will be a stand-alone environmental document which will be developed on a timeline aligned as much as possible with that of the Environmental Impact Report under the California Environmental Quality Act being prepared by the Department.

We will use a third party contract for preparation of the EIS. The term "third party contract" refers to contractors paid by the applicant but selected and directed by this office. The information obtained by the third party contract must be consistent with the Corps statutory requirements to take a hard, objective look at public interest and environmental factors. As such, the third party contractor must provide unbiased and acceptable information which can be used as the basis for making a permit decision.

Please provide this office with a list of three (3) qualified third-party contractors along with their statements of qualifications (SOQ) within 30 days from the date of this letter. The third party contractor should have knowledge of the geographic area, as well as experience with the type of project being proposed, NEPA, and the Corps Regulatory Program requirements, in particular the Public Interest Review and the Section 404(b)(1) Guidelines requirements. In accordance with Regulatory Guidance Letter 05-08

(<https://usace.contentdm.oclc.org/utis/getfile/collection/p16021coll9/id/1251>), we will approve the first contractor that is fully acceptable to the District using your order of preference.

Per NEPA regulations (40 CFR 1501.6), within the next 30 days, we will be requesting the participation of Federal, state, local agencies, and appropriate tribes who have jurisdiction by law or special expertise with respect to the environmental impacts involved in the proposed project, to be a cooperating agency on the preparation of the EIS. Following our approval of a qualified third-party contractor, we will contact you, the third party contractor, and the cooperating agencies to set up a meeting to discuss preparation of the EIS, including the schedule for the completion of the EIS.

Please refer to identification number SPK-2019-00899 in any correspondence concerning this project. If you have any questions, please contact Mr. Zachary Simmons at our Sacramento Regulatory Division, 1325 J Street, Room 1350, Sacramento, California 95814-2922, by email at Zachary.M.Simmons@usace.army.mil, or telephone at (916) 557-6746.

Sincerely,



Michael S. Jewell
Chief
Regulatory Division

cc:

Ms. Kristina Reese, California Department of Water Resources,
Kristina.Reese@water.ca.gov

Mr. Marcus Yee, California Department of Water Resources,
Marcus.Yee@water.ca.gov