



## **DWR Amends Delta Conveyance Project Section 404 Permit Application**

*November 22, 2021*

The Department of Water Resources (DWR) is amending its Department of the Army permit application pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act (Section 404 permit application) submitted to the U.S. Army Corps of Engineers (USACE) to make the application consistent with the proposed project that will be identified in the Draft Environmental Impact Report (EIR) that is expected to be released for public review in mid-2022.

At the initial stages of environmental review in early 2020, DWR issued a Notice of Preparation (NOP) that identified the proposed project as either the central or eastern corridor for a single tunnel connecting to a new forebay located in the south Delta adjacent to the existing State Water Project pumping facilities. At the direction of USACE, DWR's earlier application proposed two possible corridor options but identified the eastern corridor as the proposed action for purposes of processing the Section 404 application.

Since that time, DWR has continued preparation of the Draft EIR in compliance with the California Environmental Quality Act (CEQA), including identifying and evaluating alternatives, and incorporating the results of design and engineering work in support of this analysis. As this work has continued, it has become clear that the Bethany Alternative, which extends the eastern corridor to the existing Bethany Reservoir and avoids development of a new forebay in the south Delta, would have less impact on wetlands and waters of the United States, which is an important component of the overall planning process and specifically the Section 404 permit process.

DWR has since notified USACE that the Bethany Alternative will be the revised proposed action for the Section 404 permit application (and proposed project in the Draft EIR) to more closely align with the Section 404 directive to propose a project that would avoid and minimize impacts to waters of the United States to the extent practicable.

### **Delta Conveyance Project USACE Section 404 Amended Permit Application: Q&A**

#### **1. Why is DWR amending its Section 404 permit application now?**

When DWR initially submitted its Section 404 application to USACE, it was in the very early stages of environmental planning and review for the proposed Delta Conveyance Project. At that time, the proposed project as identified in the January 2020 NOP was a 6,000 cubic feet per second (cfs) project with two possible tunnel corridors. To meet the USACE permit application requirement stipulating presentation of a single complete proposal, one alignment option

was chosen. This was a preliminary decision and not an indication of the proposed project DWR intended to identify in the Draft EIR.

Since submittal of the Section 404 application, DWR has continued the process of identifying and evaluating alignment corridor options, as well as a range of alternatives for CEQA compliance purposes. Through this process, including incorporation of the ongoing design and engineering work conducted by the Delta Conveyance Design and Construction Authority in support of environmental planning, an additional alignment alternative was identified that had the potential to reduce or minimize potential significant effects of the proposed project, the Bethany Alternative.

As detailed environmental review has progressed further, it has become clear through this preliminary analysis that the Bethany Alternative would in fact reduce potential significant effects of the proposed project, specifically to wetlands and waters of the United States. As this is an important element of the Section 404 process, as well as CEQA, DWR will identify the Bethany Alternative as the proposed project in the Draft EIR and, for consistency, is amending its Section 404 permit application to reflect this change.

## **2. What are the specifics of the Bethany Alternative?**

The [proposed Bethany Alternative](#) includes constructing two new intake facilities, each with 3,000 cfs capacity for a total 6,000 cfs, in the north Delta to divert water (the same as the previous proposed project identified in the 2020 USACE application and announced in the 2020 NOP). A tunnel would also be constructed to convey water from the new intakes following the eastern alignment to Lower Roberts Island. For the Bethany Alternative, the alignment would continue heading south to the existing Bethany Reservoir on the California Aqueduct. The alternative includes a new pumping plant to pump water from the tunnel up into the Bethany Reservoir.

The Eastern and Central Alternatives, in contrast to the Bethany Alternative, include a southern forebay between a proposed new pumping plant (to move water from the tunnel up to the surface) and the connection to the existing Banks Pumping Plant. Because the Bethany Reservoir does not need to regulate flows between two pumping plants to deliver water directly to the California Aqueduct, this southern forebay is not needed for the Bethany Alternative, which substantially reduces effects to wetlands and waters.

## **3. How will this change impact the evaluation of alternatives in the Draft EIR?**

It won't. The Draft EIR, expected for release and public review in mid-2022, will still evaluate the tunnel alignment options originally proposed and a reasonable range of potentially feasible alternatives, in addition to the proposed project, at the same level of detail. DWR is conducting a thorough analysis of all potential options and will present its findings in the Draft EIR for public review and comment.

**4. Does this mean DWR has already made a decision about which project to move forward with?**

No, and DWR will not make a decision on whether to approve the proposed project, an alternative or nothing at all until the conclusion of the environmental review process, after consideration of public comments submitted on the Draft EIR and issuing a Final EIR. As demonstrated throughout the course of this process already, DWR is committed to fully evaluating all options under consideration, incorporating new information, as available, and making adjustments accordingly to ultimately select the best option to meet the project's objectives and avoid or reduce potential significant environmental impacts.