

DEPARTMENT OF WATER RESOURCES

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Mr. Michael Jewell
Chief, Regulatory Division
United States Army Corps of Engineers, Sacramento District
1325 J Street
Sacramento, California 95814

Subject: Amended Proposed Project for the Delta Conveyance Project: Department of the Army Permit Application SPK-2019-00899

On January 15, 2020, the Department of Water Resources (DWR) submitted to the United States Army Corps of Engineers (USACE) an application for a Department of the Army (DA) permit (SPK-2019-00899) pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act for the proposed Delta Conveyance Project. Simultaneous to submittal of the application, DWR issued a Notice of Preparation (NOP) to begin the process for compliance with the California Environmental Quality Act (CEQA) through the development of an Environmental Impact Report (EIR). With these actions, DWR intended to begin coordinating with USACE on the possible development of a joint Environmental Impact Statement (EIS) under the National Environmental Policy Act (NEPA) and EIR under CEQA. On January 24, 2020, USACE informed DWR by letter that it considered the application to be incomplete and requested that DWR provide additional information. On June 15, 2020, DWR submitted additional information to support the DA permit application for the proposed Delta Conveyance Project to meet USACE requirements for a complete Section 404/Section 10 application.

When DWR issued the NOP, it was in the very early stages of environmental planning and environmental review for the proposed Delta Conveyance Project. The NOP identified a 6,000 cfs project with two possible tunnel corridors as the proposed project. Because DWR had not identified the specific tunnel corridor, DWR's initial application to USACE presented both potential corridor options for the proposed project. USACE indicated that the permit application must identify a proposed project with a single construction footprint associated with one tunnel corridor. Therefore, to comply with this direction, and for the sole purpose of submitting a complete application to USACE, DWR presented a proposed project with a single corridor in its revised application, namely the Eastern Alignment. It was noted that at that early stage in the environmental review process, identification of a single corridor for the proposed project in the application was preliminary and subject to change. Throughout the process of identifying and fully evaluating the alignment corridor options, as well as a range of alternatives for CEQA compliance purposes, 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 DWR has made progress on the detailed environmental review, it has become apparent that the Bethany Alternative does have less fill activities into waters of the

United States. Because of the importance of reducing fill activities as part of the Section 404 process, DWR is submitting this letter to inform USACE that DWR will be identifying the Bethany Alternative as the proposed project in the Draft EIR that is expected to be released for public review in mid-2022. Therefore, DWR would like to amend the permit application as it was previously amended on June 15, 2020 to replace the previously identified Eastern Alternative with the Bethany Alternative for the proposed project.

DWR looks forward to coordinating USACE's environmental review process with DWR's CEQA process and providing any additional information required to amend the proposed project selected in the previous permit application, dated June 15, 2020. This coordination will help to ensure that both environmental review documents are consistent and thorough in their analyses of the proposed Delta Conveyance Project and alternatives. This change in the proposed project/proposed action does not reflect a DWR decision to select an alternative for implementation; DWR will complete the environmental analysis and consider public comments on the Draft EIR and issue a Final EIR before making a decision on the project.

We appreciate USACE's continued coordination on the proposed Delta Conveyance Project. If you have any questions regarding the amended proposed project, please contact Kristina Reese at 916-902-9986 or Kristina.Reese@water.ca.gov.

Sincerely,



Carolyn Buckman,
Assistant Deputy Director,
Department of Water Resources