

**From:** [Dee Joyce](#)  
**To:** [DWR Delta Conveyance Scoping](#)  
**Subject:** "Delta Conveyance"  
**Date:** Tuesday, February 18, 2020 12:00:55 PM

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Respectfully,

I have never been in support of any type of peripheral canal proposal to ship more needed Delta water to south of its origination.

I voted against it.

And now, in the past few years we are having to battle against it under different names. Twin Tunnels/Delta Conveyance. The first Governor Brown irreparably damaged California water management by looking to the easy solution without any environmental considerations. And we, the fish and mammals in the North, and the humans in the backyard of the Delta, have been having to fight to try to regain our lives.

Will you quit when the Delta water environment is officially considered Dead? When all aquatic life ceases because the pH balance, the oxygenation the salt balance has been irreparably destroyed? Look to how the Owens Valley has died due to the greed for its waters of those farthest away from it.

Please look to the science. Look to the health of the Delta before the greed of those who do not appreciate the gifts that the Delta brings to all.

We do not need any more "conveyance" of precious fresh water from the Delta to those who do not appreciate the Delta environment. We need for those without to be more conservative, find alternatives to their lifestyles, stop wasting a precious commodity on useless vast lawns in their southern deserts.

When the Delta is gone, it will be gone for good.

Sent from [Mail](#) for Windows 10

**From:** [m.owner](#)  
**To:** [DWR Delta Conveyance Scoping](#)  
**Subject:** 3/20/20 Proposal to Ship Delta Water to Southern CA via a Single Tunnel  
**Date:** Saturday, January 18, 2020 11:47:22 PM

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Governor Newson: my vote is NO!

I grew up in the San Joaquin Valley in the 1950s and 1960s amongst the independent farms and dairies and for as long as I can remember Southern CA needed/wanted our water for their lawns, swimming pools and Corporate Farming.

Why would we simply ship our water south at an enormous cost? Why not sell them our water and let them pay for the cost of delivery?

Water is a limited resource!

Lola Hunter  
18333 Melrose AV  
Hayward, CA 94541-2218

**From:** [Jenn Lowe](#)  
**To:** [DWR Delta Conveyance Scoping](#)  
**Cc:** [Bruce Channing](#); [Laurie Davies \( City of Laguna Niguel\)](#); [Michael Friend](#); [Kyle Griffith](#); [Allan Bernstein \(City of Tustin\)](#)  
**Subject:** ACC-OC Support for Delta Conveyance Project  
**Date:** Tuesday, February 4, 2020 3:55:25 PM  
**Attachments:** [SUPPORT\\_DeltaConvProject\\_02042020.pdf](#)

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To whom it may concern,

On behalf, of the ACC-OC Board of Directors and Executive Director, I am writing to express our support for the Delta Conveyance Project. Our region depends on a reliable system that is efficient and cost effective.

Please feel free to reach out to me with any questions or concerns you might have.

Sincerely,

Jenn Lowe  
Director of Legislative and External Affairs  
Association of California Cities – Orange County



February 4, 2020

To whom it may concern,

On behalf of the Association of California Cities – Orange County Board of Directors, I am writing to express our support for Governor Gavin Newsom’s Delta Conveyance Project. ACC-OC strongly urges you to support this much-needed infrastructure project that will help secure our water supplies now and into the future.

The Association of California Cities – Orange County (ACC-OC) represents the regional policy needs of Orange County cities and special districts. Collectively, our members provide services to up to 3.2 million people and work across city and county borders on a multitude of public policy issues.

Southern California depends on the State Water Project to deliver a reliable water supply to fuel our economy. However, our statewide water distribution system is living in the past. Nearly 35 percent of Orange County’s total water supply is delivered through this aging network of dirt levees. That means, the region’s 3.2 million residents are reliant on a system that has passed its expiration date. It’s time to modernize our water distribution system to protect Orange County.

The Delta Conveyance Project is a much-needed upgrade to our statewide water distribution system, protecting our water supplies from earthquakes and other natural disasters. However, the project must be designed to carry enough capacity that it ensures water reliability AND is financially viable.

Rejecting this project will be a perpetuation of the status quo that is failing this fragile system. Our region relies on this crucial infrastructure for our water supplies, and we cannot afford to postpone long-needed upgrades any longer.

California’s water security cannot wait, the time to act is now.

Sincerely,

Bruce Channing  
Executive Director, ACC-OC



**From:** [Art Hebert](#)  
**To:** [DWR Delta Conveyance Scoping](#)  
**Subject:** Against the tunnel  
**Date:** Saturday, January 25, 2020 11:14:30 AM

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How can you protect from rising sea levels when you diver water away from the delta? You just increase the salt water flow into the delta.  
Stop this.

I will vote against any politician in favor of this.

Art Hebert

**From:** [Shoshana Bianchi McElwee](#)  
**To:** [DWR Delta Conveyance Scoping](#)  
**Subject:** Bay Delta Tunnel  
**Date:** Monday, January 20, 2020 8:24:09 AM

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Dear Department of Water Resources:

I'm writing to express my dismay that Governor Newsom may be caving to Trump-suspect science in determining whether or not a single tunnel will suffice in the Bay Delta. As you know, this is a critical ecosystem, and a power grab by Southern California to boot. As a Northern Californian, I have to ask you that you use sound science as the basis for deciding whether to move forward with the single-tunnel project.

I think you'll find it's not enough.

Thanks for registering my comment.

Shoshana Bianchi-McElwee  
Berkeley, CA

Sent from my iPhone

**Shoshana Bianchi-McElwee**

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**From:** [brian.murphy](#)  
**To:** [DWR Delta Conveyance Scoping](#)  
**Subject:** Bay Delta  
**Date:** Saturday, February 1, 2020 2:16:50 PM

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How many more acre feet of water are you planning to divert from our San Francisco bay/  
Delta estuary down to our natural desert called Southern California?

Thanks

Brian Murphy

**From:** [Michael Greggans](#)  
**To:** [DWR Delta Conveyance Scoping](#)  
**Subject:** CEQA  
**Date:** Wednesday, February 12, 2020 6:53:19 PM

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Hello,

I do not believe a thorough study has or will be done regarding environmental impact of a single tunnel.

As a Discovery Bay resident for twenty years, we have seen toxic algae in the water behind our home for the past five consecutive years. Most likely, this is due to barriers being placed in the San Joaquin River by the previous governor, to slow the water flow in anticipation of his twin tunnel legacy dream.

Regardless of one or two tunnels, the amount of water removed from the Delta will signal the beginning of the end of our valuable Delta ecosystem. There is no mitigating toxic algae when the existing below normal flow of water in the Delta becomes reduced even more by a tunnel. The algae smell is nauseating, contributes to eye and lung problems, and will make humans sick when swimming, and can kill dogs and cats. This is the tip of the ecological nightmare iceberg that will be created if this tunnel is built.

A CEQA study to bring ocean water by pipeline to desalination plants built in the south land will result in showing a yield of far less impact to the environment than taking another drop of water from the Delta. With an unlimited supply of water in the Pacific, as opposed to already overtaxed Delta water removal.

With Southern California's continual growth, and wealthy Central Valley farmers growing more crops, the demand for water will never decrease. The Delta is not the place to take any more water.

Think about the future, and not a temporary fix that will be obsolete in less than a generation because of increased demand.

Michael Greggans  
Discovery Bay

Sent from my iPhone

**From:** [Pedersen, David](#)  
**To:** [DWR Delta Conveyance Scoping](#)  
**Cc:** [Kightlinger, Jeffrey](#); [Arakawa, Stephen N](#); [Zinke, Dee](#)  
**Subject:** Comment Letter on Scoping Process for Delta Conveyance Project  
**Date:** Friday, February 7, 2020 10:12:04 AM  
**Attachments:** [Delta Conveyance Scoping.pdf](#)

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Attached is a comment letter from LVMWD on the scoping process for the Delta Conveyance Project. Thank you.

*David W. Pedersen, P.E.*

General Manager

Las Virgenes Municipal Water District

(818) 251-2122 office

(818) 564-5205 cell

(818) 251-2149 fax

[www.lvmwd.com](http://www.lvmwd.com)

[dpedersen@lvmwd.com](mailto:dpedersen@lvmwd.com)



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4232 Las Virgenes Road

Calabasas, CA 91302

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MEMBER AGENCY OF THE  
METROPOLITAN WATER  
DISTRICT  
OF SOUTHERN CALIFORNIA

**Glen D. Peterson**

MWD Representative

February 7, 2020

email: [DeltaConveyanceScoping@water.ca.gov](mailto:DeltaConveyanceScoping@water.ca.gov)

Ms. Renee Rodriguez  
California Department of Water Resources  
1416 9th Street  
Sacramento, CA 94236-0001

### **RE: Comment Letter on Scoping Process for Delta Conveyance Project – Support for 6,000 CFS Single-Tunnel Alternative**

Dear Ms. Rodriguez:

On behalf of Las Virgenes Municipal Water District (LVMWD), I appreciate the opportunity to provide input on the scoping process for the Delta Conveyance Project as advanced by the California Department of Water Resources under the Governor's leadership.

The need to modernize the conveyance system through the Sacramento-San Joaquin Bay Delta has never been greater. LVMWD purchases all of its drinking water supplies from the Metropolitan Water District of Southern California, which in turn receives a significant portion of its supply from the State Water Project. As an early-adopter of water recycling, LVMWD is committed to continue its investments in the development of local water supplies. In fact, LVMWD is currently planning a \$120 million potable reuse project, called the Pure Water Project Las Virgenes-Triunfo, to produce up to 20% of its water supply locally. It will likely be the first reservoir water augmentation project in Los Angeles County. However, the success of our project and others throughout Southern California depends on a reliable and high-quality supply of water from the State Water Project.

LVMWD strongly supports the proposed project alternative for delta conveyance that consists of a single tunnel to convey 6,000 cubic-feet-per-second (cfs). While it is appropriate for the environmental process to examine a range of alternatives, previous analyses have shown that a smaller facility would not proportionately reduce costs, as compared to benefits, because high stormwater flows could not be captured. It is very important that the proposed alternatives are cost-effective for the beneficiary agencies that will be expected to fund the project. A 6,000 cfs facility has the greatest possibility of accomplishing this need. Further, it would not be fruitful to evaluate lower-capacity alternatives as they would not be economically viable for the project beneficiaries.

A 6,000 cfs single-tunnel facility would require two intakes in the northern Delta. It would be most appropriate to examine the three intake locations that were previously fully vetted through the California WaterFix process. These locations were carefully identified to minimize impacts to migrating fisheries and nearby Delta communities, while taking into account potential sea level rise.

LVMWD also supports examination of the two corridors for the tunnel facility: a "central" route similar to that investigated through the California WaterFix process and an "eastern" route closer to Interstate 5. Fully examining these two alternatives stands great promise in identifying a route that minimizes impacts and identifies "win-win" benefits to the Delta region.

We applaud the Administration's prominent recognition of the importance of Delta conveyance in the Governor's recently-released draft Water Resilience Portfolio. Thank you for your perseverance and leadership to advance the project.

Sincerely,

A handwritten signature in black ink, reading "David W. Pedersen". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

David W. Pedersen, P.E.  
General Manager

DWP:dwp

cc: Metropolitan Water District of Southern California

**From:** [Jim Blickenstaff](#)  
**To:** [DWR Delta Conveyance Scoping](#); ["Kathryn Phillips"](#); [cagovoffice@gov.ca.gov](mailto:cagovoffice@gov.ca.gov); [molly.culton@sierraclub.org](mailto:molly.culton@sierraclub.org); ["Barbara Barrigan-Parrilla"](#); ["San Francisco Bay Chapter Water Committee discussion list"](#)  
**Subject:** COMMENTS : Delta Conveyance Scoping Session [DeltaConveyanceScoping@water.ca.gov]  
**Date:** Monday, February 17, 2020 4:34:37 PM

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California Department of Water Resources 2/17/20  
 Delta Conveyance Scoping Session  
[DeltaConveyanceScoping@water.ca.gov](mailto:DeltaConveyanceScoping@water.ca.gov)  
 Att: Renee Rodriguez

Re: *Comment Letter on CEQA Process for Delta Conveyance Project.*

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*To Avoid, Once More, Instigating A Protracted Legal Battle, A Few Approaches To This Environmental Evaluation Will Be Absolutely Essential.*

1] *Preparing impeccably documented, scientifically based, research that will then logically and rationally, support and justify, findings and conclusions, as to best option(s) for proceeding on the goal of enhanced water supply AND Minimized detrimental environmental impacts. Anything less will invite more water battles. Failing Examples:*

*> Trump "Science." Or, Reverse Science , where a predetermined outcome causes the scientific effort to be compromised, and otherwise undermined, (incl., the firing of scientists who's findings were not sufficiently contorted toward the desired outcome), all in order to arrive at the desired outcome. Part of this flawed approach would be mitigations that don't mitigate, such as "habitat restoration" as a misplaced counter to aquatic degradation from reducing fresh water flows.*

*> A narrowly focused scientific analysis that does not encompass all available and pertinent information bearing on finding the best (minimized short and long term environmental damage balanced with cost efficiency) outcome.*

2] *Current and projected future environmental base lines -- independent of any project -- need to be thoroughly developed in the context of evidence of accelerated Global Warming, in as much as that base line directly effects and exacerbates most if not all, negative impacts of the project.*

*The best science available will be critical on this, since just within the last few*



years the temperature and related impact parameter predictions on climate change have significantly increased. This notably includes, of course, an accelerating rise in sea level. Some projections are now showing a 6' rise by 2100. And, a global temperature rise, from 2018 estimates of around 5 degrees, to new model estimates of up to a 10 degrees rise. Acceleration, in this case, is a profound indicator that certain tipping points may have already been passed. Scientists have been relatively conservative about climate change projections, not wanting to be seen as being alarmists. The result has been that past climate modeling predictions have generally underestimated the probable increase in the range of global warming temperatures. A consequence of caution portends a dynamic that future modeling will also tend toward further increases in global temperature projections. Analysis for this project will need to encompass the possibility of the additional negative impacts from this phenomenon.

There are -right now- numerous indicators of severe environmental stress on the Delta : From more algae blooms, several aquatic species in historic decline - some either now extinct, or on the precipice of extinction -- warmer water, more brackish water, and more polluted water. Note: CVRWB just approved a 25 yr. permit for more polluted farm runoff into the Delta – more pollutants in, more fresh water out – “What could possibly go wrong!?”

Then, on top of this current vulnerability, add the specific and cumulative effects of three more deleterious challenges to Delta ecosystem's survivability:

- a> The problems, disruption, damage, and pollution to the Delta -- especially, its aquatic connectivity and viability, inclusive of the dependent species -- from years of the various negative impacts along with their long term residual effects, caused by the construction and prep phase of the project.
- b> Projections of all the real and growing, future climate change/sea level rise negative impacts – up to the year 2100.
- c> Finally --and most importantly for this document-- add an evaluation of all the negative impacts from plans for a huge tunnel that will further facilitate, the historic southern bias for more, always more, Delta fresh water -- also, up to the year 2100.

3] This gets us to Alternatives. Assuming an accurate CEQA accounting of all the negative consequences for the Delta ecosystem and the surrounding dependent economic/environmental systems, the full array of all viable alternatives will need to be evaluated and compared with the negative impacts – environmental and economic – borne by the Delta Region from all phases of this tunnel plan. Typically Alternatives have, to one degree or another, been superficially looked at, and ‘spun,’ to give an apparent advantage to the Lead Plan. That would be a serious mistake in this most serious process -- especially in the context of a Lead Plan demonstrating a stunning lack of vision, and decades out of touch with today and tomorrow’s water and climate realities. Here are two Viable Alternatives that require detailed study:

One: State of the art desalination plants in Southern California.

(Some scenarios could even involve utilization of the Salton Sea)

Good news: In the coming decades, as Northern California fresh water becomes more scarce, more unpredictable, and generally problematic, sea water will become ever more plentiful – and diluted. One question that will need to be answered is: For an initial expenditure comparable to the \$14billion to \$20billion cost for a Delta tunnel conveyance, what do you get short term, but especially long term, in desalination derived fresh water?

Two: In conjunction with implementing non-depletion alternatives, a “conveyance system” including natural drainage augmentations specifically designed to bring MORE fresh water into the Delta.

This is contingent, of course, on California Leadership’s depth of commitment to actually “...saving the Delta.”\* Sadly, recent actions by our Governor clearly make such a commitment remote, at best.

CONCLUSION: Once all the above is done with the thorough, and necessary, scientific rigor --inclusive of a process and presentation unfettered by outcome bias-- the alternatives will become more apparent and meaningful as solutions to a lead plan that can, and will, only contribute to the pending environmental collapse of the S.F. Bay Delta. (\* Re: NRA Deputy Director Jerry Meral, April 15, 2013: “...the BDCP is not about, and has never been about saving the Delta. The Delta cannot be saved...”)

*In retrospect, I can see where, for some, protracted litigation over a flawed environmental review may appear, once again, to be the “preferred alternative,” when faced with a CEQA compliant frank articulation of all the profoundly harsh realities associated with the Lead Plan. Good Luck.*

*Jim Blickenstaff*

*Former San Ramon City Council Member,  
Chair, Mt. Diablo Sierra Club,  
30 year Environmental Activist.*

*cc: Interested Parties.*

**From:** [david@gloski.com](mailto:david@gloski.com)  
**To:** [DWR Delta Conveyance Scoping](#)  
**Subject:** Comments on NOP  
**Date:** Sunday, January 19, 2020 9:22:39 AM

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Thank you for the opportunity to submit these comments regarding the proposed Delta Conveyance project outlined in the NOP released on January 15, 2020.

Can you please make available an analysis of the Volume of Water Removed from river compared to Maximum and Minimum river flows during operation?

1. Please investigate and report the effect of having two intakes and how their proximity to each other and how they are operated will affect river flows? If they are both operating at a maximum take from the river and they are close this could increase their impacts.
2. Under Public Health it is more than a mosquito-borne disease issue, you need to include effects of this project on the very hazardous summertime algae bloom issues in the south delta. With less water conveyed through the delta, it would seem this condition will get worse as a result of the project.
3. I would like to see the project consider, a capability for water in the southern forebay to be able to be returned to the south delta during times of hazardous high algae to reduce the public health problem if this indeed does act as a mitigation. This should be analyzed not just to be used when the problem is already manifested but to be able to operate in a way to prevent the condition from occurring.
4. I think there should be a category of Public Safety considerations and include both concerns during construction and during operation. Operation concerns should include the effects of the intakes on the flow of the river and the issue of safety regarding swimmers or people falling overboard near the intakes.

David Gloski

Bethel Island Resident

**From:** [dianekirk@frontiernet.net](mailto:dianekirk@frontiernet.net)  
**To:** [DWR Delta Conveyance Scoping](#)  
**Subject:** Comments on NOP  
**Date:** Monday, February 17, 2020 10:47:21 AM  
**Attachments:** [NOP comments.doc](#)

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To whom it may concern:

My comments on the Delta Conveyance NOP are attached. Please acknowledge receipt so that I will know that you have received my communication.

Thank you,

Diane Kirkham

Comments on  
Delta Conveyance Environmental Review  
Notice of Preparation  
from  
Diane Kirkham  
6600 Twin Cities Road  
Elk Grove, CA 95757  
916 684-2395  
dianekirk@frontiernet.net

I am a longtime Delta resident and Delta agricultural landowner and I have very strong concerns about the proposal for a Single Tunnel Delta Conveyance as outlined in the recently released Notice of Preparation (NOP) dated January 15, 2020. I have 3 specific changes to the NOP that I recommend:

1. Expand the NOP to include analysis of Little Sip, Big Gulp. The NOP is deficient in that it fails to examine legitimate and feasible alternatives. Specifically, I recommend that the NOP and EIR be expanded to include a serious and fair-minded analysis of Congressman Garamendi's alternative proposal, called the Little Sip, Big gulp alternative.
2. Delete the Eastern Corridor from consideration in the NOP. The current NOP proposes to study two alternative corridors for the main tunnel: the Central Tunnel Corridor and the Eastern Tunnel Corridor. The Central Tunnel Corridor is similar to the tunnel alignment designated in the final EIR for the Twin Tunnels project. I believe that the Central Corridor is far preferable to the Eastern Corridor because it utilizes a number of publicly owned properties for a substantial share of its alignment, thereby avoiding protracted and disruptive acquisition delays associated with acquisition of private properties. The Central corridor would go through Bacon and Bouldin Islands, both owned by the Metropolitan Water District. In addition, the Central corridor also would go through the McCormack Williamson Tract which was recently acquired by the Department of Water Resources. And finally, the Central Corridor also would go through Staten Island, currently owned by the Nature Conservancy but acquired with \$35 million in public funds granted to the Nature Conservancy by DWR. It would be far superior to choose a tunnel path that takes advantage of these lands already publicly owned or funded by public resources rather than to disrupt the private property owners and the largely agricultural pursuits within the Eastern corridor.
3. Overtly state within the NOP a policy preference to utilize public properties for tunnel alignments where possible. If the state chooses to ignore the many reasons not to select the Eastern Corridor, DWR should make every effort too utilize a pathway within the preferred Corridor that lessens the impact on productive agricultural lands and utilizes public properties where possible. For example, just north of the Mokelumne River there are both public properties and private

properties within the designated Eastern Corridor. It seems particularly sensible to route any proposed tunnel through the public properties owned by DWR (specifically Sacramento County APN# 146-0120-016, APN# 146-0120-015 and APN# 146-0120-020) and avoid the private property in productive agriculture which has been owned by my family for generations.

I hope that you will adopt these recommendations for modification to the NOP. I believe that this Delta Conveyance Single Tunnel proposal has dire consequences for the Delta, its water quality, its plant and animal life and its citizens. Please make every effort to make your analysis a fair and reasonable examination of the alternatives. Thank you for your consideration.

**From:** [Michael Seaman](#)  
**To:** [DWR Delta Conveyance Scoping](#)  
**Subject:** Comments on Notice of Preparation for Delta Conveyance Project  
**Date:** Tuesday, February 18, 2020 10:00:35 PM  
**Attachments:** [ClarksburgTestimony\\_02192020.docx](#)

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Attached are my comments on the subject project intended to be submitted for the record at the Clarksburg hearing site on February 19, 2020.

In a nutshell, the Delta Tunnel project is a very bad idea that will bring benefits to a small handful of greedy people while causing dreadful harm to large numbers of Californians who depend on the Delta for their livelihood and to the critical Bay-Delta ecosystem. As a taxpayer, I strongly object to the Tunnel project, its costs and the threat it brings to the Delta. An honest, science-based approach to the proposed project would terminate the project before wasting money on a CEQA analysis.

Michael Seaman

--

Michael Seaman  
Arden Arcade CA 95825

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## STATEMENT OF MICHAEL SEAMAN, RESIDENT OF SACRAMENTO COUNTY

Today President Trump went to Bakersfield to sign a Record of Decision on his controversial federal Biological Opinion that covers operations of water pumps that divert water from the San Francisco Bay-Delta. Meanwhile, Governor Newsom has not fulfilled his promise to oppose such a politically-motivated decision. Why is the Newsom administration collaborating with the Trump Administration on creating false science about the needs of Delta fisheries and ignoring the millions of Delta residents dependent on a healthy estuary? Fishery numbers are at their lowest levels ever and Bay-Delta cities are experiencing harmful algal blooms due to lack of flows.

I agree with the science-based analyses presented by Restore The Delta:

- An underground Peripheral Canal (a Tunnel) will not solve California's drought problems, particularly given climate change. The project promises to deliver more water than actually exists.
- The Bay-Delta Water Quality Plan hasn't been implemented. The proposed Voluntary Agreements reduce available freshwater for the largest estuary on the West Coast – the Delta – and will upset the delicate ecological balance of the San Francisco Bay-Delta ecosystem. Issues surrounding deteriorating water quality and problematic algal blooms in the Delta have not been resolved.
- The Newsom administration has failed to file the lawsuit it promised against the Trump administration's bizarre biological opinions that prioritize pumping water for export such that grave harm will come to our commercial and sport fishing industries.
- DWR has reported that the functionality of the California Aqueduct has been corrupted due to excessive groundwater pumping by Big Ag. That will require expensive repairs in addition to the already high costs of the Tunnel
- Delta area residents and businesses remain at risk from extreme flood threat from climate change. This is a serious problem the Tunnel project does not solve.

Instead of the ridiculous, ill-conceived Tunnel, the state should embrace the regional sustainability projects found in Governor Newsom's Water Resilience Portfolio. The state should stop relying on Delta water exports and end the troubled Tunnels project. I remain deeply concerned that the Delta's own critical needs are consistently given short shrift. Californians do not want the Tunnels project to go forward, particularly given the Trump Administration's failed water plan.

I want the SF Bay-Delta estuary protected. I voted against the Peripheral Canal, I have fought against the Twin Tunnels project, and I strongly oppose the current single-tunnel project. The Delta is the largest, most significant estuary on the West

## STATEMENT OF MICHAEL SEAMAN, RESIDENT OF SACRAMENTO COUNTY

Coast. It is significant for numerous species of fish and wildlife, it has nurtured sustainable agriculture and recreation for decades and decades, it provides the best terroir for Chenin Blanc in California (if not the world), it is the source of economic livelihood for Delta residents, it has a vital role in maintaining the viability of Northern California's commercial and sport fishing industries. In recent years it has become a political pawn for Corporate Welfare Queens like the Resnicks, Big Oil frackers like Chevron and sleazy water purveyors like Westlands and MWD. California cannot continue on its current course of creating water winners (San Joaquin Valley agribusiness, petroleum producers, water grabbers) and losers (the Delta, the environment, Delta residents and businesses). Climate change has made the situation worse.

Instead of wasting money on environmental analysis of what is, frankly, an ill-conceived, disastrous project, the state should acknowledge the Tunnel project is bad news for California. The best way to "scope" the Tunnel Project is to scrap it. The "No Project" alternative is the correct answer.

**From:** [Herota, James@CVFPB](mailto:Herota_James@CVFPB)  
**To:** [DWR Delta Conveyance Scoping](#)  
**Cc:** [Buckley, Andrea@CVFPB](mailto:Buckley_Andrea@CVFPB)  
**Subject:** Comments Submitted on CEQA Lead Agency DWR - Delta Conveyance Project SCH Number 2020010227  
**Date:** Friday, February 14, 2020 3:10:00 PM  
**Attachments:** [CVFPB Comment DWR Delta Conveyance NOP SCH No 2020010227.pdf](#)  
[image003.png](#)

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Dear Ms. Rodriguez,

Please accept the enclosed Central Valley Flood Protection Board – Responsible agency comments (enclosed) on the following project:

SCH Number: 2020010227

Lead Agency: Water Resources, Department of (California Department of Water Resources)

Document Title: Delta Conveyance Project

Document Type: NOP - Notice of Preparation

A copy of the enclosed comment letter is also being mailed to:

Delta Conveyance Scoping Comments

Attn: Renee Rodriguez, Department of Water Resources,  
P.O. Box 942836, Sacramento, CA 94236

Regards,



**James Herota, MPPA**

Senior Environmental Scientist  
Environmental Services and Land Management Branch  
Central Valley Flood Protection Board

(916) 574-0651 direct

[James.Herota@CVFlood.ca.gov](mailto:James.Herota@CVFlood.ca.gov)

3310 El Camino Avenue, Suite 170  
Sacramento, California 95821

**Important CVFPB Announcement:**

**Encroachment permit applications received on or after July 1, 2019 are subject to fees.**

**Please visit <http://cvfpb.ca.gov/fees-2019/> for more information.**

**CENTRAL VALLEY FLOOD PROTECTION BOARD**

3310 El Camino Ave., Ste. 170  
SACRAMENTO, CA 95821  
(916) 574-0609 FAX: (916) 574-0682



February 14, 2020

Ms. Renee Rodriguez  
Delta Conveyance Scoping Comments  
Department of Water Resources  
P.O. Box 942836  
Sacramento, California 94236

Subject: Notice of Preparation of Environmental Impact Report for the Delta Conveyance Project, SCH No. 2020010227

Dear Ms. Rodriguez,

The Central Valley Flood Protection Board (Board) appreciates the opportunity to comment on the Notice of Preparation of Environmental Impact Report for the Delta Conveyance Project.

The Notice of Preparation (NOP) pursuant to the California Environmental Quality Act (CEQA) Guidelines § 15082 is intended to provide the responsible and trustee agencies, the Office of Planning and Research and county clerk with sufficient information describing the project and the potential environmental effects to enable the responsible agencies to make meaningful responses.

The Board as a responsible agency submits this response to the NOP pursuant to CEQA Guidelines § 15082 and provides the CEQA lead agency, Department of Water Resources (DWR) with specific detail about the scope and content of the environmental information related to Board's area of statutory responsibility that must be included in the draft Environmental Impact Report (DEIR).

According to CEQA Guidelines § 15082 (b) (1) "The response at a minimum shall identify: (A) The 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."

Board staff has reviewed the subject document and provides the following comments on the potential environmental effects within the Board's jurisdiction:

**I. Potential Impacts to the State Plan of Flood Control (SPFC) Operations and Maintenance**

The Board is an independent State agency that is required to enforce on behalf of the State the construction, maintenance and protection of the levees, embankments and channel rectification that will, in the Board's judgment, best serve the interests of the State. In accordance with Water Code § 8608, the Board is charged with establishing and enforcing

Ms. Renee Rodriguez  
February 14, 2020  
Page 2 of 4

standards for the maintenance and operation of levees, channels, and other flood control works of an authorized project or an adopted plan, including but not limited to standards for encroachment construction, vegetation and erosion control measures. The Board also has all the responsibilities and authorities necessary to oversee future modifications of the SPFC and tributaries and distributaries of the Sacramento River, the San Joaquin River, and designated floodways pursuant to assurance agreements with the U.S. Army Corps of Engineers (USACE) and the USACE Operation and Maintenance Manuals under Code of Federal Regulations, Title 33, § 208.10 and United States Code, Title 33, § 408.

Under authorities granted by California Water Code (Water Code) and Public Resources Code statutes, the Board enforces its Title 23, California Code of Regulations, Division 1 (Title 23) for the construction, maintenance, and protection of adopted plans of flood control, including the federal-State facilities of the SPFC, regulated streams, and designated floodways.

The proposed project may involve modifications to one or more of the regulated streams under the Board's jurisdiction during the construction of the DCP. According to the NOP, page 4, Figure 1 Proposed Project Facility Corridor Options, the map shows that the proposed project is within the Old River, Middle River, Sutter Slough, Sacramento and San Joaquin Rivers. The proposed project facility corridor options shown in the NOP did not clearly identify the locations of the proposed construction activities within the SPFC and corresponding name of the affected regulated stream and or designated floodway that are within the Board's jurisdiction.

**Recommendation:** The DEIR should identify the potential hydraulic effects resulting from the proposed construction activities that will be located within each of the regulated streams under Board jurisdiction pursuant to Title 23, § 112, Table 8.1. The DEIR should include reasonable alternatives and mitigation measures that that will not interfere with the SPFC Operations and Maintenance. The DCP facilities located within, under or adjacent to regulated streams under Board jurisdiction may require the submission of an encroachment permit application to the Board for approval prior to construction.

## **II. Potential Impacts to Levee Roads Resulting from Increased Traffic during DCP Implementation**

The NOP proposes to construct new facilities as shown on page 3:

"New facilities proposed for the Delta Conveyance Project include, but are not limited to, the following:

- Intake facilities on the Sacramento River
- Tunnel reaches and tunnel shafts
- Forebays
- Pumping plants
- South Delta Conveyance Facilities



Figure 1 shows the areas under consideration for these facilities. Other ancillary facilities may be constructed to support construction of the conveyance facilities including, but not limited to, access roads, barge unloading facilities, concrete batch plants, fuel stations, mitigation areas, and power transmission and/or distribution lines.”

The construction of conveyance facilities and the identified ancillary facilities may result in transportation impacts to levees and loss of levee integrity, leading to levee failures. The DCP alternatives that would increase traffic due to truck haul routes using levee crown roadways for extended periods may impact levees due to excessive load resulting in levee deformation and crest depression. Damage to levee slopes can also result from the use of levee hinge points for vehicle turn-outs.

**Recommendation:** The mitigation measures for geologic effects resulting from haul routes or construction zones within or crossing over levee roads should include pre-project inspections and levee geometry surveys for the elevations of levee crests on the waterside and landside. Any project work including subsequent levee reconstruction and emergency repairs must be compliant with Board requirements and standards pursuant to Title 23.

### III. CVFPB Role as Non-Federal Sponsor for Purposes of Section 408

The Board has all the responsibilities and authorities necessary to oversee future modifications or additions to the SPFC as approved by the USACE pursuant to assurance agreements with the USACE and the USACE Operation and Maintenance Manuals under Code of Federal Regulations, Title 33, § 208.10 and United States Code, Title 33, § 408. The USACE’s policy requires the Board to serve as the lead non-Federal sponsor for projects to improve or alter facilities of the SPFC pursuant to Code of Federal Regulations, Title 33, § 408. The State’s objectives include fulfilling the USACE’s expectations pursuant to assurances given by the Board to the USACE to operate and maintain the SPFC facilities.

The DEIR and supporting documents should properly reference the Board as the non-federal sponsor for any project proposed to modify a SPFC facility. Even if the "project" is determined to be exempt from Board authority per Water Code § 8536, the State retains the obligation to ensure those projects are compliant with the Operations and Maintenance Manuals and Assurance Agreements given to the USACE by the State.

**Recommendation:** The DEIR should identify the potential flood effects to the SPFC that may result from constructing and implementing the proposed DCP. Project features and planning should be approved by the Board either under its permitting authority or in conjunction with its duties as the non-federal sponsor for levee modification projects requiring USACE approval.

Board permit applications and Title 23 regulations are available on our website at <http://www.cvfpb.ca.gov/>. Maps of the Board’s jurisdiction are also available from the California Department of Water Resources website at <http://gis.bam.water.ca.gov/bam/>.

Ms. Renee Rodriguez  
February 14, 2020  
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Encroachment permit applications received on or after July 1, 2019 are subject to fees, additional information is available on the Board's website at <http://cvfpb.ca.gov/fees-2019/>.

Please contact James Herota at (916) 574-0651, or via email at [James.Herota@CVFlood.ca.gov](mailto:James.Herota@CVFlood.ca.gov) if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Andrea Buckley", with a stylized flourish at the end.

Andrea Buckley, Chief  
Environmental Services and Land Management Branch

cc: Office of Planning and Research  
P.O. Box 3044, Room 113  
Sacramento, CA 95812-3044

**From:** [Ray Teran](#)  
**To:** [DWR Delta Conveyance Scoping](#)  
**Cc:** [Ernest Pingleton](#)  
**Subject:** Comments  
**Date:** Tuesday, January 21, 2020 3:31:46 PM  
**Attachments:** [image001.jpg](#)

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The Viejas Band of Kumeyaay Indians ("Viejas") has reviewed the proposed project and at this time we have determined that the project site has cultural significance or ties to Viejas.

Viejas Band request that a Kumeyaay Cultural Monitor be on site for ground disturbing activities and to inform us of any new developments such as inadvertent discovery of cultural artifacts, cremation sites, or human remains.

If you wish to utilize Viejas cultural monitors, please call Ernest Pingleton at 619-659-2314 or email, [epingleton@viejas-nsn.gov](mailto:epingleton@viejas-nsn.gov), for contracting and scheduling. Thank you.

*Ray Teran*

**Viejas Tribal Government**  
**Grant Writer / Administrator**  
**619-659-2312**  
[rteran@viejas-nsn.gov](mailto:rteran@viejas-nsn.gov)





**From:** [Leland Frayseth](#)  
**To:** [Quintero, Armando@CWC](#); [Baker, Carol@CWC](#); [Ball, Andrew@CWC](#); [Joseph.byrne@cw.ca.gov](#); [Curtin, Daniel@CWC](#); [Herrera, Maria@CWC](#); [Alvarado, Teresa@CWC](#); [Swanson, Matthew@CWC](#); [California Water Commission](#); [Shoemaker, Brianna@DWR](#); [Young, Amy@DWR](#); [Cambra, Paul@CWC](#); [Yun, Joseph@DWR](#); [Klopfenstein, Rachael@DeltaCouncil](#); [Halman, Aaron@SSJDC](#); [Erreca, Erik@DeltaCouncil](#); [John Cunningham](#); [spalmer@zone7water.com](#); [info@dcdda.org](#); [DWR Delta Conveyance Scoping](#)  
**Cc:** [Bill Wells](#)  
**Subject:** Constructing the Scary Tunnel through Delta gas wells and pipelines  
**Date:** Friday, February 14, 2020 7:15:30 AM  
**Attachments:** [2015ConceptEngrKnownDeltaGasPipelines.JPG](#)  
[2015ConceptEngrKnownDeltaGasWells.JPG](#)  
[DeltaConveyanceHomePage.JPG](#)  
[Jan2020DeltaConveyBODReportBudget.JPG](#)  
[ManagemenPartnersInvoice.JPG](#)

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The following comment is to provide input to the Delta Conveyance Environmental Report (EIR) and California Water Commission (CWC) and 19 Feb 2020 meeting agenda item #9 "Delta Conveyance".

Bill Wells, my friend and a great investigative journalist, sent me this link last night which got me to thinking. This article describes a methane gas explosion accident that killed 17 during construction of a water tunnel by Lockheed for one of the Delta Conveyance partners in Southern California.

<https://www.latimes.com/visuals/photography/la-me-fw-archives-blast-in-sylmar-water-tunnel-kills-17-htmlstory.html>

The following graphics from your 2015 Conceptual Engineering Report document known gas pipelines and wells in the Delta, recent experience shows there are unknowns.

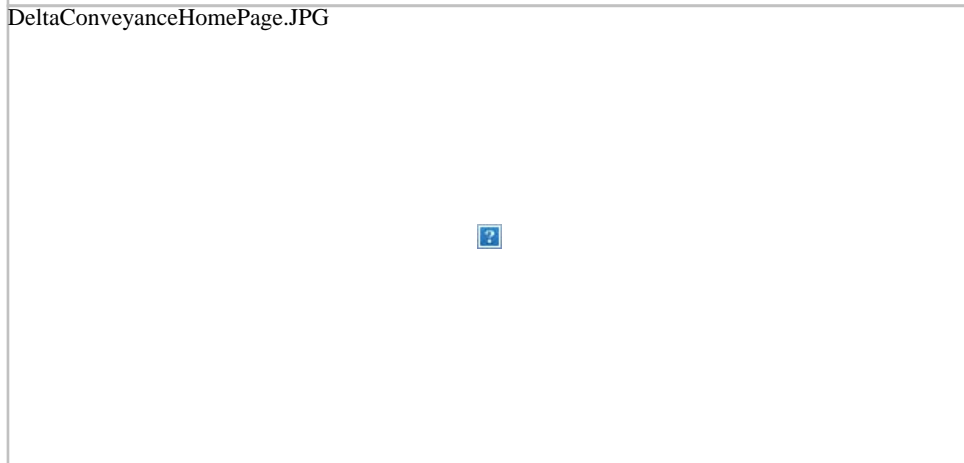
2015ConceptEngrKnownDeltaGasPipelines.JPG



2015ConceptEngrKnownDeltaGasWells.JPG



DeltaConveyanceHomePage.JPG



The high cost and risk of constructing the Scary Tunnel through Delta gas wells and pipelines needs to be thoroughly and

publicly vetted through the EIR process. After all the costs and risks are dialed in desalinization at point of use in Southern California may be a very attractive alternative.

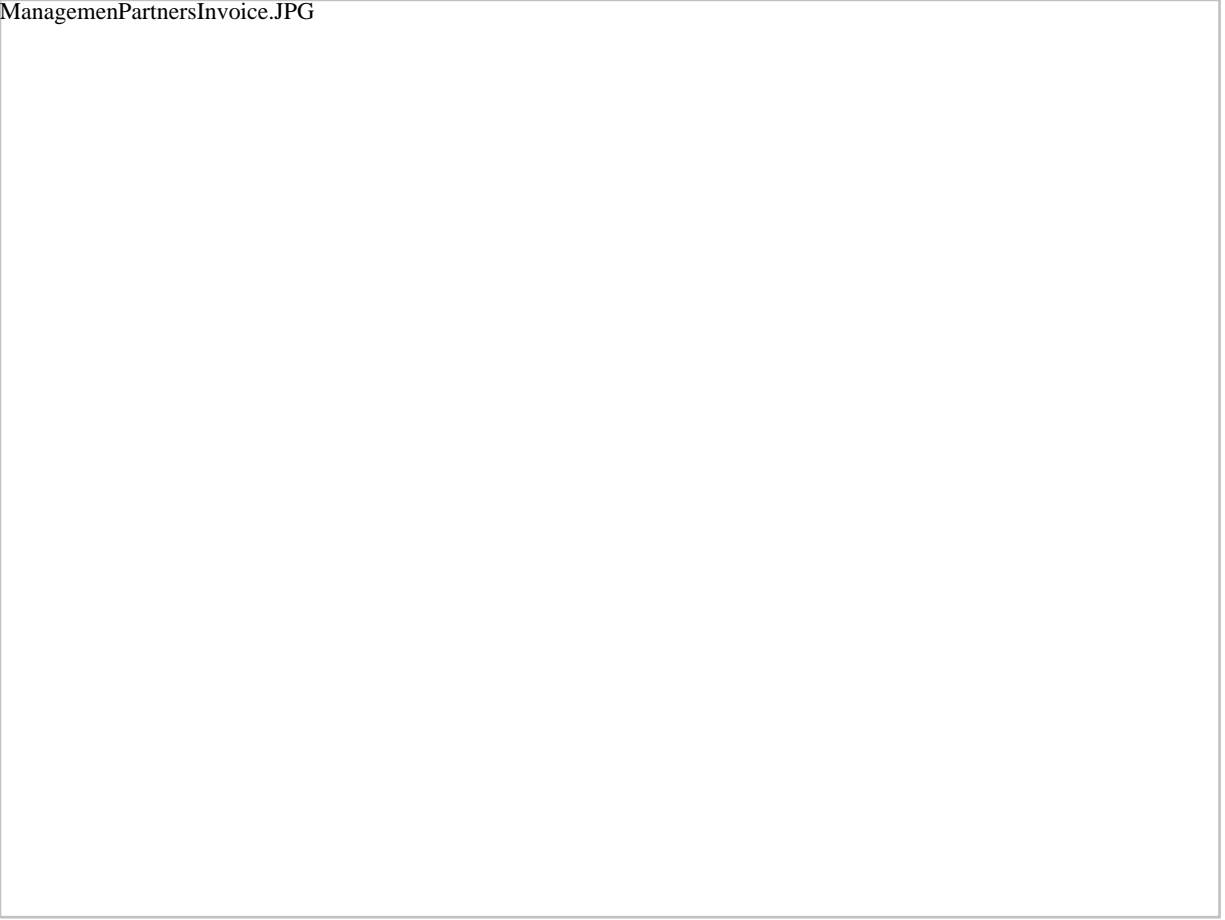
Additionally contractual review of the Delta Conveyance Joint Powers Authority, State Water Contractors and vendor agreements is required to purge all indemnification and liability limitations to simplify the work of a future judge and jury to award of damages and hold the managers, executives, board members accountable when an construction accident occurs as referenced in the LA Times article link above.

I believe the \$1.1 Billion for Oroville spillway repairs are still being funded by the good citizens of California that money needs to be paid back immediately. The \$19.7M in DWR temporary Delta Conveyance Joint Powers funding needs to be paid back. Did you know Delta Stakeholders Engagement Committee members meet twice a month and are each paid a \$250 stipend? That is \$500 per person per month a California Water Commissioner is paid a \$100 stipend per month. Did you know we are billed \$47,250 monthly for Delta Conveyance Executive Director Kathryn that is 2.5 times Governor Newsom's salary? I get no value out of this work please ask your State Water Contractors to immediately pay it back to the state general fund.

Jan2020DeltaConveyBODReportBudget.JPG



ManagemenPartnersInvoice.JPG



Thank you for reading my comments,  
Leland Frayseth  
Concerned Citizen

**From:** [monique sonoquie](#)  
**To:** [DWR Delta Conveyance Scoping](#)  
**Subject:** Delta Comments  
**Date:** Thursday, February 13, 2020 12:13:09 PM  
**Attachments:** [Portland's New Pipes Harvest Power From Drinking Water by alecope88.doc](#)

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From: Monique Sonoquie, 1228 Chestnut Ave, Chico, CA 95928

Re: Delta Conveyance Comments

At the scoping meeting in Sacramento you discussed using innovative new technologies. Please look into this proven innovative alternative energy project. Also as i stated in my comments. I dont think you would need any tunnels if you updated the old delta by capping it to stop evaporation and installed solar panels on the caps, and installed this microhydro system (attachment). Also by using innovative dry or hydroponic farming methods, we could save a lot of ag water and decrease a significant amount of waste and pollution.

Thank you for your time.

Monique Sonoquie

**From:** [Ferrario, Nedzlene N.](#)  
**To:** [DWR Delta Conveyance Scoping](#)  
**Cc:** [Goulart, Roberta L.](#); [Emlen, Bill F.](#); [Kaltreider, Misty C.](#); [Wolk, Daniel M.](#)  
**Subject:** Delta Conveyance NOP Comment Letter  
**Date:** Friday, February 14, 2020 2:04:45 PM  
**Attachments:** [Solano County Delta Conveyance NOP Comment Letter.pdf](#)

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Good afternoon,

In response to the Notice of Preparation, attached is the Solano County comment letter.

Sincerely,

Nedzlene Ferrario

Nedzlene Ferrario  
Senior Planner  
Department of Resource Management/Solano County  
Office: 707 784 6765 / Direct: 707 784 3170

**DEPARTMENT OF RESOURCE MANAGEMENT**

**DCS020**

**BILL EMLIN**  
Director  
(707) 784-6765

**TERRY SCHMIDTBAUER**  
Assistant Director  
(707) 784-6765



**SOLANO  
COUNTY**

675 Texas Street, Suite 5500  
Fairfield, CA 94533-6342  
(707) 784-6765  
Fax (707) 784-4805

[www.solanocounty.com](http://www.solanocounty.com)

February 14, 2020

Via Email: [DeltaConveyanceScoping@water.ca.gov](mailto:DeltaConveyanceScoping@water.ca.gov)

Delta Conveyance Scoping Comments  
Attn.: Renee Rodriguez  
Department of Water Resources  
P.O. Box 94236  
Sacramento, CA 94236

**Re: Notice of Preparation of Environmental Impact Report For Delta Conveyance Project - Responsible Agency Response**

Dear Ms. Rodriguez:

This letter is written on behalf of the County of Solano ("County"), which may be a responsible agency pursuant to the California Environmental Quality Act ("CEQA") (Pub. Resources Code, § 21000, et seq.) with respect to the project described in the California Department of Water Resources' ("DWR") January 15, 2020 Notice of Preparation of Environmental Impact Report For The Delta Conveyance Project ("NOP"). Comments on the NOP from responsible agencies are requested within 30 days of receipt of the NOP to describe the County's role as a responsible agency pursuant to CEQA Guidelines sections 15082, subdivision (b) and 15103.

Due to both the massive, multi-county scale of the Delta Conveyance Project ("project") and the lack of detail in the NOP regarding the location and description of all project components, including ancillary facilities, and identification of the specific entities that would carry out project construction and operation, the County is unable to definitively provide specific details about the scope and content of the environmental information related to the County's areas of responsibility. It is unclear if project activities are planned in Solano County. If activities are planned in Solano County, it appears that discretionary County Zoning Code approvals may be necessary for facilities including, but not limited to, access roads, barge unloading facilities, concrete batch plants, fuel stations, mitigation areas and mining-related activities. Additionally, grading permits may be necessary. The County also has approval authority over geotechnical exploratory drilling, boring and construction of water wells and mitigation monitoring wells, road and highway encroachment permits, and building permits.

In addition, the County would like to ensure that, among the myriad of items analyzed, the long-term impacts to levees during construction/added truck traffic, and even longer-term reduced water quality and quantity to intakes in Solano County due to reduce freshwater in the system, be sufficiently and thoroughly studied and mitigated.

The County preserves its ability to submit a subsequent comment letter regarding the scope of issues and project alternatives by the March 20, 2020, deadline set forth in the NOP. Should additional detail regarding the project activities that may be contemplated in the County be provided, the County would be better able to provide additional information.

Please feel free to contact my office with any questions about these comments.

Sincerely,



Bill Emlen,  
Director  
Department of Resource Management

C: Board of Supervisors  
Birgitta Corsello, County Administrator  
Bernadette Curry, County Counsel



**From:** [Karen Huss](#)  
**To:** [DWR Delta Conveyance Scoping](#)  
**Cc:** [Paul Philley](#); [Shelley Jiang](#); [Yee, Marcus@DWR](#)  
**Subject:** Delta Conveyance NOP comments  
**Date:** Wednesday, February 12, 2020 6:34:11 AM  
**Attachments:** [SMAQMDCommentsDeltaConveyanceNOP.pdf](#)

---

Dear Renee,

Please accept the attached letter responding to DWR's notice of preparation of an EIR for the Delta Conveyance project.

Thank you for your consideration.

**Karen Huss**

*Sac Metro Air District CEQA and Land Use Section*

*777 12th Street, 3rd Floor*

*Sacramento, CA 95814*

*916-874-4881*

*[www.airquality.org](http://www.airquality.org)*



February 12, 2020

*Sent Via Email*

California Department of Water Resources  
Delta Conveyance Scoping Comments  
Attn: Ms. Renee Rodriguez  
P.O. Box 942836  
Sacramento, CA 94236

[DeltaConveyanceScoping@water.ca.gov](mailto:DeltaConveyanceScoping@water.ca.gov)

**RE: Delta Conveyance Project Notice of Preparation of Environmental Impact Report**

Dear Ms. Rodriguez:

The Sacramento Metropolitan Air Quality Management District (Sac Metro Air District) is mandated by California Health and Safety Code §40961 to represent the citizens of Sacramento in influencing the decisions of other agencies whose actions may have an adverse impact on air quality. In that context, Sac Metro Air District staff offer the following recommendations on the Delta Conveyance Project Notice of Preparation of Environmental Impact Report.

Sac Metro Air District provides air quality, greenhouse gas, and toxic emissions analysis expectations, significance thresholds, and mitigation strategies in its *Guide to Air Quality Assessment in Sacramento County*<sup>i</sup> (Guide). Using the Guide will ensure a thorough air quality analysis is conducted for portions of the project to be constructed and operated in Sacramento County. For full disclosure and ease of review, all emissions calculations and analysis assumptions should be contained in the draft environmental impact report.

Since the Delta Conveyance Project is expected to be a joint state and federal project, please include a General Conformity<sup>ii</sup> applicability analysis and determination. If offsite mitigation or offsets will be needed for nitrogen oxide emissions (NOx), Sac Metro Air District recommends early consultation with Department of Water Resources staff since opportunities to reduce large amounts of NOx in the Sac Metro Air District may be limited and expensive.

Discuss project consistency with the Department of Water Resources' Climate Action Plan (CAP) and applicable climate regulations and Executive Orders adopted since the CAP was prepared, with particular attention to AB 2800<sup>iii</sup>, AB 1482<sup>iv</sup> and Executive Order B-30-15<sup>v</sup>.

In January, the Sac Metro Air District released its draft *Guidance to Address the Friant Ranch Ruling for CEQA Projects in the Sac Metro Air District*<sup>vi</sup> covering the analysis and disclosure of potential health effects resulting from new project emissions. Consult the new guidance when analyzing the Delta Conveyance Project's emissions.

Ms. Rodriguez  
Delta Conveyance Project Notice of Preparation

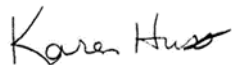
February 12, 2020

A specific health impact not addressed in the Friant Ranch guidance is Valley Fever<sup>vii</sup>. To reduce potential exposure and resulting health effects, include preventative fugitive dust control measures for construction activities and provide a public education campaign for nearby receptors.

All projects are subject to Sac Metro Air District rules in effect at the time of construction. A complete listing of rules is available at [www.airquality.org](http://www.airquality.org). Specific rules that may be applicable to construction activities is also available in the Sac Metro Air District's Rules & Regulations Statement<sup>viii</sup>.

Thank you for considering these recommendations. If you have any questions regarding air quality in Sacramento County, you may contact me at 916-874-4881 or [khuss@airquality.org](mailto:khuss@airquality.org).

Sincerely,



Karen Huss  
Associate Air Quality Planner/Analyst

cc: Paul Philley, AICP, CEQA and Land Use Section Supervisor, Sac Metro Air District  
Shelley Jiang, Climate Change Coordinator, Sac Metro Air District

---

<sup>i</sup> *Guide to Air Quality Assessment in Sacramento County*, accessed January 27, 2020, <http://www.airquality.org/Businesses/CEQA-Land-Use-Planning/CEQA-Guidance-Tools>

<sup>ii</sup> General Conformity website, accessed January 27, 2020, <https://www.epa.gov/general-conformity>

<sup>iii</sup> AB 2800, accessed February 12, 2020, [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201520160AB2800](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB2800) and *Paying it Forward: The Path Toward Climate-Safe Infrastructure in California*, September 2018, [https://resources.ca.gov/CNRALegacyFiles/docs/climate/ab2800/AB2800\\_ES\\_FINAL.pdf](https://resources.ca.gov/CNRALegacyFiles/docs/climate/ab2800/AB2800_ES_FINAL.pdf)

<sup>iv</sup> AB 1482, accessed February 12, 2020, [https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201520160AB1482](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201520160AB1482)

<sup>v</sup> Executive Order B-30-15 related guidance, accessed February 12, 2020, <http://opr.ca.gov/planning/icarp/resilient-ca.html>

<sup>vi</sup> Draft Friant Ranch Guidance, released January 31, 2020, [www.airquality.org/LandUseTransportation/Documents/SMAQMD\\_FriantRanch\\_DraftFinalPublic.pdf](http://www.airquality.org/LandUseTransportation/Documents/SMAQMD_FriantRanch_DraftFinalPublic.pdf)

<sup>vii</sup> California Department of Public Health Valley Fever Fact Sheet, August 2019, <https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/ValleyFeverFactSheet.pdf>

<sup>viii</sup> Rules & Regulations Statement, June 2018, [http://www.airquality.org/LandUseTransportation/Documents/Rules%20attachment\\_6-18Final.pdf](http://www.airquality.org/LandUseTransportation/Documents/Rules%20attachment_6-18Final.pdf)

**From:** [Tamarin](#)  
**To:** [DWR Delta Conveyance Scoping](#)  
**Subject:** Delta Conveyance NOP  
**Date:** Thursday, January 23, 2020 10:45:56 AM

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> Please consider as a project alternative a series of recycled water projects, storm water capture, aquifer storage and desalinization that convey the same number of acre feet as the Delta Conveyance Project. To be clear, my suggestion is NOT a “no project” alternative, but rather a solution that focuses on the individual resources of each watershed that would otherwise take water from the Delta Conveyance Project. This alternative strengthens watershed independence and lessens reliance on water from the Sacramento Delta, thus improving the ecosystem for endangered species and their habitat.

>

> Thank you for your consideration of these comments.

>

> Tamarin Austin

> Sacramento, CA

>

>

> All typographical errors courtesy of Apple.

**From:** [Ryan A. Hernandez](#)  
**To:** [DWR Delta Conveyance Scoping](#)  
**Subject:** Delta Conveyance Project - Responsible Agency Response  
**Date:** Friday, February 14, 2020 12:00:29 PM  
**Attachments:** [CCC and CCCWA Comments 14Feb2020.pdf](#)

---

The attached letter is from Contra Costa County and Contra Costa County Water Agency.

Regards,

Ryan Hernandez  
Contra Costa County Water Agency  
30 Muir Road  
Martinez, CA 94553  
925-674-7824  
[ryan.hernandez@dcd.cccounty.us](mailto:ryan.hernandez@dcd.cccounty.us)

Department of  
Conservation and  
Development

## Contra Costa County

John Kopchik  
Director

### Water Agency

30 Muir Road  
Martinez, CA 94553

Phone: 925-674-7824



February 14, 2020

Via Email: [DeltaConveyanceScoping@water.ca.gov](mailto:DeltaConveyanceScoping@water.ca.gov)

Delta Conveyance Scoping Comments  
Attn.: Renee Rodriguez  
Department of Water Resources  
P.O. Box 94236  
Sacramento, CA 94236

**Re: Notice of Preparation of Environmental Impact Report For Delta Conveyance  
Project Responsible Agency Response**

Dear Ms Rodriguez:

This letter is written on behalf of the County of Contra Costa ("County") and the Contra Costa County Water Agency ("Water Agency"), which will be responsible agencies pursuant to the California Environmental Quality Act ("CEQA") (Pub. Resources Code, § 21000, et seq.) with respect to the project described in the California Department of Water Resources' ("DWR") January 15, 2020 Notice of Preparation of Environmental Impact Report For The Delta Conveyance Project ("NOP"). Comments on the NOP from responsible agencies are requested within 30 days of receipt of the NOP to describe the County's role as a responsible agency pursuant to CEQA Guidelines sections 15082, subdivision (b) and 15103.

Due to both the massive, multi-county scale of the Delta Conveyance Project ("project"), and the lack of detail in the NOP regarding the location and description of all project components, including ancillary facilities, and identification of the specific entities that would carry out project construction and operation, the County and Water Agency are unable to definitively provide specific details about the scope and content of the environmental information related to the County's and Water Agency's areas of responsibility. Preliminarily, it appears that discretionary County Zoning Code approvals may be necessary for facilities including, but not limited to, access roads, barge unloading facilities, concrete batch plants, fuel stations and mitigation areas. Certain project components may require other discretionary approvals if they are not allowed by right in the zoning district where they are proposed to be located. Additionally, certain project components may require grading permits and/or discretionary permits authorizing surface mining and reclamation may be necessary. The County also has

## Contra Costa County Responsible Agency Response for the Delta Conveyance Project

February 14, 2020

Page 2


approval authority over geotechnical exploratory drilling, boring and construction of water wells and mitigation monitoring wells, road and highway encroachment permits, and building permits, which are typically ministerial.

It is noted that the project is included in the boundaries of one or more groundwater sustainability agencies (GSA). The project may be subject to GSA approvals.

The County and Water Agency plan to submit a subsequent comment letter regarding the scope of issues and project alternatives by the March 20, 2020, deadline set forth in the NOP. Should additional detail regarding the project activities that may be contemplated in the County be provided, the County and the Water Agency would be better able to provide additional information. The County and the Water Agency reserve the right to make further comments as additional project details become available.

Thank you for considering Contra Costa County's and Contra Costa County Water Agency's preliminary comments. Please feel free to contact my office with any questions about these comments at (925) 674-7824.

Sincerely,



Ryan Hernandez, Manager  
Contra Costa County Water Agency

cc: John Kopchik, Director Conservation and Development  
Stephen M. Siptroth, Deputy County Counsel

**From:** [Burke, William](#)  
**To:** [DWR Delta Conveyance Scoping](#)  
**Subject:** Delta Conveyance Project NOP  
**Date:** Friday, February 14, 2020 12:59:59 PM  
**Attachments:** [SKM\\_C75920021412380.pdf \(E-mail Attachment\).pdf](#)

---

Ms. Rodriguez,

The attached letter from the County of Sacramento relates to the County's responsible agency status under CEQA. The County will submit additional written comments on the NOP by the March 20<sup>th</sup> deadline.

Thank you.

*William C. Burke*  
*Deputy County Counsel*  
*County of Sacramento*  
*(916) 874-1224*

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**COUNTY OF SACRAMENTO**  
**OFFICE OF THE COUNTY COUNSEL – DOWNTOWN OFFICE**

**DCS024**

700 H Street, Suite 2650, Sacramento, California 95814 Telephone (916) 874-5544 Facsimile (916) 874-8207

**COUNTY COUNSEL**  
Lisa A. Travis

**ASSISTANT COUNTY COUNSEL**  
Traci F. Lee  
Krista C. Whitman

**SUPERVISING DEPUTY  
COUNTY COUNSEL**  
Craig E. Deutsch  
Rick Heyer  
Jennifer McLaren  
June R. Powells-Mays  
John E. Reed  
Janice M. Snyder  
Lindsay C. Zettel

**DEPUTY COUNTY COUNSEL**  
Janet E. Bender  
Corrie Brite  
William C. Burke  
Christopher S. Costa  
Katherine Ann Covert  
Denise L. Cummings  
Joanne C. East  
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C. Stacey Miller  
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Katrina G. Nelson  
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Nanci A. Porter  
Joy A. Ramos  
Andy Read  
Taylor W. Rhoan  
Tina M. Roberts  
Nicole L. Roman  
Diana L. Ruiz  
Rachelle Smith  
Catherine Spinelli  
Samantha Tali  
Ashley M. Wisniewski  
James R. Wood  
Peter C. Zilaff

February 14, 2020

**Delta Conveyance Scoping Comments**  
**Attn.: Renee Rodriguez**  
**Department of Water Resources**  
**P.O. Box 94236**  
**Sacramento, CA 94236**  
**DeltaConveyanceScoping@water.ca.gov**

**Re: Notice of Preparation of Environmental Impact Report  
For The Delta Conveyance Project -  
Responsible Agency Response -  
CEQA Guidelines, §§ 15082, 15103**

Dear Ms Rodriguez:

This Office represents the County of Sacramento ("COUNTY"), which will be a responsible agency pursuant to the California Environmental Quality Act ("CEQA") (Pub. Resources Code, § 21000, et seq.) with respect to the project described in the California Department of Water Resources' ("DWR") January 15, 2020 "Notice of Preparation of Environmental Impact Report For The Delta Conveyance Project" ("NOP"). This letter is only for the purpose of describing COUNTY'S role as a responsible agency pursuant to CEQA Guidelines sections 15082(b) and 15103. COUNTY will submit a subsequent comment letter regarding the scope of issues and project alternatives by the March 20, 2020, deadline set forth in the NOP.

Without conceding the applicability of any local permits to DWR, it is COUNTY'S understanding that the Delta Conveyance Project ("the Project") will be carried out on behalf of DWR by the Delta Conveyance Design & Construction Authority ("DCA"). The DCA's Joint Powers Agreement designates the Metropolitan Water District ("MWD") as the JPA's Government Code Section 6509 agency. (See May 14, 2018, Joint Powers Agreement Forming The Delta Conveyance Design And Construction Joint Powers Authority, § 4.3.) Thus, any and all procedural requirements that would apply to MWD in implementing the Project will apply to the DCA. (See Gov. Code, § 6509 [JPA's common power "is subject to the restrictions upon the manner of exercising the power of one of the contracting parties, which party shall be designated by the agreement"]; see also *Cooper v. Mountains Rec. & Conservation*

*Authority* (1998) 61 Cal.App.4th 1115, 1118; *Zack v. Marin Emergency Radio Authority* (2004) 118 Cal.App.4th 617, 628.)

COUNTY will be a responsible agency for the Project, at a minimum<sup>1</sup>, with respect to the following discretionary approvals:

- Sacramento County Zoning Code approvals for ancillary facilities including, but not limited to, “access roads, barge unloading facilities, concrete batch plants, fuel stations [and] mitigation areas...” (See NOP, p. 3.)
- Grading permits pursuant to Sacramento County Code, Chapter 16.44, for ancillary facilities.
- Permit(s) and reclamation plan(s) pursuant to the Surface Mining & Reclamation Act (Pub. Resources Code, § 2710 et seq.).

MWD is among the “local agencies” that “shall comply with all applicable building ordinances and zoning ordinances of the county or city in which the territory of the local agency is situated.” (See Gov. Code, § 53091, subd. (a).) Although there may be an exemption to this general rule in the specific context of the location or construction of facilities for the transmission of water, local building and zoning ordinances nevertheless still apply to ancillary support facilities that do not perform the actual function of transmitting water. (See *City of Lafayette v. East Bay Mun. Utility Dist.* (1993) 16 Cal.App.4th 1005, 1014-1016.) Only those facilities that have a connection with and are in fact integral to the proper operation of particular storage and transmission functions of water districts qualify for the statutory exemption from local ordinances. (See *id.*, at p. 1015.) Not all support facilities proposed by a water district will qualify for the statutory exemption. Ancillary facilities that are not directly connected to the unique function of water transmission and need not be located in close proximity to qualifying facilities are not exempt from local ordinances. (See *id.*, at p. 1016.)

The NOP previews elements of the Project during both the construction and operational phases that are inconsistent with or would require approvals pursuant to the County Zoning Code. Most of the land area proposed for construction and development of the Project is zoned for agricultural, open space or public uses. The construction of access roads, barge unloading facilities, concrete batch plants, fuel stations and mitigation areas conflict with the prevailing land uses in that area and would require conditional use permits, special development permits, variances, rezones, Code text amendments, and/or master plan amendments. The proposed reusable tunnel material (“RTM”) piles

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<sup>1</sup>/ This letter does not waive the applicability of any additional applicable permit requirements that may become apparent as DWR/DCA release more Project information.

are also inconsistent with existing zoning designations in the Delta portion of the County. The Draft EIR must acknowledge these land use conflicts and recognize the role of the COUNTY in considering the appropriateness of such uses or their proposed location.

COUNTY'S Grading Ordinance establishes a discretionary process for permitting activities that would "(1) grade, fill, excavate, store or dispose of 350 cubic yards or more of soil or earthly material; or (2) clear and grub one acre or greater of land..." (Sac. County Code, § 16.44.050.) Presumably, the Project's RTM piles will exceed this threshold standard. The Draft EIR must acknowledge the applicability of the COUNTY Grading Ordinance and address how the Project will mitigate the various impacts resulting from placement of RTM, including conversion of agricultural land, drainage, erosion and sedimentation, and visual impacts. The DEIR must further explain how DCA intends to comply with the grading standards of County Code Chapter 16.44.


In addition to these discretionary approvals, COUNTY will have ministerial approval authority over:

- Geotechnical exploratory drilling, boring and construction of water wells and mitigation monitoring wells pursuant to County Code Chapter 6.28 and California Water Code section 13700, et seq. and Water Code section 13050 (expressly applicable to both "the State" and "any district").
- Road and highway encroachment permits pursuant to Streets & Highways Code section 1460, et seq., Section 146 of the MWD Act, Water Code sections 7032 and 7033, and Sacramento County Code section 12.08.020.
- Building permit approvals for ancillary support facilities.

Thank you for your attention to these concerns. You may contact the Office of the County Counsel to initially coordinate consultation with the appropriate COUNTY departments.

Sincerely,

LISA A. TRAVIS  
County Counsel

By:   
William C. Burke  
Deputy County Counsel

cc: Delta Conveyance Authority Board of Directors  
Kathryn Mallon

**From:** [Alexandra McCleary](#)  
**To:** [DWR Delta Conveyance Scoping](#)  
**Subject:** Delta conveyance project  
**Date:** Thursday, January 23, 2020 12:10:22 PM

---

Dear Renee,

Thank you for contacting the San Manuel Band of Mission Indians (SMBMI) regarding the above-referenced project. SMBMI appreciates the opportunity to review the project documentation, which was received by the Cultural Resources Management Department on January 17, 2020. The proposed project is located outside of Serrano ancestral territory and, as such, SMBMI will not be requesting consulting party status with the lead agency or requesting to participate in the scoping, development, and/or review of documents created pursuant to legal and regulatory mandates.

Kind regards,  
Alexandra McCleary

Alexandra McCleary  
TRIBAL ARCHAEOLOGIST  
O: (909) 864-8933 x502023  
M:(909) 633-0054  
26569 Community Center Drive Highland CA 92346

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. If the reader of this message is not the intended recipient or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination or copying of this communication is strictly prohibited. If you have received this electronic transmission in error, please delete it from your system without copying it and notify the sender by reply e-mail so that the email address record can be corrected. Thank You

**From:** [Anthony Duarte](#)  
**To:** [DWR Delta Conveyance Scoping](#)  
**Subject:** Delta Conveyance Scoping Comments  
**Date:** Tuesday, February 11, 2020 3:16:46 PM

---

Delta Conveyance Scoping Comments  
Attn: Renee Rodriguez  
California Department of Water Resources  
P.O. Box 942836  
Sacramento, CA 94236

On behalf of the Regional Chamber of Commerce San Gabriel Valley, I am pleased to provide input for the scoping process of the single-tunnel Delta conveyance project being advanced by the Department of Water Resources. We appreciate Governor Newsom's leadership to help ensure, safe, affordable and reliable water supplies to much of California.

More than 30 percent of Southern California's water supply comes from the Sierra Nevada and it provides the backbone water supply for millions of people, our \$1.6 trillion economy, farms and our environment. Modernizing and upgrading our state's aging infrastructure with a single tunnel properly sized to convey 6,000 cubic-feet-per-second of water supply for the State Water Project will allow us to more efficiently move water, restore the Delta ecosystem and manage our water supply through climate extremes.

We are not alone in our support. There is widespread backing for the project in Southern California and throughout the state from diverse and prominent interests, ranging from labor and business to public agencies, nonprofits and agriculture. We all recognize that a severe water shortage would come with an enormous economic cost and the time to move forward is now.

This project is not the only step we must take to ensure water resiliency. Ensuring Southern California has a reliable water supply in the future requires a diverse portfolio of both imported and local supplies and conservation. Much progress and significant investments are being made on a wide range of local projects and water efficiency, but the Delta conveyance project remains vitally important.

We support the Newsom administration's work to move forward in the planning process in a manner that achieves the goals of water supply reliability and ecosystem restoration. With our largest and most affordable supply at risk, we need the reliability the proposed Delta conveyance project will provide.

**Anthony Duarte, CEO**  
*Regional Chamber of Commerce-San Gabriel Valley*  
1722 Desire Avenue, Suite 207  
Rowland Heights, CA 91748

T: 626.810.8476 | C: 626.939.0808 | F: 626.810.8475 | E: [anthonyd@regionalchambersgv.com](mailto:anthonyd@regionalchambersgv.com)

**The Farmers Market @ Mt. SAC: Every Saturday 8am-2pm, Mt. SAC Parking Lot B**

**From:** [Hope Salzer](#)  
**To:** [DWR Delta Conveyance Scoping](#)  
**Subject:** Delta Conveyance Scoping Comments  
**Date:** Thursday, February 20, 2020 3:45:49 PM

---

Renee Rodriguez  
Department of Water Resources  
P.O. Box 942836  
Sacramento, CA 94236

Dear Renee,

Please accept my important input as you collect public comments on the Delta Conveyance Scoping project. My comments are captured below:

The tunnel environmental impact report (EIR) should consider the following:

- Foremost, the EIR should analyze alternatives that would increase Delta outflow and reduce exports as compared to current conditions in the Delta.
- Specifically, the EIR should examine a No-Tunnel alternative which would analyze water use efficiency, conservation, and incremental demand reduction measures that would be less environmentally harmful than the tunnel and achieve acceptable water supply reliability goals and targets.
- The EIR must analyze the tunnel's consistency with the Delta Reform Act's policy of reduced reliance on the Delta.
- The EIR must analyze the tunnel's cumulative and collective impacts, with particular focus on:
  - global climate change impacts;
  - water quality, including effects of increases in salinity, toxic hot spots, pesticides, mercury, and other pollutant discharge that won't be cleaned out due to lack of freshwater in the Delta;
  - biological resources, including all species that may be impacted by the SWP, as well as upland habitats that may be affected;
  - impacts on tunnel alignment, since the proposed eastern alignment has potential for significant urban impacts for Delta residents; and
  - Impacts incurred during construction of the tunnel and the reservoirs required for water storage.
- The EIR must adequately analyze the effectiveness of proposed mitigation and conservation measures over the term tunnel project.
- The EIR should analyze the economic costs and benefits of the single tunnel project, as well as those of a "no tunnel" alternative and investment in water conservation and efficiency improvements to meet water supply needs.
  - For ratepayers in Southern California, it is important that you have comparisons to a no-tunnel option in terms of financing.

Thank you for taking this input into account. I am opposed to wastefully spending taxpayer

money to supply water at high public cost to prop-up property values and real estate developments and investments in Southern California and further subsidize Central Valley agribusinesses while damaging unique natural habitats, stealing water from local communities with their own economic development and water needs and further endangering endemic species and ecosystems.

Respectfully,

-Hope Salzer, CA resident, U.S. citizen and taxpayer



**From:** [Rubianes, Kristina](#)  
**To:** [DWR Delta Conveyance Scoping](#)  
**Cc:** [Myles, James](#)  
**Subject:** Delta Conveyance Scoping Comments  
**Date:** Friday, February 14, 2020 9:29:15 AM  
**Attachments:** [image001.png](#)  
[Delta Conveyance Scoping Comments San Joaquin County.pdf](#)

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The attached correspondence is being sent to you on behalf of San Joaquin County Counsel J. Mark Myles.

*Kristina Rubianes*

Executive Secretary to **County Counsel J. Mark Myles**

Office of the County Counsel

County of San Joaquin

44 N. San Joaquin Street, Suite 679

Stockton, CA 95202

(209) 468-2990





# OFFICE OF THE COUNTY COUNSEL

COUNTY OF SAN JOAQUIN  
44 NORTH SAN JOAQUIN STREET, SUITE 679  
STOCKTON, CA 95202-2931  
TELEPHONE: (209) 468-2980  
FAX: (209) 468-0315

**J. MARK MYLES**

COUNTY COUNSEL

**RICHARD M. FLORES**

ASSISTANT COUNTY COUNSEL

**KRISTEN M. HEGGE**

CHIEF DEPUTY COUNTY COUNSEL

## DEPUTY COUNTY COUNSEL:

LAWRENCE P. MEYERS

MATTHEW P. DACEY

KIMBERLY D. JOHNSON

JASON R. MORRISH

QUENDRITH L. MACEDO

ROBERT E. O'ROURKE

LISA S. RIBEIRO

ZAYANTE (ZOEY) P. MERRILL

ERIN H. SAKATA

KIRIN K. VIRK

## CHILD PROTECTIVE SERVICES COUNSEL:

(209) 468-1330

DANIELLE DUNHAM-RAMIREZ

SHANN S. KENNEDY

ALISTAIR SHEAFFER

MARK GABRIEL R. DORONIO

February 13, 2020

Via Email: [DeltaConveyanceScoping@water.ca.gov](mailto:DeltaConveyanceScoping@water.ca.gov)

Delta Conveyance Scoping Comments

Attn.: Renee Rodriguez

Department of Water Resources

P.O. Box 94236

Sacramento, CA 94236

## Re: Notice of Preparation of Environmental Impact Report For Delta Conveyance Project Responsible Agency Response

Dear Ms. Rodriguez:

This letter is written on behalf of the County of San Joaquin ("County"), which will be a responsible agency pursuant to the California Environmental Quality Act ("CEQA") (Pub. Resources Code, § 21000, et seq.) with respect to the project described in the California Department of Water Resources' ("DWR") January 15, 2020 Notice of Preparation of Environmental Impact Report For The Delta Conveyance Project ("NOP"). Comments on the NOP from responsible agencies are requested within 30 days of receipt of the NOP to describe the County's role as a responsible agency pursuant to CEQA Guidelines sections 15082, subdivision (b) and 15103.

Due to both the massive, multi-county scale of the Delta Conveyance Project ("project") and the lack of detail in the NOP regarding the location and description of all project components, including ancillary facilities, and identification of the specific entities that would carry out project construction and operation, the County is unable to definitively provide specific details about the scope and content of the environmental information related to the County's areas of responsibility. Preliminarily, it appears that discretionary County Zoning Code approvals may be necessary for facilities including, but not limited to, access roads, barge unloading facilities, concrete batch plants, fuel stations and mitigation areas. Additionally, grading permits may be necessary. The County also has approval authority over geotechnical exploratory drilling, boring and construction of water wells and mitigation monitoring wells, road and highway encroachment permits, and building permits, which are typically ministerial.

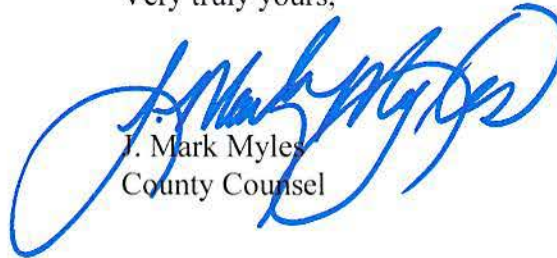
Delta Conveyance Scoping Comments

Attention: Renee Rodriguez

Page 2

The County plans to submit a subsequent comment letter regarding the scope of issues and project alternatives by the March 20, 2020, deadline set forth in the NOP. Should additional detail regarding the project activities that may be contemplated in the County be provided, the County would be better able to provide additional information. Please feel free to contact my office with any questions about these comments.

Very truly yours,



J. Mark Myles  
County Counsel

**From:** [Armando Flores](#)  
**To:** [DWR Delta Conveyance Scoping](#)  
**Subject:** Delta Conveyance Scoping Process - SUPPORT  
**Date:** Tuesday, February 4, 2020 9:36:34 AM  
**Attachments:** [image005.png](#)  
[image006.jpg](#)  
[VICA Letter\\_Delta Conveyance.pdf](#)

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February 4, 2020

California Department of Water Resources  
Attn: Renee Rodriguez  
P.O. Box 942836  
Sacramento, CA 94236

**SUBJECT: Delta Conveyance Scoping Process - SUPPORT**

Dear Ms. Rodriguez,

On behalf of the Valley Industry and Commerce Association (VICA), we are pleased to support the single-tunnel Delta conveyance project being considered by the Department of Water Resources as part of the Scoping Process. We appreciate Governor Gavin Newsom's leadership to help ensure, safe, affordable and reliable water supply to many parts of California.

More than 30 percent of Southern California's water supply comes from the Sierra Nevada and it provides the backbone water supply for millions of people, our \$1.6 trillion economy, farms and our environment. Modernizing and upgrading our state's aging infrastructure with a single tunnel properly sized to convey 6,000 cubic-feet-per-second of water supply for the State Water Project will allow us to more efficiently move water, restore the Delta ecosystem and manage our water supply through climate extremes.

This project is not the only step we must take to ensure water resiliency. Ensuring Southern California has a reliable water supply in the future requires a diverse portfolio of both imported and local supplies, and conservation. Much progress and significant investments are being made on a wide range of local projects and water efficiency, but the Delta conveyance project remains vitally important.

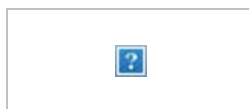
We support the Newsom administration's work to move forward in the planning process in a manner that achieves the goals of water supply reliability and ecosystem restoration. With our largest and most affordable supply at risk, we need the reliability the proposed Delta conveyance project will provide.

Thank you for your consideration on this issue.

Sincerely,



Brad Rosenheim  
VICA Chair



Stuart Waldman  
VICA President





February 4, 2020

California Department of Water Resources  
Attn: Renee Rodriguez  
P.O. Box 942836  
Sacramento, CA 94236

**SUBJECT: Delta Conveyance Scoping Process - SUPPORT**

Dear Ms. Rodriguez,

On behalf of the Valley Industry and Commerce Association (VICA), we are pleased to support the single-tunnel Delta conveyance project being considered by the Department of Water Resources as part of the Scoping Process. We appreciate Governor Gavin Newsom's leadership to help ensure, safe, affordable and reliable water supply to many parts of California.

More than 30 percent of Southern California's water supply comes from the Sierra Nevada and it provides the backbone water supply for millions of people, our \$1.6 trillion economy, farms and our environment. Modernizing and upgrading our state's aging infrastructure with a single tunnel properly sized to convey 6,000 cubic-feet-per-second of water supply for the State Water Project will allow us to more efficiently move water, restore the Delta ecosystem and manage our water supply through climate extremes.

This project is not the only step we must take to ensure water resiliency. Ensuring Southern California has a reliable water supply in the future requires a diverse portfolio of both imported and local supplies, and conservation. Much progress and significant investments are being made on a wide range of local projects and water efficiency, but the Delta conveyance project remains vitally important.

We support the Newsom administration's work to move forward in the planning process in a manner that achieves the goals of water supply reliability and ecosystem restoration. With our largest and most affordable supply at risk, we need the reliability the proposed Delta conveyance project will provide.

Thank you for your consideration on this issue.

Sincerely,

Brad Rosenheim  
VICA Chair

Stuart Waldman  
VICA President

**From:** [Robin's ProtonMail Account](#)  
**To:** [DWR Delta Conveyance Scoping](#)  
**Subject:** Delta Conveyance Scoping Public Comment  
**Date:** Monday, February 17, 2020 8:17:02 PM

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To Whom It may Concern:

I am submitting my Public Comment for the Delta Conveyance Project. My views coincide with the following views presented by Restore the Delta.

- A tunnel wont resolve the drought problems coming with climate change and will not bring water use and available water into reconciliation. (We still promise more water to users than actually exists.)
- A Bay-Delta Water Quality Plan has not been implemented, and the proposed models for the Voluntary Agreements to set flows into and through the Delta reveal less available freshwater for the estuary.
- The Newsom administration has not yet filed its lawsuit against the Trump administration's corrupted biological opinions, the rules for how water export pumps operate to protect fish.
- Water quality issues around pollution, discharge from the San Joaquin River, and the growth of Harmful Algal Blooms in the Delta have not been resolved.
- The California Aqueduct is sinking as a result of groundwater pumping by big agricultural users according to a report released by the Department of Water Resources on December 31, 2019 and will require costly repairs on top of the costs for the tunnel
- A tunnel does not protect the Delta's 4 million people from extreme flood threat from climate change

"We have consistently maintained that regional sustainability projects found in Governor Newsom's Water Resilience Portfolio should be prioritized to reduce dependence on Delta water exports before moving forward with the tunnel. Instead, we have crucial Delta needs once again taking a backseat to a project that Californians do not want – especially on the heels of the Trump water plan."

Sincerely,  
Robin Durston  
3801 43rd Ave.  
Sacramento, CA 95824  
(916)395-0768

**From:** [Gwen Armstrong](#)  
**To:** [DWR Delta Conveyance Scoping](#)  
**Subject:** Delta Health  
**Date:** Monday, January 20, 2020 2:35:25 PM

---

Please don't let greed and bad science alter your good judgment. No money gained from water sales to our south can be worth risking of the environment. Money will be of no use if the planet is ruined. Susan Armstrong



**From:** [Don Cremin](#)  
**To:** [DWR Delta Conveyance Scoping](#)  
**Cc:** [CREMIN, DON](#)  
**Subject:** Delta one tunnel project  
**Date:** Friday, January 17, 2020 9:40:50 PM

---

You need to do rigorous scientific studies to assess the impact on the northern species and quality/quantity of our water. I have read prior scientific studies argued against this project. Do not do this if so.

Don Cremin  
Salinas ca 93905  
1447 Wolf Crt  
(831) 229-6536

Sent from my iPhone

**From:** [woody](#)  
**To:** [DWR Delta Conveyance Scoping](#)  
**Subject:** Delta single tunnel project  
**Date:** Friday, January 17, 2020 10:30:29 AM

---

Dear Department of Water Resources,

I understand that this is the period when public comment will be accepted on your environmental review of the governor's plan for a single Sacramento-San Joaquin River Delta tunnel. I would like my comment to become part of the record.

Please bear in mind that the National Academy of Sciences has made clear that the Delta's long-term health depends upon allowing more water - not less - to flow through its ecosystem. The National Academy of Sciences is the "gold standard" of environmental analysis. Its findings are based upon science, unadulterated by partisan or political considerations. I urge you to use the findings of the Academy as the foundation for your review.

I would also urge you to have the courage not to engage in sophistry to seek a compromise, or use "science" formulated by partisan goals as a rationale for weakening or disregarding the Academy's incontrovertible analysis.

Governmental integrity and the health of the Delta are at stake.

Respectfully submitted,  
Woody Nedom  
16280 Azalea Way  
Los Gatos, CA 95032

**From:** [Esme Shaller](#)  
**To:** [DWR Delta Conveyance Scoping](#)  
**Subject:** Delta tunnel  
**Date:** Sunday, January 19, 2020 6:06:37 PM

---

Dear Department of Water Resources:

I'm writing to express my dismay that Governor Newsom may be caving to Trump-suspect science in determining whether or not a single tunnel will suffice in the Bay Delta. As you know, this is a critical ecosystem, and a power grab by Southern California to boot. As a Northern Californian, I have to ask you that you use sound science as the basis for deciding whether to move forward with the single-tunnel project.

I think you'll find it's not enough.

Thanks for registering my comment.

Esme Shaller, 94703

Awkwardly & haltingly typed on my iPhone.

**From:** [Sharon Keeton](#)  
**To:** [DWR Delta Conveyance Scoping](#)  
**Subject:** Delta tunnel  
**Date:** Friday, January 17, 2020 10:28:19 PM

---

To whom it may concern:

Please do not accept the Trump administration's "science" to justify the building of a tunnel that would siphon water from the delta. The delta provides a third of the fresh water to the Bay Area and is home to 750 species of animals and plants that are essential to its fragile ecosystem. The Trump administration's proposal is not scientifically adequate and falls short of protecting the delta. We need to use sound science to decide whether to move forward with the single tunnel project.

Sincerely,  
Sharon Keeton

Sent from my iPad

**From:** [Michael Rossi](#)  
**To:** [DWR Delta Conveyance Scoping](#)  
**Cc:** [Mike Rossi](#)  
**Subject:** Delta tunnel  
**Date:** Friday, January 17, 2020 7:59:15 AM

---

I am in favor of a single delta tunnel. This is the best way to improve the water supply quality, protect the delta, and protect California from devastating levee failure. Do it now.

Mike ROSSI

Sent from my iPhone

**From:** [Sherry Wilcoxson](#)  
**To:** [DWR Delta Conveyance Scoping](#)  
**Subject:** Delta tunnel  
**Date:** Friday, January 17, 2020 12:25:34 PM

---

Please use SOUND SCIENCE when deciding whether to move forward with the single tunnel project.  
You MUST protect and restore the fragile Delta ecosystem.

Thank you,  
Sherry Wilcoxson

**From:** [Louise Harm](#)  
**To:** [DWR Delta Conveyance Scoping](#)  
**Subject:** delta tunnel issue  
**Date:** Monday, January 27, 2020 4:51:47 PM

---

Dear Department of Water Resources:

I'm writing to express my dismay that Governor Newsom may be caving to Trump-suspect science in determining whether or not a single tunnel will suffice in the Bay Delta. As you know, this is a critical ecosystem, and a power grab by Southern California to boot. As a Northern Californian, I have to ask you that you use sound science as the basis for deciding whether to move forward with the single-tunnel project. I think you'll find the science shows that a tunnel project in this essential and fragile habitat can have severe consequences.

Thanks for registering my comment.

Louise Harm, 94702

**From:** [Don Marini](#)  
**To:** [DWR Delta Conveyance Scoping](#)  
**Subject:** Delta tunnel project idea  
**Date:** Friday, January 17, 2020 8:00:32 AM

---

As a concerned California citizen I want to speak out and insist that sound science be used as a basis for determining whether to go ahead with a the Delta tunnel project that is currently under consideration. The Delta is a natural resource to all Californians and the faulty science that argues for the creation of a massive tunnel to divert water from the Delta to the south must not be the deciding factor in the approval or disapproval of this proposed project.

Sincerely ,

Peter D. Marini



**From:** [Rachael Hopper](#)  
**To:** [DWR Delta Conveyance Scoping](#)  
**Subject:** Delta tunnel project  
**Date:** Wednesday, January 22, 2020 11:49:48 AM

---

It is VERY important to use SOUND SCIENCE to determine if it is a good idea to go ahead with the single tunnel plan. Our Delta is vital to the environment and Trump would like nothing better than to see it destroyed. Using his questionable version of science just isn't good enough. We must protect the long term health of the Delta for future generations.  
Rachael Hopper

**From:** [Pete Hansen](#)  
**To:** [DWR Delta Conveyance Scoping](#)  
**Subject:** Delta Tunnel should not be built  
**Date:** Friday, January 17, 2020 11:58:23 AM

---

As a concerned Californian I ask, no insist, that the Department of Water Resources use sound science as the basis for deciding whether to move forward with the single-tunnel project.

Respectfully,  
Pete Hansen

Pete Hansen  
Cell: 209-327-7711  
Sent from my iPad

**From:** [Shelley Lee](#)  
**To:** [DWR Delta Conveyance Scoping](#)  
**Subject:** Delta Tunnel  
**Date:** Tuesday, January 21, 2020 12:48:49 AM

---

Dear Department of Water Resources:

I'm writing to express my dismay that Governor Newsom may be caving to Trump-suspect science in determining whether or not a single tunnel will suffice in the Bay Delta. As you know, this is a critical ecosystem, and a power grab by Southern California to boot. As a Northern Californian, I have to ask you that you use sound science as the basis for deciding whether to move forward with the single-tunnel project.

I think you'll find it's not enough.

Thanks for registering my comment.

May Lee  
Oakland, 94602

**From:** [Barbara Cohen](#)  
**To:** [DWR Delta Conveyance Scoping](#)  
**Subject:** Delta tunnels  
**Date:** Sunday, January 19, 2020 6:12:32 PM

---

Dear Department of Water Resources:

I'm writing to express my dismay that Governor Newsom may be caving to Trump-suspect science in determining whether or not a single tunnel will suffice in the Bay Delta. As you know, this is a critical ecosystem, and a power grab by Southern California to boot. As a Northern Californian, I have to ask you that you use sound science as the basis for deciding whether to move forward with the single-tunnel project.

I think you'll find it's not enough.

Thanks for registering my comment.

Barbara Cohen  
Oakland CA

Sent from my iPhone

**From:** [Mark Bailey](#)  
**To:** [DWR Delta Conveyance Scoping](#)  
**Subject:** Delta water diversion  
**Date:** Tuesday, January 21, 2020 3:50:12 PM

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Hello,

I have read numerous assessments on how we could “improve” water diversion in the Delta. They all stink. WE SHOULDNT BE ROBBING THE DELTA and it’s multitude of life forms for corporate (or any other) profit. We should leave the place alone dammit! I learned to swim in the Sacramento River. As a scientist and having been raised on the Sacramento River I can say with certainty that water diversion is extremely harmful to the delta and all of its dependent organisms. There is simply no way it can be done without major harm to the environment.

I wonder how many times I will have to comment about this scheme and it’s predecessors. Over the years, I have sent comments re all of these schemes. I’ve always been AGAINST WATER DIVERSIONS and I always will in whatever form it raises its ugly head. VOTERS HAVE ALSO REJECTED IT previously. When will you drop this ugly idea?

Sure, farmers need water but I have no love for major agribusiness corporations. They don’t deserve ruining our Sacramento River Delta for their profit.

JUST DROP THIS DAMN SCHEME, WILL YOU?

Most sincerely,

Mark Bailey  
7636 Kneeland Road  
Kneeland, CALIFORNIA 95549  
[baileyredwood@gmail.com](mailto:baileyredwood@gmail.com)

**From:** [Jack Lucas](#)  
**To:** [DWR Delta Conveyance Scoping](#)  
**Subject:** Department of Water Resources scoping of EIR on single tunnel diversion option for Delta conveyance NOP  
**Date:** Tuesday, February 4, 2020 3:50:16 PM

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Dear Department of Water Resources,

In regards elements that believe should be addressed in scoping of an EIR on feasibility of a single tunnel diversion option for Delta conveyance, please reference historical allocations and annual Sacramento River flow data cited in San Francisco COE1992 Sediment Budget Study for San Francisco Bay. This Ray Krone & Associates report has all data basic to analysis of diversion flows.

Another critical source document is USGS annual recorded Delta river flows which include sediment deposition at gaged locations, ie. on December 24, 1964, 525,000 tons of sediment were deposited at Freeport, portal location of proposed conveyance diversion. It is high storm flows that tunnel diversion hopes to capture, but tons of sediment load will critically challenge tunnel maintenance.

Request you also address these specific areas of concern:

- allocations of water supply including historical water rights, historical precedent, and fishery, agricultural and urban allocations
- saltwater intrusion's current inbound extent and anticipated reduced Sacramento River flow induced levels
- diversion conveyance impacts on anadromous fishery both as to 'take' in fish screens, and disruption of migration attraction flows
- financial loss to fishing industry in Delta, San Francisco Bay, and Pacific Ocean with diminished fish populations
- loss of natural riparian channel habitat due to head cutting erosion from in-channel cement structures of diversion conveyance
- degradation of adjacent island river bank levees which may jeopardize sustainability of subsided island habitation and farms
- loss of riparian corridor vegetation impacts on water temperature with increase in invasive species of fish, wildlife and plants
- impacts to recreation boating both in loss of aesthetics of natural stream and of safety with current diversion, especially for canoes
- Waters of U.S. designation to Sacramento River assure basic rights of passage and use which need reaffirmation in scoping study
- what degree of flow diversion will not degrade water quality available to Delta residents and increase saltwater intrusion
- what mitigation is proposed to insure against severity of impact to already subsided island terrain from tunnel construction
- will earthquake resilience be factored into this analysis of erosion of levees and incremental island subsidence
- CEQA demands alternatives, so please consider elevated conveyance or aqueduct diverting flows at shipping channel bypass

While commending Roman water supply and hydrologic engineering which survives today, do suggest NOP incorporates their philosophy of providing water for common citizen over discretionary uses of wealthy landowners. Dry farming is feasible in valley.

Finally, the dramatic decline in native fish species that migrate through and inhabit the Sacramento River needs to be addressed in establishing seasonal base flows, especially for spring and fall run Chinook salmon. Stream temperature criteria for this cold water fishery will be more challenging to maintain with global warming, so it is vital to preserve full stream canopy in the Sacramento River.

Thank you for considering these concerns in preparation of your scoping document.

Libby Lucas, 174 Yerba Santa Ave., Los Altos, CA

**From:** [Collier, Dorothy](#)  
**To:** [DWR Delta Conveyance Scoping](#)  
**Subject:** EBMUD Scoping Comments - February 14, 2020  
**Date:** Friday, February 14, 2020 3:39:13 PM  
**Attachments:** [EBMUD"s Scoping Comments on the Delta Conveyance Project - 2-2020.pdf](#)

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Attached please find EBMUD's scoping comments on the Delta Conveyance Project. Please note that EBMUD is a responsible agency for the Project.

If you have any questions, please contact Jose Setka at [jose.setka@ebmud.com](mailto:jose.setka@ebmud.com) or (510) 287-2021.

Thanks for your attention to this matter.

**Dorothy E. Collier**  
**Executive Assistant II**  
**Water and Natural Resources**  
**(510) 287-0548 Office**  
**(510) 287-0541 Fax**  
**MS #901**  
**[dcollier@ebmud.com](mailto:dcollier@ebmud.com)**





MICHAEL T. TOGNOLINI  
DIRECTOR OF WATER AND NATURAL RESOURCES  
(510) 287-0125  
michael.tognolini@ebmud.com

February 14, 2020

Delta Conveyance Scoping Comments  
Attn: Renee Rodriguez, Department of Water Resources  
P.O. Box 942836  
Sacramento, CA 94236

Delivered by email to: [DeltaConveyanceScoping@water.ca.gov](mailto:DeltaConveyanceScoping@water.ca.gov)

Subject: **EBMUD Scoping Comments on the Delta Conveyance Project**

Dear Ms. Rodriguez:

The East Bay Municipal Utility District (EBMUD) appreciates the opportunity to offer comments in response to the Notice of Preparation (NOP) for the Delta Conveyance Project (Project) Environmental Impact Report (EIR). EBMUD is a public agency that supplies water and provides wastewater treatment for parts of Alameda and Contra Costa Counties. EBMUD's water system serves approximately 1.4 million people in a 325-square-mile area of the East Bay.

EBMUD's main water supply is the Mokelumne River. Water is conveyed from the Mokelumne River to EBMUD's service area via the Mokelumne Aqueducts, which traverse a distance of approximately 90 miles from Pardee Reservoir in the east to Walnut Creek in the west and deliver much of EBMUD's water supply. These aqueducts cross directly through the Delta on land owned in fee-simple by EBMUD (Mokelumne Aqueducts Right-of-Way (ROW)). In their east-west crossing of the Sacramento-San Joaquin River Delta (Delta), the Mokelumne Aqueducts pass over Lower Roberts Island, Jones Tract, Woodward Island, and Palm-Orwood Tract. Please see Attachment 1 for a map of the route of the Mokelumne Aqueducts. As the Department of Water Resources (DWR) is well aware, EBMUD is planning its own tunnel through the Delta, following the current EBMUD Mokelumne Aqueduct alignment.

EBMUD, in partnership with the California Department of Fish and Wildlife (CDFW) and the U.S. Fish and Wildlife Service (USFWS), shares responsibility for maintaining the salmon populations in the lower Mokelumne River, which runs 30 miles from the base of the Camanche Dam to the tidal influence of the Delta. The River is inhabited by a number of resident fish species and anadromous species, including Pacific lamprey, fall-run Chinook salmon, and steelhead. Through the partnership agreement between EBMUD, the CDFW, and USFWS, the lower Mokelumne River has seen a sustained success in salmon returns. Over the last five years returns have been well above average, and returns in 2017 were record setting.

EBMUD has invested substantial resources in the development and implementation of integrated resource actions that include: a fishery management plan; aggressive water conservation and reclamation; Delta levee protection adjacent to the Mokelumne Aqueducts; and optimization of water supplies under its Central Valley Project (CVP) contract and its Mokelumne River water rights. We expect DWR to fully assess and mitigate any potential impacts that the Project could

have on any aspect of EBMUD's integrated resource actions and the exercise of its water rights and entitlements.

Figure 1 of the NOP depicts the "Proposed Project Facility Corridor Options," showing two potential tunnel corridors that the Project would use to convey water from the northern Delta to the export pumps in the southern Delta. Either of these identified tunnel corridors would intersect with the Mokelumne Aqueducts ROW as it crosses the Delta from east to west.

Given that the Project will require a discretionary approval from EBMUD to cross the Mokelumne Aqueducts ROW, EBMUD is a responsible agency for the Project. *See* CEQA Guidelines Section 15381 ("For the purposes of CEQA, 'responsible agency' includes all public agencies other than the lead agency which have discretionary approval power over the project.") Below, please find our comments regarding the scope and content of the environmental information regarding EBMUD's expertise and areas of statutory/regulatory responsibility that must be included in the draft EIR.

### **Delta Levees and Mokelumne Aqueducts**

It is the established policy of EBMUD to (1) allow the use of District aqueduct rights-of-way by others only under the terms of a written agreement, (2) prohibit uses incompatible with EBMUD's property rights, operation and maintenance of the aqueducts and distribution pipelines, or that potentially impact EBMUD's assets, (3) ensure that all uses of aqueduct rights-of-way accommodate future construction of replacement aqueducts, additional aqueducts, and potential improvements to the aqueducts, and (4) ensure construction from any proposed third party project that passes under, over, or through a fee-owned or easement established aqueduct right-of-way is evaluated in detail for potential impacts, and mitigations are identified and implemented to the level of no significant impact. EBMUD staff evaluates each proposed use of EBMUD's aqueduct rights-of-way for conformance with this policy and may approve or disapprove proposed uses in their sole discretion. Proposed uses not in conformance with the above-described policy will not be approved.

EBMUD's existing Mokelumne Aqueducts, crossing the Delta east to west (as shown in Attachment 1) intersect both tunnel corridor options, as illustrated in Figure 1 of the NOP. The Project threatens to expose the Mokelumne Aqueducts and their deep foundations to substantial adverse effects resulting from ground settlement, undermining, lateral earth movement, and construction vibrations. To assess these potential impacts, the EIR must analyze whether the construction or long-term operations of the Project, as designed, would:

- Interfere with the Mokelumne Aqueducts' deep foundations;
- Weaken or otherwise impact surrounding levees that protect the Mokelumne Aqueducts; and
- Reduce the structural stability of the aqueducts and levees through ground loss, tunnel seepage, or tunnel exfiltration.

At a minimum, completion of these analyses will require preparation of geotechnical investigations in the vicinity of potential Project crossings of the Mokelumne Aqueducts ROW to characterize ground conditions within the potential ROW crossings, identify the potential need for ground improvement, and aid in the avoidance of geologic risks associated with the construction of the Project and long-term risks of seismic induced liquefaction and settlement. EBMUD should be consulted and should have the opportunity to review and comment on these geotechnical investigations.

Any adverse impacts to the integrity of the aqueducts could cause significant environmental impacts and costs resulting from the potential suspension of water service that could occur if risks to EBMUD's facilities resulting from the Project are not appropriately mitigated. Thus, the EIR must explore mitigation measures such as designing the Project at an elevation to avoid direct interference with pile tips of the Mokelumne Aqueducts and future aqueduct foundation repair projects to ensure the ongoing integrity of the Mokelumne Aqueducts. Additional mitigation measures that should be explored in the EIR include, but are not limited to:

- Ground treatments to be completed prior to tunneling, such as jet grouting, permeation grouting, and potentially other methods to form a more stable ground mass not susceptible to ground movement;
- Implementation of monitoring to allow rapid detection of problems during construction within the Project's Mokelumne Aqueducts ROW crossing. At a minimum, this monitoring should include installation, data collection and maintenance of surface settlement points and instrumentation, that includes, but is not limited to extensometers, piezometers, and inclinometers. All EBMUD facilities in the vicinity of the ROW crossing should be monitored, as should groundwater levels, relevant levee elevations, and the ground surface within the Mokelumne Aqueducts ROW;
- Long-term monitoring of groundwater levels and ground settlement, and completion by the Project of any corrective actions necessary to protect the integrity of EBMUD facilities in the Mokelumne Aqueducts ROW that are impacted by the Project;
- Compensation of EBMUD for any damage to EBMUD facilities resulting from the Project, and for any loss of EBMUD water supply caused by the Project;
- Coordination with EBMUD regarding Project design activities related to the Project's Mokelumne Aqueducts ROW crossing that occur after EIR certification;
- Installation of a two-pass system with secondary watertight tunnel liner to control groundwater seepage and tunnel exfiltration in the vicinity of the Project's Mokelumne Aqueducts ROW crossing; and
- EBMUD review, comment, and approval of construction submittals and schedules for work within the Project's Mokelumne Aqueducts ROW crossing.

Based upon the limited amount of information provided in the NOP, these are just some of the potential mitigation measures that could be necessary to protect EBMUD's facilities from impacts caused by the Project.

The Project must also address a likely conflict with EBMUD's future cross-Delta tunnel (EBMUD Delta Tunnel). EBMUD owns the land and subsurface rights along the alignment of

the Mokelumne Aqueducts ROW, and is planning for the EBMUD Delta Tunnel with an outside bore diameter of approximately 20-feet to replace its existing above-ground aqueducts. Attachment 2 shows the extent of the EBMUD Delta Tunnel. The conceptual design for the EBMUD Delta Tunnel is complete, and based on an extensive geotechnical exploration program completed in 2019, that design places the EBMUD Delta Tunnel within an elevation range of -80 ft msl to -130 ft msl (NAVD88 vertical datum). The EIR must address this reasonably foreseeable conflict and the environmental impacts that could result from failure of either or both of these facilities if the Project is not adequately designed to avoid adverse impacts to EBMUD's Delta Tunnel. These impacts could include a vertical alignment (elevation) of the Project that directly interferes with the EBMUD Delta Tunnel, in addition to potential groundwater seepage, ground loss, undermining, settlement, heave, vibrations, and tunnel exfiltration during construction or long-term operations of the Project. As with the Mokelumne Aqueducts, if the Project adversely affects the integrity of the EBMUD Delta Tunnel, there could be significant environmental impacts and costs resulting from the potential suspension of water service that could occur.

EBMUD expects the Project to avoid tunneling within the -80 ft msl to -130 ft msl elevation range at the site of the Project's intersection with the EBMUD ROW and to also provide an appropriate additional clearance and mitigation measures between the two facilities to avoid impacts during construction and long term operations. The project should be designed to minimize potential impacts to the EBMUD Delta Tunnel, including designing the project at an elevation to avoid direct interference with the EBMUD Delta Tunnel. To protect the EBMUD Delta Tunnel from adverse impacts, Project design work will require geotechnical investigations similar to those described above to avoid impacts to the Mokelumne Aqueducts.

Mitigation measures similar to those described above to avoid adverse impacts to the Mokelumne Aqueducts should also be explored in the EIR as potential mitigation for impacts to the EBMUD Delta Tunnel (i.e., ground improvement, monitoring, coordination with EBMUD regarding Project design, and installation of a two-pass system with secondary watertight tunnel liner to control groundwater seepage and tunnel exfiltration).

EBMUD previously provided comments (Attachment 3) on DWR's Soil Investigation for Data Collection in the Delta – a data gathering effort associated with the Project. Attachment 3 provides a comprehensive discussion of EBMUD's concerns with respect to the Mokelumne Aqueducts and EBMUD's ROW. EBMUD is moving forward this year with additional planning and engineering work necessary to complete preliminary design for its Delta Tunnel, ultimately leading to completion of CEQA review for the project.

In the absence of adequate mitigation to protect EBMUD's existing and future aqueduct and tunnel facilities, EBMUD will be unable to grant discretionary approval for the Project to cross through Mokelumne Aqueduct ROW in accordance with its established policy governing use of the ROW. For that reason, these issues must be addressed in the EIR and cannot be deferred for later consideration.



### **Analysis of Impacts to Eastside Tributary Fisheries – including the Mokelumne Fishery**

EBMUD began a comprehensive fisheries management program on the Mokelumne River in 1990. The program assumed its present form in 1998 with the development of a partnership between EBMUD, CDFW and USFWS, formally known as the Lower Mokelumne River Partnership. This Partnership was codified in the Joint Settlement Agreement (JSA), a multi-pronged settlement between EBMUD and the resource agencies designed to enhance protection of lower Mokelumne River fishery resources. The JSA includes a schedule of flows that EBMUD must release to the lower Mokelumne River. EBMUD's water releases vary depending on water year type and time of year and are tailored to the life stages of the anadromous fisheries. The JSA also requires riparian corridor habitat enhancement work which EBMUD has completed and continues to expand upon, including annual gravel enhancement projects in the Mokelumne River to successfully promote natural spawning, riparian restoration, the Murphy Creek dam removal and habitat improvement project, and construction of juvenile rearing side channels and floodplain habitat. EBMUD also conducts a detailed study and monitoring program of the anadromous fisheries and the riparian ecosystem. Monitoring activities include upstream migration counts; redd counts (salmon and steelhead nests), outmigration counts, and fish community surveys.

As a result of the JSA and the efforts of the Lower Mokelumne River Partnership, the annual average adult Chinook salmon escapement on the lower Mokelumne River has more than doubled since the implementation of JSA flow and non-flow measures, from a pre-JSA average of 3,636 fish to a post-JSA average of approximately 10,054 fish as of 2019. During the period between 2010-2019 annual returns have averaged 13,423, including a record return of 19,954 fall-run Chinook salmon in 2017. The continued string of above average returns is indicative of the fishery's positive response to the adaptive management actions implemented by EBMUD and the Lower Mokelumne River Partnership.

Even when California was mired in the 2012 to 2015 drought, which saw widespread altered flow regimes and poor ocean conditions, the lower Mokelumne River Chinook salmon population continued to demonstrate characteristics consistent with long-term sustainability. In fact, the Mokelumne River's salmon population is one of the few nearing the established Central Valley Project Improvement Act (CVPIA) fish doubling goal established by the USFWS Anadromous Fish Restoration Program (AFRP). The AFRP's established fish doubling goal for the Mokelumne River is 9,300 Chinook salmon. As of 2016, the Mokelumne River had achieved an AFRP population target of 8,976, which represents a higher percentage toward meeting the fish doubling goal than nearly all other Central Valley river populations.

In addition to the substantial returns to the river, Mokelumne River origin salmon significantly contribute to the Central Valley Chinook salmon population and associated commercial and recreational sport fisheries. Even though the Mokelumne is a small river that comprises approximately 1 percent of the Delta watershed, in 2018 Mokelumne River origin salmon made up approximately 43 percent of the ocean commercial and 33 percent of the recreational catch off the California coast.

EBMUD is concerned that the Project-related changes in flow and water quality will reverse the beneficial impacts of its JSA-related work to boost Mokelumne salmonid populations. The Project elements, including a change in diversion point from the south of Delta to the north of Delta region, will lead to significant changes in flow and transport through the Delta, both quantitatively and qualitatively. Changes in Delta Cross Channel (DCC) operations will also impact flow patterns. These changes in flow patterns may impact adult salmon escapement and straying. Changes in Delta outflow patterns, including changes in Old and Middle River (OMR) flows, especially in the April-June timeframe could impact juvenile salmonid outmigration characteristics, causing outmigrating juveniles to spend more time in the central and southern Delta where their likelihood of survival decreases. The Mokelumne-specific data on this phenomenon is limited, and DWR should complete additional studies to fully inform the Project EIR and subsequent operations. DWR should complete a long-term monitoring program designed to determine how migration of tagged Mokelumne River salmonids through the Delta is affected by operations of DWR's facilities under the existing conditions and under conditions expected as a result of the Project. DWR should also implement a trap-and-barge plan designed to determine whether a trap-and-barge program is a feasible means to improve survival rates and serve as a mitigating measure.

At a minimum, specific fishery related parameters to identify and assess in the EIR include:

- Changes in Delta inflows and outflows;
- Changes in directional flows, especially with respect to directional flows to the south of delta pumping facilities;
- Changes in residence time of water in the Central and South Delta;
- Changes in water quality constituents, including salinity and temperature; and
- Changes in Delta Cross Channel operations.

Not only must the EIR include an assessment of these parameters, but it must also analyze the extent to which Project-caused changes in the parameters will adversely impact the survival of Mokelumne-origin juvenile salmon, and whether those changes will increase straying of returning adult salmon. The Project EIR must fully analyze and disclose these potential effects. Adequate mitigation measures should be proposed, adopted, and implemented for any adverse impacts identified. Such mitigation measures could include:

- A DCC operational plan that keeps the gates closed for at least 15 days per month during the months of October and November to protect upmigrating Mokelumne-origin salmon from straying to other river systems, and coordinates those closures with Lower Mokelumne River pulse flows.
- An operational plan that reduces exports from the Jones and Banks Pumping Plants to maintain OMR flows between April 1 and May 31 that are protective of juvenile salmonid outmigration.

These requests for analysis and potential mitigation measures are necessarily limited by the lack of specificity in the NOP. Additional analysis and consideration of additional mitigation measures may be warranted when the project and its operation plan become better defined.

The Project proponents' proposal to defer the development of an operations plan is likely to impair meaningful CEQA review of potential impacts on the Mokelumne fishery. The NOP states that neither a final operations plan nor determination of CVP participation could be completed until after the CEQA process, SWRCB water right hearings, and ESA consultation and review have been completed. Without an operating plan it will be impossible to determine the Project's potential impacts and their significance on species populations, particularly migrating salmonids. Fundamentally, *how* the State Water Project and Central Valley Project will be operated under the Project will drive the Project's water quality and fishery impacts, because such operations directly affect the quantity and timing of water moving through the Delta, and the quantity and timing of flow through the Delta drive fishery impacts. Thus, without a sufficiently defined operations plan as part of the Project, adequate environmental analysis cannot be conducted.

This is not a new issue. A common theme during the SWRCB's 2016-2019 WaterFix hearing was that the operations plan and criteria were not sufficiently developed to a level that would allow for an accurate determination of species impacts. Likewise, the potential inclusion of the CVP would likely require changes to the operations, including the DCC gates. The adequacy of the Draft EIR will be highly dependent on clearly presented operation plans and criteria based on all possible alternatives, including CVP participation.

EBMUD would be pleased to provide independent verification of modeling results presented in the EIR. It would be helpful if the modeling assumptions and other information necessary to conduct fishery, water quality and operations analysis were readily available when the draft EIR is published.

### **Impacts on Sacramento River Flows at the Freeport Regional Water Project Intakes**

The Project's proposed new intakes on the Sacramento River, a short distance downstream from the Freeport Regional Water Project (FRWP) intakes, will affect Sacramento River flows. EBMUD uses the FRWP to access critical sources of supplemental water supplies when Mokelumne River supplies are insufficient to meet the needs of our service area. When reverse flows occur on the Sacramento River near Freeport, discharged wastewater from Sacramento Regional Sanitation District (Regional San) flows upstream towards the Freeport Project intake. To prevent wastewater effluent from entering the Freeport Project intake, the Freeport Project must stop diverting water immediately when Regional San's wastewater effluent has traveled an average distance of 0.9 miles upstream from its discharge point. This is necessary to avoid the potential diversion of discharged municipal wastewater. The Freeport Project intake may not resume operation until the Sacramento River's flow returns to a normal downstream flow and the wastewater effluent zone has retreated downstream to a location not more than 0.7 miles upstream from Regional San's discharge point. Such shut downs have significant operational impacts on the FRWP and water supply and financial impacts to EBMUD and its customers. Modeling efforts undertaken in connection with the previous iteration of this Delta conveyance project demonstrated that Project operation may result in increased frequency of reverse flow conditions at Freeport sufficient to require a FRWP shutdown. The Project EIR must fully assess Project's flow impacts on the Sacramento River at and near Freeport, including the increased

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frequency of reverse flows that will trigger shut downs of the FRWP. Before this assessment is undertaken, we believe it will be necessary to define operational parameters of the project to a sufficient level of certainty to yield meaningful analytical results. If the assessment shows the Project may cause increased reverse flows at Freeport so as to affect FRWP operations, the Project proponents must provide mitigation for the associated significant water supply, financial, and operational impacts.

Finally, as a responsible agency under CEQA, EBMUD hereby requests a meeting with DWR under CEQA Guideline 15082(c). The meeting will assist DWR in determining the scope and content of the environmental information that EBMUD requires from the EIR to fulfill its responsible agency role.

We appreciate this opportunity to provide scoping comments on the Project. Should you have any questions about our comments or concerns, and to schedule the requested meeting with EBMUD, please contact Jose Setka at (510) 287-2021.

Sincerely,



Michael T. Tognolini  
Director of Water & Natural Resources

MTT:pgs

Attachments

cc: Karla Nemeth, California Department of Water Resources  
Susan Tatayon, Delta Stewardship Council  
Ernest Conant, U.S. Department of Interior, Bureau of Reclamation