From:	Rubianes, Kristina [CC]
To:	DWR Delta Conveyance Scoping
Cc:	Myles, James [CC]; Virk, Kirin [CC]; "osha@semlawyers.com"; Balaji, Kris [PW]; Buchman, Fritz [PW]; "Terrence Dermody"; Winn, Charles [BOS]; Miller, Katherine [BOS]
Subject:	SJC NOP Comments and Exhibits
Date:	Friday, April 17, 2020 8:03:53 AM
Attachments:	image001.png 20.04-17 SJC NOP Cmts.pdf 20.04.17 NOP Exhibits.pdf

Please see the attached documents, which are being sent to you on behalf of J. Mark Myles, County Counsel of San Joaquin County.

Thank you,

Kristina Rubianes
Executive Secretary
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
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J. MARK MYLES
COUNTY COUNSEL
RICHARD M. FLORES
ASSISTANT COUNTY COUNSEL
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KIRIN K. VIRK

CHILD PROTECTIVE SERVICES COUNSEL:
(209) 468-1330
DANIELLE DUNHAM-RAMIREZ
SHANN S. KENNEDY
ALISTAIR SHEAFFER
MARK GABRIEL R. DORONIO

April 17, 2020

SENT VIA EMAIL (DeltaConveyanceScoping@water.ca.gov)

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

RE: Comments on Delta Conveyance Project Notice of Preparation.

Dear Ms. Rodriquez:

These comments on the Department of Water Resources' ("DWR") Delta Conveyance Project ("Project") Notice of Preparation ("NOP") are submitted on behalf of San Joaquin County.

San Joaquin County is concerned that DWR will repeat its mistakes from the environmental review of the California WaterFix ("CWF") and continue to discount the potentially significant effects of the Project, which appears to be very similar to the CWF.[1] Throughout the CWF review process, as well as the related administrative proceedings such as the Water Rights Change Petition hearings at the State Water Resources Control Board ("SWRCB") and the Consistency Determination appeals at the Delta Stewardship Council, DWR ignored or downplayed evidence demonstrating the potentially significant impacts WaterFix would have had on Delta habitat, wildlife, agriculture and residents. DWR must conduct a transparent and thorough environmental

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[1] The level of detail in the NOP is inadequate for the County to fully understand the proposed project, including both the proposed physical components as well as proposed operations.

review of the Project's numerous potentially significant impacts.

As a jurisdiction in the southern portion of the Delta, San Joaquin County is particularly concerned about reductions in freshwater flows into the Delta that the Project would cause. Over the last four years, numerous cautions and advisories regarding harmful algal blooms ("HABs") needed to be issued in San Joaquin County.[2] The Project would undoubtedly exacerbate HABs formation, and this must be addressed in the Draft EIR for the Project.

In the CWF proceedings, DWR failed to squarely address the proliferation of HABs that would result from diversion of up to half of the average flow of the Sacramento River from the northern Delta. In the SWRCB Water Rights Change Petition hearing and in the Final Environmental Impact Report/Statement ("FEIR/S"), DWR previously relied on DSM-2, a water quality and salinity model, to evaluate the HABs impacts of WaterFix operations.[3] DWR failed to undertake any Delta-specific modeling that accounted for all factors that contribute to HABs formation, such as water residence time or temperature.[4] DWR conducted only a *qualitative review* to conclude that CWF operations would not substantially increase HABs formation.[5] DWR also downplayed how increased water temperatures could facilitate increased HABs formation.[6] DWR improperly relied on DSM-2, and made baseless assumptions regarding factors contributing to HABs growth. These analytical flaws rendered DWR's analysis of HABs formation a mere approximation.

Dr. Michael Brett's testimony, which was co-presented by San Joaquin County at the SWRCB hearings identified substantial flaws in DWR's cursory and conceptual analysis and explains why a quantitative, Delta-specific model is necessary to evaluate the impacts of the current Project on HABs formation. Dr. Brett noted that DWR overemphasized the importance of flow velocity over water residence times.[7] While both

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2 See Exhibit 1, Surface Water – Freshwater Harmful Algal Blooms Data Set. See also HAB Incident Reports Map (available at: https://mywaterquality.ca.gov/habs/where/freshwater_events.html.)

3 Exhibit 2, DWR-81, Written Testimony of Michael Bryan, p. 5.

4 See Exhibit 3, SWRCB Hearing Transcript, April 27, 2017, pp. 188-189 (Cross-examination of Michael Bryan).

5 See Exhibit 4, SJC-200 Errata, SWRCB Written Testimony of Michael Brett, p. 2, citing Exhibit 2, DWR-81, Written Testimony of Michael Bryan, pp. 16-18.

6 See Exhibit 4, SJC-200 Errata, SWRCB Written Testimony of Michael Brett, p. 2, citing Exhibit 2, DWR-81, Written Testimony of Michael Bryan, pp. 16-18.

7 See Exhibit 4, SJC-200 Errata, SWRCB Written Testimony of Michael Brett, p. 3.

low turbulent mixing and long residence times favor HABs, the underlying reasons are different.[8] Prioritizing one factor over the other is inconsistent with published literature and available evidence.[9] Further, DWR heavily relied on a lack of model-predicted change in mid-channel flow velocities to conclude CWF would not have significant HABs impacts.[10] However, changes to mid-channel flow velocities, or a lack thereof, are simply not relevant to the areas where HABs have been observed in the Delta, vegetated shoreline areas and backwater sloughs.[11] Reduced flows causing lower water turbulence and water residence times in these areas are the pertinent factors to consider, but DWR ignored those factors in the past.[12]

The scientific understanding of HABs has continued to evolve since the SWRCB hearings and the prior review of the twin tunnels project, and those advances must be incorporated into the Draft EIR for the Project. Experts are conducting new studies that better identify the factors driving HABs proliferation. For instance, a new study examined how wet years impacted the persistence of Microcystis in the Delta.[13] This study confirmed that "retention time in the upper estuary and water temperature were key environmental correlates with *Microcystic* bloom amplitude ...."[14] The study's highlighting of flow rate and temperature as critical factors to HABs proliferation contradicts DWR's previous claims in the CWF FEIR/S and SWRCB hearings. Moreover, this new study is consistent with the evidence put on by Protestants at the SWRCB hearings -- that increased temperature and water residency caused by CWF would increase the incidence of HABs formation.[15] Moreover, the study's finding that high-flow wet years do not have the presumed flushing out effect on HABs in the Delta refutes assumptions made by DWR's experts at the SWRCB Hearings that minimal velocity increases "quickly disrupt" HABs.[16]

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8 *Ibid.*

9 *Ibid.*

10 Exhibit 2, DWR-81, Written Testimony of Michael Bryan, p. 4

11 *Ibid.*

12 *Ibid.*

13 Exhibit 5, Lehman, et al., *Impact of extreme wet and dry years on the persistence of* Microcystic *harmful algal blooms in San Francisco Estuary*, Quaternary International (December 2, 2019).

14 *Ibid.*

15 See Exhibit 6, SJC-4, SWRCB Written Testimony of Erik Ringelberg, pp. 11-12; Exhibit 4, SJC-200 Errata, SWRCB Written Testimony of Michael Brett, pp. 2-3, 7-15.

16 Exhibit 3, SWRCB Hearing Transcript, April 27, 2017, p. 161 (Cross-examination of Michael Bryan).

Another recent study conducted linked global climate change to increased HABs formation.[17] In fact, "[f]reshwater HABs caused by toxic cyanobacteria… provide some of the clearest examples of HABs promoted by climate change and anthropomorphic forcing …."[18] Another study reviewed HABs modeling in the context of climate change to evaluate current methodologies.[19] According to Ralston and Moore, climate change will increase HABs formation and proliferation due to warming temperatures, increased stratification, altered nutrient availability and composition, light intensity and ocean acidity.[20] DWR must consider the rapidly and drastically changing climate when analyzing how the Project would further exacerbate HABs formation and proliferation. DWR cannot, as it did previously, simply assume that HABs formation is a product of climate change and excuse itself from analyzing the Project's incremental effects on the identified impact. (See *California Building Industry Assn. v. Bay Area Air Quality Management Dist*. (2015) 62 Cal.4th 369, 388 ["In fact, CEQA calls upon an agency to evaluate existing conditions in order to assess whether a project could exacerbate hazards that are already present."].)

These new studies, and the flaws in DWR's prior conceptual approach, underpin the necessity of a Delta-specific quantitative model to evaluate the Project's HABs impacts. San Joaquin County requests that DWR fully evaluate the Project's impacts, including those on HABs formation, to ensure full disclosure and require all feasible mitigation for the Project's numerous potentially significant impacts.

Very truly yours,

J. Mark Myles
County Counsel

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17 Exhibit 7, Gobler, *Climate Change and Harmful Algal Blooms: Insights and perspectives*, Harmful Algae 91 (2020).

18 *Ibid.*

19 Exhibit 8, Ralston & Moore, Modeling harmful algal blooms in a changing climate, Harmful Algae 91 (2020).

20 *Ibid.*

EXHIBIT LIST:

Exhibit 1: Surface Water – Freshwater Harmful Algal Blooms Data Set (available at: https://data.ca.gov/dataset/ab672540-aecd-42f1-9b05-9aad326f97ec/resource/c6f760be-b94f-495e-aa91-2d8e6f426e11/download/fhab_bloomreport.csv).

Exhibit 2: DWR-81, SWRCB Written Testimony of Michael Bryan (available at: https://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/exhibits/docs/petitioners_exhibit/dwr/DWR-81.pdf).

Exhibit 3: SWRCB Hearing Transcript, April 27, 2017 (available at: https://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/docs/transcripts/20170427_transcript.pdf).

Exhibit 4: SJC-200 Errata, SWRCB Written Testimony of Michael Brett (available at: https://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/exhibits/docs/COSJ%20et%20al/SJC_200.pdf).

Exhibit 5: Lehman, et al., *Impact of extreme wet and dry years on the persistence of* Microcystic *harmful algal blooms in San Francisco Estuary*, Quaternary International (December 2, 2019) (available at: https://www.sciencedirect.com/science/article/pii/S1040618219309036?via%3Dihub).

Exhibit 6: SJC-4, SWRCB Written Testimony of Erik Ringelberg (available at: https://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/exhibits/docs/COSJ%20et%20al/SJC_004.pdf).

Exhibit 7: Gobler, *Climate Change and Harmful Algal Blooms: Insights and perspectives*, Harmful Algae 91 (2020) (available at: https://www.sciencedirect.com/science/article/pii/S1568988319302045).

Exhibit 8: Ralston & Moore, *Modeling harmful algal blooms in a changing climate, Harmful Algae* 91 (2020) (available at: https://www.sciencedirect.com/science/article/pii/S1568988319302021?via%3Dihub).

From:	Sunshine
To:	DWR Delta Conveyance Scoping
Cc:	Nemeth, Karla@DWR
Subject:	Submission of comments for Delta Conveyance EIR/EIS
Date:	Friday, April 17, 2020 4:26:21 PM
Attachments:	shrDeltaConveyanceScoping.pdf

Please accept the attached comments on the Delta Conveyance EIR/EIS planning process.

Please confirm you received this email and the attached letter.

Nicole S. Suard, Esq. Managing Member, Snug Harbor Resorts, LLC

Resort location:
Snug Harbor Resorts, LLC
3356 Snug Harbor Drive
(On Ryer Island)
Walnut Grove, CA 95690

Phone: (916)775-1455

Web site:
http://www.snugharbor.net

Email:
sunshine@snugharbor.net

April 17, 2020

DeltaConveyanceScoping@water.ca.gov

Comments regarding preparation of EIR/EIS for proposed new Delta Conveyance

Dear Governor Newsome and DWR Director Nemeth;

This letter is written to comment on matters to be considered in the EIR/EIS for proposed "new" Delta Conveyance plan. I have researched historic water conveyance plans of California, participated in water and environmental planning processes since 2000, and have researched how other locations worldwide with insufficient water resources handle the local water needs. Twenty years of research and documentation shows a concerning pattern of failure by DWR and its consultants to address even basic common sense topics in previous tunnel-conveyance planning processes. Perhaps this latest planning process will be different. I am requesting that the following important topics be included in the EIR/EIS:

1. Please Define the role of DWR and DWR consultants. Based upon DWR website, that agency is supposed to protect drinking water quality for all Californians, not just counties and corporations that comprise the membership of State Water Contractors. During the California Waterfix hearings, DWR provided ample legal resources to promote the desire of the State Water Contractors, and no legal resources to protect the needs and rights of Californians not included in the State Water Contractors sphere of service. Funding for legal representation, computer modelers, scientists and witnesses should be provided by the state to protect the interests of the rest of DWR's responsibility area.
2. Please make sure that all reports, computer modeling, maps and data are presented in human-readable format for persons who do not have special software programs or expensive computers. Please provide the baseline data for all computer modeling in a format accessible to the general public. As much as possible please provide the reports and data in the various languages most commonly utilized in the Delta region, so that all potentially affected local persons can be able to read and understand the DWR/SWC proposal and impacts.

3. Please provide easily comprehendible graphics which are correctly labeled for important data. For example, for each waterway in the Delta, baseline data and graphics should be provided which indicates the minimum amount of flow that will continue in each of those waterways for every day of the year, or at a minimum monthly. Provide actual daily minimum flows, not averages. There should be comparative data showing minimum flows year round prior to 1998 for an average flow year, compared to the diversions that have been allowed the last 10 to 15 years, compared to the proposed remainder flows under a new conveyance project.
4. A stated goal of the latest version of DWR/SWC conveyance plan is *"To protect the ability of the SWP, and potentially the CVP, to deliver water when hydrologic conditions result in the availability of sufficient amounts, consistent with the requirements of state and federal law, including the California and federal Endangered Species Acts and Delta Reform Act, as well as the terms and conditions of water delivery contracts and other existing applicable agreements."* There should also be the stated goal of protection from diversions out of the Sacramento River watershed and Delta when there continue to be clear physical indicators of ongoing degradation of the surface water quality and drinking water quality in the Delta and Sacramento River Watershed area. In order to protect the drinking water quality and environmental and recreation assets of the Delta, San Francisco Bay area and Sacramento River Watershed areas, accurate and consistent water accountant data must be compiled and available to everyone impacted by DWR decisions and diversions.
5. To date, it can be shown that there are insufficient functioning monitoring stations within the Delta and in many areas of the Sacramento River watershed to be able to provide accurate reporting of current flows and water quality. The California Water Portfolio developed over the last year is a good effort but for some areas, like the Delta, outdated and verifiably incorrect data was used regarding flows and diversions from the Sacramento River watershed. Based upon the declining condition of rivers and streams of the Sacramento River watershed and the Delta, and the fact that the Delta drinking water aquifer appears to be in the process of active degradation due to a lack of annual sufficient fresh water flows through the Delta waterways for at least the last 15 years, diversions into SWP existing conveyance and storage facilities should be immediately curtailed until the drinking water and surface water quality in the Delta recovers. Prior to building any new conveyance facilities, as part of the required research and reports needed to validate modeling impacts assessments, the state needs modern, accurate flow and water quality stations to be installed at several locations on each of the Delta waterways, to better track flows, diversions and real time water quality of each of the waterways. Installation of the monitoring stations, reporting online and maintenance of the data and online resources should be done by an agency independent of influence by DWR/SWC; such as an agency or organization dedicated to protecting the water quality of the entire Delta region and Sacramento River watershed.
6. As reported by California's Waterboard, many areas of the Delta have hydrogeologically vulnerable drinking water aquifers.

https://www.waterboards.ca.gov/water_issues/programs/gama/docs/hva_map_table.pdf Screen print specific to the Delta area: https://www.snugharbor.net/images-2019/delta/wellimpacts/hydraulicallyvulnerable2019-ryer.jpg This means that actions to or on the surface water, and drilling into Delta soils connected to the drinking water aquifers, could destroy the water quality or substantially degrade the drinking water aquifer. People living in the Delta, public drinking water systems all around the Delta, and cities and towns located in or around the Delta all rely on the drinking water aquifer. During the Waterfix hearings, DWR/SWC ignored the existence of the drinking water wells, public drinking water systems, towns and cities that could be negatively impacted by the continued excessive diversion of flows from the Delta and Sacramento River watershed. It amounts to a government taking of property rights if DWR continues to promote actions that negatively impact the drinking water aquifer of the Delta. Impact assessment must include verifiable data assumptions upon modeling is based, realistic mitigations and funding source for those mitigations along with clearly stated process for access to real time mitigation action. Per #3 above, adequate number of surface and groundwater monitoring stations throughout the Delta and Sacramento River watershed must be installed and operational for several years to create baseline data prior to commencement of any physical construction work impacting soils or groundwater in the Delta. Specific water quality constituents that must be addressed in any new conveyance proposal are increases in salinity, arsenic, mercury, nitrates and nitrites, pesticides, and toxins. As natural fresh water flow decreases through the Delta, the water quality is degraded through lack of normal dilution, or degraded by soils disturbances such as boring of soils samples along the North Delta waterways for past studies.

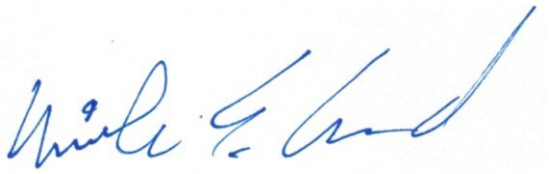
7. The ongoing excessive diversion of flows away from the Delta waterways is continuing to cause financial damage to the commercial and recreation industry of the Delta. Excessive diversions are creating false “low tides” that leave very little fresh water flows in some Delta waterways, and strand boats in the mud at their docks. Excessive diversions are causing an explosion of invasive water weeds in natural, historic waterways due to the low flows and higher water temperatures caused by insufficient freshwater outflows. Damage to boats, clogging of engines with mud or waterweeds, reduction of area recreation income due to the decline in fish species are all attributed directly to DWR current excessive diversion of Sacramento River watershed and Delta flows. DWR modeling during the Waterfix hearings did not appear to account for the many new or expanded diversions north of the Delta, and did not appear to account for the 3500 cfs or more of diverted flows through the Folsom South Canal extension nor the numerous in-Delta intakes built in the last 10 years. A complete assessment of Sacramento River current-as built and future water needs should be considered first before spending taxpayer dollars on planning and conveyance of flows that may never be available. DWR should be required to provide accurate and verifiable computer modeling and mapping including all known diversions from the Sacramento River watershed prior to the flow entering the

North Delta area, as so much has changed in the last 15 years that previous computer baseline modeling is now obsolete.

8. Transportation impacts for construction could result in even more economic damage to the Delta area recreation and agricultural resources. I have reviewed the preliminary maps and planning materials distributed by the DCA, and I do acknowledge that DWR planners seem to be trying to reduce impacts to Delta area roads by location the construction access road to the east, off of highway 5. However, impacts to navigation from barge travel, and from blockage of Highways 12 and 160 from repeated bridge openings has not been resolved. Transportation impacts to the North Delta during the intake(s) construction timeframe has also not been adequately addressed.
9. Of course, you will have received comments regarding impacts to salmon, impacts to terrestrial environment, impacts on the lives of the residents, agriculture, wineries, entertainment venues and housing clusters in the Delta. I will be watching and hoping that DWR will adequately address all impacts to the Delta area and Sacramento River Watershed, which would likely lead to the conclusion that there have been excessive diversions from the Delta for at least 15 years.

Thank you for the opportunity to submit comments on the NOP for EIR/EIS for the latest Delta Conveyance proposal.

Yours truly,



Nicole S Suard, Esq. Managing Member, Snug Harbor Resorts, LLC

From: Judith Kirk
To: DWR Delta Conveyance Scoping
Subject: The Tunnel(s)
Date: Thursday, April 16, 2020 12:14:48 PM

RTD says it better than I can. I have supported them and the health of our Delta— the largest on the Pacific Coast, since the beginning of this disastrous tunnels project:

Restore the Delta (RTD) advocates for local Delta stakeholders to ensure that they have a direct impact on water management decisions affecting the water quality and well-being of their communities, and water sustainability policies for all Californians. We work through public education and outreach so that all Californians recognize the Sacramento-San Joaquin Bay Delta as part of California's natural heritage, deserving of restoration. We fight for a Delta whose waters are fishable, swimmable, drinkable, and farmable, supporting the health of the San Francisco Bay-Delta Estuary, and the ocean beyond. Our coalition envisions the Sacramento-San Joaquin Delta as a place where a vibrant local economy, tourism, recreation, farming, wildlife, and fisheries thrive as a result of resident efforts to protect our waterway commons.
This letter conveys our comments on the Notice of Preparation (NOP) for the Delta Conveyance Project (DCP) issued January 15, 2020, by the California Department of Water Resources (DWR). This letter also seeks to put before you a few key questions and our discussion of them:With what water will future Delta tunnel and dams and reservoirs be able to operate?Will California's key water agencies, yours among them, conduct thorough, factual, and honest outreach to all communities, especially environmental justice and disadvantaged communities in their service areas regarding the costs of proposed projects and water outcomes?With lengthy and costly construction logistics, have California's key water agencies, yours among them, done the necessary "due diligence" studies to make fully informed decisions about a future Delta tunnel, dams, and reservoirs? **Have these decisions been balanced with considerations for maintaining, retrofitting, repairing, and preserving existing water agencies' infrastructure, especially any future repairs and changes needed at Oroville Dam?**

Judith Kirk
272 Nevada St.
Redwood City, CA 94062

From: Dennis Park
To: DWR Delta Conveyance Scoping
Subject: Too expensive
Date: Monday, April 13, 2020 11:55:14 AM

I know lots of palms have been greased pushing this tunnel plan down CA citizens' throats; however, we (California state and its tax payers) are in much worse shape financially than ever as a result of the Covid-19 issue. CA never had adequate resources for such an expensive project but we are certainly in dire straits now. You and I both know there are much cheaper, less disruptive solutions to Southern CAs water needs.

First, who is this project really for. Citizens or a few rich fat cats. Again, you know this is for the few politically connected.

Second, proposals from covering the existing waterways to other reasonable proposals actually increase the acre-feet reaching our southern neighbors and at costs well less than 10% of your proposal.

Third, my personal solution is to leave the state. 2020 will be my last tax year contributing to your stupidity.

Dennis Park

5103 Cabrillo Pt.

Discovery Bay, CA 94505

From: Jeff Sutton
To: DWR Delta Conveyance Scoping; Jeffrey Sutton
Subject: TCCA Delta Conveyance Project Scoping Comments
Date: Friday, April 17, 2020 4:41:30 PM

SCOPING COMMENTS FROM THE TEHAMA COLUSA CANAL AUTHORITY

ON THE DELTA CONVEYANCE PROJECT

Submitted by Jeffrey P. Sutton

General Manager

Tehama-Colusa Canal Authority

PO Box 1025

Willows, CA 95988

jsutton@tccanal.com

(530) 934-2125

To the CA Department of Water Resources, the Delta Conveyance Project, and the Participants in the Delta Conveyance Project:

RE: Tehama-Colusa Canal Authority Scoping Comments re Delta Conveyance

On behalf of the Tehama-Colusa Canal Authority (TCCA) and its 17 member agencies made up of CVP Water Service Contractors, I hereby provide the following Scoping Comments on the Delta Conveyance Project.

The TCCA is a Joint Powers Authority comprised of 17 Water Districts who hold Central Valley Project water service contracts for irrigation water with United States Bureau of Reclamation. The TCCA service area spans four counties (Tehama, Glenn, Colusa, and Yolo) along the west side of the Sacramento Valley, providing irrigation water to 150,000 acres of prime farmland that produces a variety of permanent and annual crops. TCCA operates and maintains the 140 mile Tehama-Colusa and Corning canals irrigation water supply systems, the Red Bluff Fish Passage Improvement Project, and associated works.

I provide these very brief comments in effort to communicate our overarching and foundational concerns related to potential impacts associated with this Project. We are hopeful that the Project proponents will look to improve on the past unsuccessful efforts on this Project, and instead attempt to address the shortcomings and concerns of stakeholders and potentially affected parties upfront to shape this effort in way that could garner broader support. Such an effort will require early and often opportunities to review detailed plans and operations during the development phase of this effort to achieve that goal.

TCCA strongly feels that a robust and detailed proposed operational plan is an absolute requirement in the development of this Project, thereby allowing concerned stakeholders to analyze and assess the potential impacts, benefits, and details associated with this Project and how it will operate. Further, TCCA hereby requests that this project be developed and designed in a manner that avoids redirected negative impacts to the CVP, the Sacramento Valley, and the TCCA Water Districts, such impacts of concern include the following: financial impacts, regulatory impacts, operational impacts, upstream

storage impacts, environmental impacts, water supply impacts, and water delivery impacts.

TCCA appreciates the opportunity to submit these comments, and stands prepared to work with DWR and the Project Proponents to engage and participate in this effort to work to shape a Project that addresses these concerns.

Respectfully Submitted,

Jeffrey P. Sutton

TCCA General Manager

From: TIM MCCABE
To: DWR Delta Conveyance Scoping
Subject: Stop the tunnel
Date: Wednesday, April 15, 2020 11:34:32 AM

We should put a desalination plant in L.A. using the off shore platforms that will never be used to pump oil. These are useless platforms that are not being used.
Please consider the cost difference the tunnel project is supposed to cost 12 billion dollars, In reality the projected cost is 70 Billion dollars. Who will be on the hook for this. Let L.A. support themselves.
Lets stop the Metropolatin Water Dist. It is against the law for one community L.A. to devastate our community for there benefit.

Tim McCabe

From: Ed Schnee
To: DWR Delta Conveyance Scoping
Subject: Stop the Tunnels and Central Corridor
Date: Friday, April 17, 2020 1:38:42 PM

Department of Water Resources
Attn: Renee Rodriguez
P.O. Box 942836
Sacramento, CA 94236
Email: DeltaConveyanceScoping@water.ca.gov

I am writing today to express my opposition to the proposed Central Corridor. My reasons for this are as follows.

First, the long term effects of removing water north of the Delta instead of allowing it to flow through the Delta will be hugely problematic to the environment and wildlife. We already suffer from algal blooms due to low flow rates that will worsen if water is removed before flowing through the Delta.

Secondly, it will result in huge economic losses, if not bankruptcy, to boating communities, marinas, and boating-based mom & pop businesses due to noise and construction through the middle of the favorite boating waterways and anchorages.

Thirdly, the gridlock that will occur on Highway 4 along with the damage due to construction traffic will cause major, ongoing disruptions to the lives of the residents living in the Delta.

Finally, Delta farmers will also have their livelihoods negatively affected.

Please do not move forward with this plan.

Sincerely,

Edward A Schnee
5443 Drakes Ct
Discovery Bay, CA 94505
easchnee@yahoo.com

From: Richard Stinson
To: DWR Delta Conveyance Scoping
Cc: Jean Okuye
Subject: Stinson - DeltaConveyanceScoping
Date: Friday, April 17, 2020 2:53:32 PM

Friday, April 17, 2020, 2:55 pm

To Whom It May Concern,

I understand that the Delta Conveyance Scoping Project is suppose to end today, but I would like to request that it be extended until after this novel coronavirus pandemic has impacted the Delta community. I am sure you will agree that more people need to learn about the proposal to build the Delta Tunnel and have a voice in the matter.

I am the pastor of a church that has many small farmers in the congregation who will be negatively effected by the water issues of this tunnel project. I am also concerned about about the effect this project will have on our current ecological balance. I hope and pray that your guiding principle is not just profit for a select group of people when so many people will be hurt by this project for years to come.

Sincerely,
Rev. Dr. Richard Stinson

Livingston United Methodist Church
11695 Olive Ave.
Livingston, California 95334

From:	Emily Pappalardo
To:	DWR Delta Conveyance Scoping
Cc:	Dad
Subject:	Steamboat Resort Delta Conveyance Project NOP Comments
Date:	Friday, April 17, 2020 4:50:10 PM
Attachments:	Steamboat Resort Delta Conveyance Project - NOP.pdf

Dear Ms. Rodriguez,

Please find the comments for the Delta Conveyance Project Notice of Preparation on behalf of Steamboat Resort.

Thank you for your consideration and inclusion into the CEQA process.

Emily Pappalardo
Steamboat Resort

Steamboat Resort
12540 Grand Island Road
Walnut Grove, CA 95690

Re: Delta Conveyance Project - NOP

April 17, 2020

Steamboat Resort submits the following comments about environmental and development concerns:

For the last 30 years, Steamboat Resort is a family owned and operated private boat club. The resort has essentially had the same tenants for a large portion of those years. This resort community is like an extended family. This spot in the Delta is a special place for all who visit due to its tranquility and proximity to some of the best water for skiing and wakeboarding in California. It is located on Steamboat Slough, on the north end of Grand Island approximately 2-miles south of the southern most intake.

The first and most important aspect about the conveyance is where and why. What is the goal and the purpose for the project and what are some of the alternatives to meet those goals. Until we can address what is the best place for this project, how can you determine the environmental impact? It appears the project contemplated is the same old plan that is disastrous for the Delta, the agriculture and the businesses here including our resort business. I have lived here for 30 years and raised my family here. I have put back into the property more than $1 million dollars. I have had to restore the road bank, put in retaining walls, install a new electrical system and replace nearly my entire dock. As a result of a great effort on the part of me and my family; it took nearly twenty years to fill our dock. This is not a business that thrives on large or even moderate margins. Any elongated disruption to our guests due to the noise and traffic from tunnel construction will have a direct and devastating impact on the business' ability to survive for future generations to enjoy.

The Department of Water Resources (DWR) seems fixated on placing the diversion in the middle of the Delta, but why? I have heard nothing on how they arrived at that conclusion. What I have heard from countless meetings over the tunnels, is that the impact will essentially shut down nearly all the businesses in the Delta, including all boating, all recreation and debilitate the richest farmland to ship water to other farming areas with questionable soils. We have the best and the brightest and this is their plan? I have heard the water project problem has been going on for more than 80 years. For the last 14 or more years, we have this fixation on the same intake locations, on the east side of the Sacramento River between the towns of Courtland and Clarksburg. The project is so massive that the number of trucks and barges necessary will cause impossible traffic and congestion problems throughout the Delta.

More importantly, I don't ever recall a discussion or outreach about why these intake locations were selected over other locations throughout the Delta. Has the DWR

driven on the levee roads? Have they not noticed how narrow they are? Have they tried to cross a bridge when a large truck is coming from the other end? I live on the water, I have watched millions and millions of gallons of water go by, year in and year out. We have a water problem. But, the answer is not a conveyance system that doesn't produce an extra drop of water as proposed. Don't you think there should be some way of storing the water in the plan? Why is it a Delta Conveyance? Why isn't it a California Water Plan? How myopic. The Sacramento River is a long river. There must be a location from which you can build tunnels and intakes with less impact and where it is easier to deliver construction materials to. Where is the debate on alternatives? In 80 years since the inception of the State Water Project, things have changed.

Where is the discussion about what is the most cost-effective way to convey or store water? I hear about desalinization; salt water barriers; coffer dams; sea level rise; and the use of the deep water channel. Where is the cost evaluation of all of the possible alternatives? There are a number of related issues that must be evaluated by cost and feasibility as part of this study:

1. **The levee system**. The ability to address the stability of the levee system and the dangers of a significant seismic event. While the construction impacts will be extensive; what about the operational impacts and the need to address existing conditions within the Delta; like the conditions of the levees within the system. The levees are a critical part of current and future water supply with or without the proposed project. A levee failure has caused a disruption in water supply in 48 years, since the beginning of the Delta Levee Subventions program. This program wasn't fully funded until the early 1980's but overtime and on a limited budget of $10 to $15 million per year, the system has undergone significant improvements and proven its reliability. The cost of bringing the levees up to a seismic standard should be evaluated as an alternative to the tunnel.

2. **Water Quality**. There are seepage and salinity issues and the effects on pumping for Delta farmers and agriculture users. Modeling should be performed and independently evaluated to determine the impacts of sea-level rise throughout the Delta to determine if placement of the intakes in the North Delta is the only option to get fresh water. Studies exist that show with climate change, the amount of outflow from wetter storm events will outweigh any impacts to salinity in the Delta from sea-level rise.

3. The **North Delta Water Agency** contract restrictions and protections need to be addressed and upheld. The lack of actual operational criteria as a part of the EIR process is concerning and undermining this vital contract to uphold Delta agriculture. This EIR is incomplete if we are unable to evaluate final operational criteria impacts.

4. **Dewatering** for construction of the intakes and tunnel is a particular concern for our operations as a resort. The resort is approximately 2 miles from the southernmost intake and is directly adjacent to Steamboat Slough. Any impacts from the dewatering that must occur to construct the intakes need to be fully evaluated. The cone of depression from such activities must be independently analyzed. We will be monitoring the level and quality of our well before this project begins construction and will hold the proponents of this project liable for any adverse impacts to our water supply or quality as a result of construction and operation. Furthermore, any impacts caused on the

waterway will be closely monitored before and during construction as well as once operations begin. These will be considered direct impacts of the project and must be mitigated.

5. **Noise** will directly impact our business. The resort is a place where our guests come to get away from the noise and congestion of urban areas. They are likely to stop coming noise impacts from construction of the intakes and vehicle traffic, especially if it ensues every day for 10 or more years. Our business will be shut down. This is a special place to many who have come here since they were children, and it will be unlivable. There is likely no mitigation for this but some sort of mitigation must be worked into the project as this will be a direct impact of construction. Furthermore, there is discussion of using a vibratory hammer to drive piling and keep the noise levels down. From my experience with docks, a vibratory hammer will not drive piling into rip rap which is at the base of the levee system along the Sacramento River. An impact hammer will have to be used and this noise levels will be unbearable to all visitors within the Delta, as well as to the fish that should be protected during construction of this project.

6. The most important to me as a resort owner is the **traffic** and **transportation problem** through the Delta. All of my boat tenants come from out of the area; from the Bay Area; Marin County, and Central California. They come long distances to avoid and escape the very traffic and congestion that will occur here. Well, they won't come here if they have to spend hours in traffic to do so. This is supposed to be a place to relax. There are traffic issues from the construction on Interstate 5. We are already experiencing significant traffic problems in the Delta with commuters using Delta road ways to go around the traffic on I-5. It is already happening and observable. Road related deaths in the Delta are on the rise. And, the traffic issues related to the project will not only affect the Delta, but Elk Grove, South Sacramento, Galt and all surrounding communities, whose surface roads will also be used to avoid the traffic and commuter problems related to the project. Past studies of this project show the traffic impacts of construction on I-5 exceed the level of service at the peak commute times northbound and southbound out of Elk Grove. People in Elk Grove will not be able to get to and from work in any reasonable amount of time. Jobs and lives will be negatively impacted for very large community of people and must be mitigated. We also need to address emergency response times and the need to protect people's safety and health problems with local providers due to increased traffic.

I also support the idea of intakes at Sherman Island and Congressman Garamendi's plan of intakes near the Sacramento Deep Water Ship Channel. We should seriously consider other options than to utterly destroy prime farmland, a unique agriculture community comprised of family owned farms and the irreplaceable Delta Legacy communities. Instead, at least $250 million dollars has already been spent on an incredibly contentious project that will ruin the lives of those in the Delta and only provide a small benefit to the project proponents. $250 million could have been put to a more beneficial use of maintaining and improving the current conveyance system.

Sincerely,

Bradford D. Pappalardo, Resident and Property Owner

From:	Riddle, Diane@Waterboards
To:	DWR Delta Conveyance Scoping; Buckman, Carolyn@DWR; Lin, Hong@DWR; Bogdan, Kenneth M.@DWR
Cc:	Pulupa, Patrick@Waterboards; Hensley, Jordan@Waterboards; Buckman, Michael@Waterboards; Jin, Hwaseong@Waterboards; Mitterhofer, Conny@Waterboards; Heinrich, Dana@Waterboards; Ekdahl, Erik@Waterboards; Oppenheimer, Eric@Waterboards; Sobeck, Eileen@Waterboards
Subject:	State Water Board Delta Conveyance Project NOP comments
Date:	Wednesday, April 15, 2020 6:14:54 PM
Attachments:	image001.jpg 4-15-20 Delta Conveyance NOP Comments.pdf

Please attached comments from the State Water Board on the Delta Conveyance Notice of Preparation. Please contact me at diane.riddle@waterboards.ca.gov if you have any questions or would like to discuss.

Thank-you,
Diane

Diane Riddle, Assistant Deputy Director Bay-Delta and Hearings Branch
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CALIFORNIA Water Boards

GAVIN NEWSOM
GOVERNOR

JARED BLUMENFELD
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

TO: Renee Rodriguez
Department of Water Resources

VIA ELECTRONIC MAIL
DeltaConveyanceScoping@water.ca.gov

ORIGINAL SIGNED BY
FROM: Diane Riddle
Assistant Deputy Director
DIVISION OF WATER RIGHTS

DATE: April 15, 2020

SUBJECT: COMMENTS ON NOTICE OF PREPARATION OF ENVIRONMENTAL IMPACT REPORT FOR THE DELTA CONVEYANCE PROJECT

This memorandum responds to the California Department of Water Resources' (DWR) January 15, 2020 Notice of Preparation (NOP) for an Environmental Impact Report (EIR) for the Delta Conveyance Project, which may include the preparation of an environmental impact statement (EIS). The State Water Resources Control Board (State Water Board) and Central Valley Regional Water Quality Control Board (collectively Water Boards) appreciate the opportunity to comment and contribute information regarding the potential environmental impacts, mitigation measures, and alternatives to be addressed in the EIR/EIS for the Delta Conveyance Project (Project).

General Comments

The mission of the Water Boards is to preserve, enhance, and restore the quality of California's water resources and drinking water for the protection of the environment, public health, and all beneficial uses, and to ensure proper water resource allocation and efficient use, for the benefit of present and future generations. The State Water Board administers water rights in California, including those of the State Water Project (SWP) and Central Valley Project (CVP). The State and Regional Water Boards also have primary authority over the protection of the State's water quality and drinking water. To protect water quality, the State and Regional Water Boards develop water quality control plans that identify beneficial uses of water, water quality objectives to protect those beneficial uses, and a program of implementation to achieve the objectives, as well as monitoring, special studies, and reporting requirements. These

water quality control plans include the State Water Board's Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta Plan) and the Central Valley and San Francisco Bay Regional Water Boards' water quality control plans for the Central Valley and San Francisco Bay.

The Water Boards will have discretionary approvals over water right and water quality aspects of the Project and are responsible agencies for the Project pursuant to the California Environmental Quality Act (CEQA). As responsible agencies under CEQA, the Water Boards must review and consider the environmental effects of the Project identified in the EIR that are within their purview and reach their own conclusions on whether and how to approve the Project. (Cal. Code Regs., tit. 14, § 15096, subd. (a).) Specifically, activities that may require approval by the Water Boards include changes to the SWP's and potentially the CVP's points of diversion of water and to other provisions of their water rights, water quality certifications pursuant to Clean Water Act section 401,[1] National Pollutant Discharge Elimination System Permits (NPDES),[2] and potentially other water quality approvals such as a Construction Storm Water General Permit,[3] an Industrial Storm Water General Permit,[4] Waste Discharge Requirements,[5] and a Dewatering Permit.[6]

Project Description

The EIR should include a clear project description in order to allow for a full project level evaluation of the potential environmental impacts of the proposed project. The EIR should specifically include proposed operating rules for the Project, including diversion limitations; criteria for operating the new facility in conjunction with other SWP, and as applicable CVP facilities, including Delta export facilities and reservoirs; bypass flow

[1] If the Project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). If an USACE permit is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the State Water Board.

[2] If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a NPDES permit. If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a NPDES permit.

[3] Dischargers whose project disturbs one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ.

[4] Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ.

[5] If USACE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement permit to be issued by the Central Valley Regional Water Quality Control Board.

[6] If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Risk General Order) 2003-0003 or the Central Valley Regional Water Quality Control Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Risk Waiver) R5-2013-0145.

criteria; Delta outflow criteria; export to Delta inflow criteria; provisions for meeting existing water quality and flow requirements; and any other operating rules. The EIR should clearly identify and differentiate between existing regulatory criteria, proposed operating criteria, and modeling assumptions in a summary table or other easily identifiable format. Each regulatory criterion, operating criterion, or modeling assumption should be clearly explained and justified. Where flexibility is proposed, a range of potential operations should be evaluated from least to most restrictive. For example, given the uncertainty concerning CVP participation, the EIR should evaluate a range of possible scenarios, including no CVP participation, partial CVP participation, and maximum CVP participation.

Any operating scenarios that are developed for the Project should adhere to all of the requirements currently in place under D-1641. One current D-1641 requirement is the Delta Export to Inflow (E:I ratio), which establishes a maximum percentage of the total Delta inflow that may be exported. The Delta E:I ratio is one of the water quality objectives for fish and wildlife beneficial uses (Table 3 of the Bay-Delta Plan) that was implemented pursuant to D-1641. Both D-1641 and the Bay-Delta Plan specify how the Delta E:I ratio is to be calculated. In the BDCP/WaterFix Final EIR/EIS (2016), however, the calculation was modified by using a Delta inflow measurement location below the North Delta Facilities and excluding water diversions from the North Delta Facilities as a part of the total Delta export for purposes of calculating the E:I ratio. Any such changes in water quality objectives and subsequent operational criteria would require an amendment to the Bay-Delta Plan, and therefore all operating scenarios evaluated in the EIR should assume that the existing Delta E:I ratio, as well as other Bay-Delta Plan water quality objectives, would apply.

DWR and Reclamation have pending petitions to extend the deadlines, which have expired, to maximize the beneficial use of water under their water right permits for the SWP and CVP, respectively. These petitions have been noticed and protested, but the Division of Water Rights has not processed them further due to a lack of environmental documentation. DWR and Reclamation may also wish to amend the petitions (the DWR petition only requests a time extension until 2015), which would require that the petitions be re-noticed. Although these petitions can be processed separately from a water right change petition for the Delta Conveyance Project, the EIR for the Delta Conveyance Project should address how the approval or disapproval of time extension petitions would relate to SWP and CVP operations with the new conveyance facilities. Specifically, the analysis of SWP and CVP operations in the EIR should be consistent with the fact that, absent State Water Board approval of time extension petitions, SWP and CVP exports, with or without approval of the new proposed points of diversion, are limited to the maximum amount of water put to beneficial use before the deadlines to maximize use contained in the permits. (See Wat. Code, §§ 1397, 1610.5; Cal. Code Regs., tit. 23, § 844.)

Baseline Conditions

The EIR should evaluate the effects of the Project with the Department of Fish and Wildlife's Incidental Take Permit (ITP) and with and without recent (2019) changes to

U.S. Fish and Wildlife Service (FWS) and National Marine and Fisheries Service (NMFS) Biological Opinions (BiOps) for the long-term operations of the CVP and SWP. It is important to understand the effects of the changes from the 2019 BiOps in combination with the proposed project because the State has filed suit on the 2019 BiOps which may result in modifications or invalidations of the BiOps. In addition, these changes were made very recently so are not well understood. These changes could also have large effects on export operations and Delta hydrodynamics as well as aquatic species (Reclamation's EIS identifies that the 2019 BiOp changes could result in increases in exports of up to 600 thousand acre-feet per year on average given existing infrastructure). These effects in combination with the effects of and the Project should be evaluated and disclosed.

Effects of Climate Change

The EIR should include analyses of the Project with appropriate assumptions based on the latest science for expected climate change effects upon initial operations and other relevant time periods in the life of the Project. The analyses should be presented in a manner that allows for the effects of the Project to be discernable from the effects of climate change. Scientific studies[7] have suggested that climate change will bring changes in precipitation patterns (from more snow to more rain), higher temperatures, vegetation expansion, and longer growing seasons, which would result in warmer water temperatures and lower annual streamflows than the current conditions. Previously, the EIR/EIS for BDCP/WaterFix included climate change scenario Q5 (BDCP/WaterFix Final EIR/EIS, Appendix 5A Section D: Additional Modeling Information), which forecasted slightly wetter and warmer conditions than current conditions. However, precipitation variation and temperature rise may be much more severe than the Q5 scenario. The EIR should consider climate change scenarios with warmer and drier conditions (with drought sequences similar to those that were experienced from 2012-2016). In addition, the EIR should evaluate possible sea level rise scenarios. The sea-level rise assessment reported by the Working Group of the California Ocean Protection Council Science Advisory Team (OPC-SAT) [8] suggested the median sea-level rise at the Golden Gate would be 0.9 feet (ft) by 2050. The report also suggests that there is a 1-in-20 chance (5% probability) that sea-level rise will exceed 1.4 ft by 2050 with the possibility for more severe sea level rise by 2100 of 1.6 ft to 10 ft.

Project Alternatives and Operating Scenarios

The EIR should include a reasonable range of conveyance and operational alternatives. Sizing and alignments for the conveyance facility should be considered that avoid,

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[7] Berghuijs, W. R., R. A. Woods, and M. Hrachowitz. 2014. A precipitation shift from snow towards rain leads to a decrease in streamflow. Nature Climate Change 4: 583-586. doi:10.1038/nclimate2246.
Goulden, M. L., and R. C. Bales. 2014. Mountain runoff vulnerability to increased evapotranspiration with vegetation expansion. PNAS 111: 14071-14075.
Milly, P. C. D., and K. A. Dunne. 2020. Colorado River flow dwindles as warming-driven loss of reflective snow energizes evaporation. Science. DOI: 10.1126/science.aay9187.

[8] Griggs, G., J. Árvai, D. Cayan, R. DeConto, J. Fox, H. A. Fricker, R. E. Kopp, C. Tebaldi, and E. A. Whiteman (California Ocean Protection Council Science Advisory Team Working Group). 2017. Rising Seas in California: An Update on Sea-Level Rise Science. California Ocean Science Trust, April 2017. http://www.opc.ca.gov/webmaster/ftp/pdf/docs/rising-seas-in-california-an-update-on-sea-level-rise-science.pdf.

minimize, and/or mitigate construction and siting related impacts and impacts to other legal users of water. Operating scenarios should be considered that improve conditions for native fish species that are currently in poor condition by improving Delta outflows, reducing entrainment and impingement related effects of SWP (and possibly CVP) diversions, improving cold water management, and other measures without redirected impacts to native fish species. Specifically, the EIR should evaluate a scenario that is consistent with the State Water Board's efforts to update the Bay-Delta Plan to improve protections for native fish species. In 2018, the State Water Board updated the Lower San Joaquin River Flow objectives in the Bay-Delta Plan and released a Framework[9] for potential updates to Sacramento River and Delta inflow and outflow, interior Delta flow, and cold water habitat objectives included in the plan based on science summarized in the State Water Board's Scientific Basis Report.[10] In addition, efforts are currently underway to develop proposed voluntary agreements that could be in effect for 15 years or longer if approved as a method to update/implement the Bay-Delta Plan. State Water Board staff is available to assist with the development of scenarios that serve this purpose.

Impact Assessment

Aquatic Ecosystems

The Project proposes additional hydromodifications to the Sacramento-San Joaquin Delta with construction and operation of two, new, additional points of water diversion and a tunnel to convey water from the northern Delta to the SWP pumping plant, and potentially the CVP pumping plant, in the southern Delta. The new points of diversion are proposed to be located on the banks of the Sacramento River in the northern Delta with a maximum diversion capacity of 3,000 cubic feet per second (cfs) each, 6,000 cfs combined. Currently, the SWP diverts water from the southern Delta at the SWP Banks Pumping Plant. The combined capacity of the CVP and SWP south Delta pumping plants is about 15,000 cfs, with median and maximum daily combined diversions of 6,854 and 13,720 cfs, respectively, since water year 2000 (Dayflow). The maximum, combined diversion capacity of the new proposed intakes (6,000 cfs) is about forty percent of the maximum diversion capacity of the existing southern Delta intakes (15,000 cfs). DWR refers to the operation of the new intake facilities and conveyance to the south Delta in combination with the existing diversion facilities as "dual conveyance."

The Bay-Delta ecosystem and freshwater ecosystems in tributary watersheds are in a state of prolonged decline. Fish species in the Bay-Delta have continued to experience precipitous declines in recent years. In the early 2000s, scientists noted a steep and lasting decline in population abundance of several native estuarine fish species, which

[9] The Framework can be found at: https://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/docs/sed/sac_delta_framework_070618%20.pdf

[10] The Scientific Basis Report can be found at: https://www.waterboards.ca.gov/water_issues/programs/peer_review/docs/scientific_basis_phase_ii/201710_bdphaseII_sciencereport.pdf.

continued and worsened during the sustained drought during 2012-2016. Simultaneously, natural production of all runs of Central Valley Chinook salmon and steelhead remains near all-time low levels.

Changes in land use due to agricultural practices, urbanization, and flood control combined with substantial and widespread water infrastructure development, including the construction and operation of the SWP and CVP, have been accompanied by significant declines in nearly all species of native fish. The SWP and CVP facilities are the largest contributors to hydromodification in the freshwater and estuarine ecosystems of the San Francisco Bay-Delta estuary and freshwater tributary watersheds. Modification to the volume, pattern, and timing of flows caused by the dams, water diversions, canals, and related operation of the CVP and SWP have contributed to declining fish populations, contraction of the freshwater and estuarine habitats and food webs, and persistently poor aquatic ecosystem conditions.

The new conveyance facility and dual conveyance operations of the Project have the potential to reduce the impacts of the SWP (and possibly the CVP) on aquatic resources by reducing entrainment at the southern Delta export facilities, reducing reverse flows in the southern Delta, and allowing more water to be exported during high flow conditions when aquatic resources are less likely to be adversely affected. If not appropriately conditioned, however, the Project also has the potential to adversely affect aquatic resources by modifying the timing, volume, and duration of freshwater flows and tidal energy that influence the amount of aquatic habitat and water quality habitat conditions such as freshwater flow, salinity, dissolved oxygen, turbidity, and temperature. In particular, adding new water diversion facilities closer to the major migratory routes of vulnerable fish populations, such as Sacramento River Chinook salmon (all runs), has the potential to expose these species to greater risks and impacts as compared to current conditions. Sacramento River Chinook salmon, sturgeon, and other species such as Sacramento splittail are not currently exposed at close proximity to diversion facilities of the proposed size and capacity of the new intakes, which may modify flow signals and impact habitat characteristics. As stated above, the new intake facilities may reduce some adverse effects of the existing southern Delta pumps on Sacramento and San Joaquin River Chinook salmon and steelhead; however, the new north Delta facilities will introduce new entrainment and impingement risks.

The EIR should evaluate multiple fish species and communities to determine if there are potentially significant environmental effects to aquatic resources that could be caused by the Project and propose appropriate mitigation or avoidance measures. Specifically, the EIR should evaluate the timing and volume of flows in the tributaries and Delta outflows, potential for entrainment and impingement at new north Delta intakes as well as existing south Delta intakes, temperature effects, and impacts of reverse flows near the new intakes and in the interior Delta caused by the new and existing diversion facilities.

The following list includes fish species that should be evaluated in the EIR at the life-stage and population level to determine the potential for the Project to cause significant environmental effects and appropriate avoidance and mitigation measures.

- CESA and ESA Endangered Sacramento River winter-run Chinook salmon *(Oncorhynchus tshawytscha),*
- CESA and ESA Threatened Central Valley spring-run Chinook salmon (*0*. *tshawytscha),*
- ESA Threatened Central Valley Distinct Population Segment (DSP) steelhead (*0*. *mykiss),*
- ESA Threatened Green Sturgeon southern DPS *(Acipenser medirostris),* and White Sturgeon (*Acipenser transmontanus*)
- ESA Endangered Killer whale Southern Resident DSP (*Orcinus area)*
- ESA Threatened Delta smelt (*Hypomesus transpacificus*)
- CESA Threatened Longfin smelt (*Spirinchus thaleichthys*)
- Sacramento splittail (*Pogonichthys macrolepidotus*)
- Starry flounder (*Platichthys stellatus*)
- California Bay shrimp (*Crangon franciscorum*)
- Zooplankton (*Neomysis mercedis*, *Eurytemora affinis,* and *Pseudodiaptomus forbesi*)
- Non-native species: American shad (*Alosa sapidissima*), Striped bass (*Morone saxatilis*), Largemouth bass (*Micropterus salmoides*), and other ecological and fishery species of concern

Potential ecological effects to fish populations and the lower food web (e.g., phytoplankton and zooplankton biomass and flux) should also be summarized and presented in the EIR using methods that clearly identify and isolate the effects of alternatives and the baseline condition so that they can be easily compared. Finally, the EIR should define specific operating criteria and mitigation measures to avoid or reduce impacts to fish populations and aquatic resources.

Population Level Effects

The EIR should include an assessment of the effects of the Project alternatives and operating scenarios on populations of fish and aquatic species. Previously, the EIR/EIS for the BDCP/WaterFix assessed the impacts of that project on aquatic species at a regional or division scale and a single action or component of that project on a specific life stage(s). For example, the BDCP/WaterFix EIR/EIS analyzed the following impacts of WaterFix Project operations to winter-run Chinook salmon separately for each life state: spawning and egg incubation, juvenile rearing habitat, juvenile emigration, juvenile entrainments, and adult migration conditions that would occur at different locations and attributable to different project components (e.g., upper Sacramento River, upstream of the Delta, through-Delta, south Delta water export facilities, the proposed north Delta intake facilities, and predation impacts). (BDCP/WaterFix Final EIR/EIS, Chapter 11 Fish Aquatic Resources.) However, those site- and life stage-specific effects analyses did not identify the cumulative population-level impacts (e.g., winter-run Chinook salmon population change over generations) of the project and operating scenarios. Additionally, the EIR should evaluate the Project effects on sustainability of listed species in the project area based on the population, evolutionarily

significant unit (ESU), or distinct population segment (DPS). For salmonid species, viable salmonid population (VSP) parameters should be evaluated. A similar approach using VSP-equivalent parameters could be employed to assess population effects on listed fish species (e.g., Delta smelt and longfin smelt) as recommended by the Independent Scientific Advisory Panel (2019).[11]

Water Quality

The EIR should include comprehensive water quality analyses to estimate potential impacts to beneficial uses that may occur as a result of the Project and identify specific mitigation measures to reduce, mitigate, or avoid adverse impacts to water quality and beneficial uses. The water quality analysis should evaluate the potential for the Project to cause or contribute to potential significant environmental impacts related to salinity, submerged and floating aquatic vegetation, harmful algal blooms, mercury, nutrients, dissolved oxygen, dissolved organic carbon, turbidity, temperature, and other water quality constituents. The environmental analysis should assess the effects of any changes in water residence time and flows within Delta waterways, in the Stockton Deep Water Ship Channel, and south Delta channels in particular. Mitigation measures should be proposed for adverse impacts to water quality conditions including dissolved oxygen, frequency and severity of harmful algal blooms, and excessive aquatic weed growth.

The EIR should evaluate the effects of water quality changes, such as increases in salinity, on the multiple beneficial uses that are protected through water quality objectives. For example, salinity should be evaluated with respect to the potential for significant environmental impacts to municipal and industrial uses, agricultural uses, and ecological habitat for pelagic fish species, and specific operational constraints and mitigation measures should be identified to avoid significant impacts.

Portions of the Delta within the project area are currently on the Clean Water Act Section 303(d) List of Impaired Waters for not meeting water quality standards due to chlordane, chlorpyrifos, DDT (dichlorodiphenyltrichloroethane), diazinon, dieldrin, electrical conductivity, Group A pesticides, invasive species, mercury, PCBs (polychlorinated biphenyls), and toxicity. The EIR should reference the most current 303(d) list and requirements contained in existing TMDLs for the Sacramento-San Joaquin Delta within the EIR, discuss any potential short- or long-term effects of these pollutants from project activities, and discuss mitigation measures, including monitoring and best management practices, to reduce potential impacts. If the Project has the potential to affect mercury or methylmercury concentrations in the Delta, acceptable mitigation options could include actions to reduce mercury entering the Project area.

Legal Users of Water

Construction of the Project requires modifications to water rights to add points of diversion and rediversion of water. In order to approve a change in a water right permit

[11] https://www.deltacouncil.ca.gov/pdf/science-program/biological-goals/2019-09-18-April-2019-biological-goals-final-report.pdf

or license, the State Water Board must find that the change will not injure any legal user of water or unreasonably affect fish and wildlife. The EIR should fully analyze and propose measures to address any potential impacts of the Project on other legal users of water. The EIR should evaluate whether and how the Project may affect specific surface and groundwater diversion facilities, salinity levels, residence times (that may affect aquatic vegetation and harmful algal growth and proliferation), water elevations, and dissolved oxygen levels, which may in turn affect legal users of water. CEQA does not specifically require analysis of impacts to other legal users of water; however, the State Water Board will rely, if possible, on the EIR to support decisions regarding the addition of points of diversion to existing water rights. If this information is not available in the EIR, the State Water Board may request additional information outside the CEQA process in order to meet its obligations under the Water Code and other applicable legal authorities.

Evaluation of Additional Conveyance Capacity

The proposed new North Delta intakes would both provide more diversion capacity and remove existing constraints on SWP and possibly CVP diversions, such as Old and Middle River flow and San Joaquin River flow to export ratio constraints (Inflow to Export or I:E), allowing for greater diversions than currently allowed. The EIR should analyze and disclose the potential effects of this increased diversion capacity assuming existing and future levels of demand. The potential for use of this additional capacity by other water users should also be fully evaluated, including increased use of joint points of diversion (JPOD), utilization of spare wheeling capacity by the CVP, and use of the new facilities for additional water transfers. The EIR should also evaluate reasonably foreseeable increased demands for water for groundwater banking, conjunctive use, and south of Delta storage.

Construction-Related Effects

A lengthy construction schedule for the Delta Conveyance Project could have a prolonged effect on nearby residents, communities, public services, classrooms, marinas, fishing, boating, recreation, tourism and businesses including noise, traffic, economic, and aesthetic impacts. The EIR should fully evaluate all construction-related impacts, including impacts to terrestrial and aquatic species during construction, and propose detailed avoidance, minimization, or mitigation measures for potential impacts.

Cumulative Effects

The EIR should analyze the cumulative impacts of the Project and current and probable future projects including current and potential future water storage and diversion facilities north and south of the Delta (e.g., Sites, Del Puerto Canyon, Pacheco reservoirs, etc.); changes in the regulatory environment (e.g., the update to the Bay-Delta Plan, Federal Energy Regulatory Commission relicensing projects, etc.); implementation of the Sustainable Groundwater Management Act; and activities identified in the Water Resiliency Portfolio.

Modeling Results Presentation

The EIR should include detailed modeling results as well as appropriate summary results that allow for meaningful evaluation of potential environmental effects of the Project at appropriate model time steps. Summary modeling data should have sufficient granularity to determine whether there may be significant impacts in different hydrologic conditions or times of year, including impacts to water quality, fish and wildlife, recreation, and agricultural and municipal uses of water. Specific parameters that should include summary and detailed modeling results include river flows, Delta outflows, reverse flows, stage, velocity, north and south Delta exports, reservoir storage levels, temperatures, and salinity. The presentation of modeling results should be uniform, clear, and consistent. Additionally, full model studies and results should be shared with the public promptly following the release of the EIR.

Monitoring

The EIR should identify monitoring, assessment, reporting and special studies needed to support construction and operation of the Project to determine compliance with construction and operational criteria, account for and track impacts over time, and answer any management questions. Any new monitoring, assessment, reporting, and special studies should be integrated with and build upon existing water quality and aquatic biology monitoring programs that support the SWP and CVP. Existing monitoring programs, such as the fish surveys conducted by the Department of Fish and Wildlife, water quality compliance and baseline monitoring conducted by DWR, and special studies included in the Interagency Ecological Program Annual Workplan, provide information about the impact of the SWP and CVP on native and migratory fish species, aquatic habitat, ecosystem conditions, and water quality which are important for managing and protecting the estuary and all beneficial uses. Existing programs combined with new monitoring, assessment, reporting and special studies associated with new conveyance facilities should continue to provide information on status and trends in the abundance and distribution fish species and lower food web resources in the estuary.

Closing

The Water Boards appreciate the opportunity to provide comments on the NOP. By participating in the process in an advisory capacity, the Water Boards hope to ensure that a broad range of alternatives is evaluated, and the potential impacts of all the alternatives are fully disclosed. While the Water Boards can provide information that will help guide the Project toward a successful completion of the process, the Water Boards cannot make a prior commitment to the outcome of any regulatory approval by the Water Boards. The State Water Board acts in an adjudicative capacity when it acts on a water right application, change petition, or other water right approval that may be required for or requested in connection with a proposed project. The State Water Board must be an impartial decision-maker, avoiding bias, prejudice, or interest in any adjudicative proceedings conducted in accordance with the State Water Board's

regulatory approvals. Accordingly, Water Board staff will not act as advocates for any particular alternatives during the Delta Conveyance Project processes.

In closing, the Water Boards appreciate the opportunity to continue to participate in an advisory capacity regarding the Water Boards' regulatory and informational requirements. If you have any questions, please contact me at (916) 341-5297, or at Diane.Riddle@waterboards.ca.gov.

cc: Patrick Pulupa, Executive Officer, Central Valley Regional Water Quality Control Board (via email)
Jordan Hensley, Environmental Scientist, Central Valley Regional Water Quality Control Board (via email)
State Clearinghouse unit, Governor's Office of Planning and Research, Sacramento (via email)

From:	Barry Sgarrella
To:	DWR Delta Conveyance Scoping
Cc:	Winston Friedman
Subject:	SolAgra Water Solution ("SWS") a viable alternative to DCP
Date:	Friday, April 17, 2020 2:58:23 PM
Attachments:	image001.gif image002.jpg SolAgra Comment Letter - DCP Scoping Final.pdf

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We have attached SolAgra Corporation's comments to the DCP – EIR Scoping.

Please reply to this email or call me at 415-720-5060 if you have any problems receiving this email or opening the attached comment letter.

Thank you,

Barry Sgarrella
Chief Executive Officer
O: 415-892-6149
C: 415-720-5060
www.SolAgra.com

Via Email Only: DeltaConveyanceScoping@water.ca.gov.

April 17, 2020

Delta Conveyance Project ("DCP") EIR Scoping Comment Letter
Subj: SolAgra Water Solution ("SWS") a viable alternative to DCP

The SolAgra Water Solution is a viable alternative to the Delta Conveyance Project. SWS evaluation under NEPA and CEQA, as well as the Clean Water Act is required.

SolAgra has previously submitted details of the SolAgra Water Solution as a viable alternative to the BDCP and the CWF. Both of those projects failed and have been abandoned, but in both cases the analysis of alternatives that would meet water supply needs without damaging the Delta environment and communities was NOT included in the environmental review as required by law. Our July 29, 2014 comment letter provided a detailed discussion of the legal requirements to consider alternatives including the SolAgra Water Solution, but all alternative solutions that proposed intakes in the west Delta were summarily dismissed without further analysis or consideration. All of the comments made in our comment letter continue to apply in the context of the new Delta Conveyance Project EIR. It was a legal error for the CWF RDEIR/S to omit consideration of the SolAgra Water Solution.

An additional basis for consideration of the SolAgra Water Solution is for purposes of determining the Least Environmentally Damaging Practicable Alternative ("LEDPA"). (See 33 U.S.C. § 1344(b)(1).) USACE regulations provide, "[N]o discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem." (40 C.F.R. § 230.10(a).) USACE regulations specifically require the applicant to identify possible practicable alternatives especially including those alternatives that do not involve the discharge of fill material. (40 C.F.R. § 230.10(a)(i).) The SWS does NOT involve discharge of fill materials.

The project purpose and need of DCP can be met by the SolAgra Water Solution. In particular, diversions from the Delta under the SolAgra Water Solution can occur in a manner that "minimizes or avoids adverse effects to listed species, and allows for the protection, restoration and enhancement of aquatic, riparian and associated terrestrial natural communities and ecosystems." Due to the location of the SolAgra intakes on Sherman Island in the western Delta, diversions can also "[r]estore and protect the ability of the SWP and CVP to deliver up to full contract amounts when hydrologic conditions result in the availability of sufficient water." Even in the case of insufficient available water quantities, as California has experienced during the most recent five

year drought, the SolAgra Water Solution would augment the available water supply by providing an additional 1 Million Acre-Feet/ year ("MAF") of **newly created water** via a brackish water desalination plant on Sherman Island. Using state-of-the-art desalination technologies, this water supply would be drought proof and would be immune to droughts and projected sea level rise.

The SWS project would include rebuilding and raising the height of the Sherman Island levees to harden and protect the new infrastructure from the effects of sea level rise. The desalination plant would be constructed on approximately 100 acres of elevated pad (built from tunnel material mined as part of this project) that would additionally protect the plant from future sea level rise. The solar power plant that will provide renewable energy to operate the desalination and pumping plants will be built with elevated solar arrays using SolAgra Farming® - a patented technology protected by U.S. Patent Number 10,615,738 and other patents pending.

The SolAgra Water Solution is a practicable alternative that would have a less adverse effect on the aquatic ecosystem than the currently proposed DCP. In particular, the SWS requires only one 19-mile long mile tunnel instead of a 38.5-mile long tunnel, PLUS the SolAgra tunnel would have a 28-foot diameter, appreciably smaller than the 40-foot diameter tunnel proposed in the DCP. Moreover, since the SolAgra tunnel would run primarily south of the Delta from Sherman Island to the SWP facilities at Bethany Reservoir, NO WATERS OF THE UNITED STATES/ WETLAND fill would be necessary. DCP proposes more than 15 million cubic yards of tunnel excavation/ fill material to be deposited in pristine areas of the Delta, the SolAgra Water Solution would deposit less than 1.5 million cubic yards of fill material, and this material would all be deposited on Sherman Island to improve levees and to build an elevated pad for the desalination plant. Any additional material would be deposited in areas that are currently upland grazing areas (not wetlands). This fill material would be beneficial to the environment by increasing levee height and stability and by offsetting the land subsidence that has occurred on Sherman Island over many years. When graded and compacted, the fill area that is not beneath the desalination plant can be seeded and returned to grazing with no impact to the environment. The SWS produces less than 10% the amount of fill material (tunnel boring spoils) as the DCP. The SWS tunnel path uses existing easements and rights of way beneath existing state highways (SR-160 & SR-4) so that no private lands must be purchased or "taken" by eminent domain. Due to the location of the SolAgra tunnel, approximately 50% of the material removed from the tunnel will be rock that is sourced from beneath the foothills of Mt. Diablo. This rock will be used to rebuild Sherman Island levees and to build the fish-screening permeable levee sections that allow fresh and brackish water to be brought onto Sherman for processing and desalination.

The total tunnel length proposed in the DCP is more than 38.5 miles. This is twice the length of the SolAgra tunnel shown in the attached SolAgra Exhibit 2. The SolAgra plan would be constructed near existing high capacity powerlines and ultimately be powered in large part by a SolAgra Solar Power plant that can be built on existing grazing land on

Sherman Island. Thus, the upcoming LEDPA determination that will occur with the USACE review provides an additional basis for full consideration of the SolAgra Water Solution.

SolAgra Corporation has a better alternative and requests that it be heard and given serious consideration. The SWS is a reasonable and superior alternative to the DCP. Law requires that it be fully and fairly evaluated.

A description of the SWS was previously submitted as a superior alternative to the many potential project configurations considered in the BDCP's Draft EIR/EIS. As explained in our prior communiques, the SWS is designed to better accomplish the tasks for which the BDCP/CWF and the now rebranded "Delta Conveyance Project", was designed.

State and federal endangered species acts and environmental review statutes require that every project must fully consider alternatives to minimize take of endangered species and investigate means to avoid significant environmental impacts. The SWS accomplishes these tasks without the un-mitigatable economic, environmental and social impacts of the DCP.

The DCP tunnel plan to divert up to 6,000 cfs of freshwater from the upper Sacramento River at Clarksburg would produce unacceptable water quality in the lower Sacramento River. This plan also increases salinity downstream of the Clarksburg intakes thus violating basic clean water requirements by moving X2 upstream. This was confirmed in the letter by the U.S. Environmental Protection Agency during the environmental processing for the BDCP. The DCP's impacts to fish in the northern Delta are one of the main reasons that the former BDCP project could not be permitted as a 50-year conservation plan, and it was ultimately abandoned and replaced by the California Water Fix which also failed and was later abandoned.

Water from SolAgra's proposed Sherman Island water processing and desalination plant is NOT vulnerable to drought or projected sea level rise. It will provide greater reliability to ensure more water and higher quality water than proposed by the DCP.

The SolAgra Water Solution can be built in less time and at less cost both financially and environmentally. (See attached Exhibit 2 for project specifics.)

The water quality in the Sacramento River at Sherman Island is similar to the water that could be drawn at Clarksburg by the DCP. The desalinated water produced by the Sherman Island Desalination Facility will be 99% pure and far superior to Sacramento River water. Therefore, the blended output from the Sherman Island Desalination Facility will exceed the water quality that can be sourced by the DCP from diversion of the Sacramento River at Clarksburg.

1. **The SWS provides a superior alternative to DCP. The comparisons are undeniable.** Since the beginning of construction of the State Water Project ("SWP") in the 1950s, California has relied upon high risk "serial engineering". Each new engineering solution attempts to remediate the disastrous conditions created by the previous "solution." This is also the case with the currently proposed DCP. The SWS will better restore Sacramento River flow pathways and volumes, resulting in significant benefits to native fish species and other wildlife in the Delta. It will also benefit fishermen, local residents and farmers. SWS would source the SWP's entitlement through intakes on Sherman Island using land that is already owned by the State of California.
2. SWS would increase the SWP's capabilities to export water to the rest of California. In fact, the SWS is the only alternative with the capability of generating up to **1 million acre-feet of "new" drinking water each year** by filtering and desalinating brackish water arriving on the tides from Suisun Bay. **The SWS provides this capability irrespective of drought conditions and sea level rise.**
3. SWS would employ a Public-Private partnership similar to the business structure that was used by our Joint Venture Partners, IDE Technologies to design and build the largest seawater desalination facility in the Western Hemisphere in Carlsbad, California – just north of San Diego. Desalinating brackish water from the southern tip of Sherman Island, with only 2-4% the salinity of seawater, can be up to 25 times more efficient and far less power intensive than desalinating 100% seawater as is being successfully done in Carlsbad, CA today.

The SWS would produce the same volume of water (2.4 Million AF/year) at Sherman Island than is currently pumped from the south Delta at the Banks Pumping Plant ("Banks") during a "normal-water year". However, our use of desalination produces higher quality water than is pumped at Banks. **This very high-quality water provides significant benefits to the State Water Contractors that purchase water from the State Water Project.** The water production and pumping to the SWP is accomplished using renewable energy. Banks currently uses 11 – 26,000 horsepower pumps to pump water from the Clifton Court Forebay up to Bethany Reservoir, where it enters the SWP. This is a vertical rise of 244 feet. The SWS would pump directly from Sherman Island to Bethany Reservoir using pressure created by the desalination plant to pump water to Bethany Reservoir, thereby bypassing Banks. This allows the current renewable WAPA power used at Banks to become available for other uses while Banks is on standby, and it makes Banks available for a better use.

In high-water years when water is plentiful and significant hydroelectric power is available to power Banks, that pumping plant would be used, as needed, to create surge pumping capacity that has never before existed. This accomplishes the "Big Gulp" aspired to in the BDCP/CWF and DCP, and it does so with renewable energy.

- The SWS would provide this increased surge capacity. This capacity combined with the prudent design and construction of additional high capacity "plumbing"

could move large quantities of water during the infrequent flood stages when reservoirs throughout the state are releasing water to avoid overtopping. This "Big Gulp" flow can be used to recharge aquifers and the excess stored in Tulare Lake for later redistribution to the San Joaquin Valley water districts. **The needs of the Central Valley Project ("CVP") can be addressed by this side of the equation.** This provides a complete, environmentally superior alternative to the DCP.

- The SWS would be powered by renewable energy from SolAgra's proposed Sherman Island Solar Power Plant. When required, that solar power could be augmented by wind power from the existing nearby Rio Vista wind farms. All power would be delivered via existing power corridors. No additional easements or rights of way would be required.

The SWS would create a dual-plant, interconnected water processing system on State-owned land at Sherman Island. Plant #1 filters and processes incoming fresh water from the Sacramento and San Joaquin rivers via multiple fish-screened intakes around Sherman Island. Plant #2 intakes brackish water through fish-screened intakes on Sherman Lake and Mayberry Slough and desalinates this brackish water very efficiently due to the low salinity (when compared to sea water). After processing, desalinated water from Plant 2 is blended with fresh, filtered water from Plant 1. The combining of fresh water with the treated and desalinated brackish water will replace the 2.4 million Acre-Feet/year of lower quality fresh water that is currently conveyed through the SWP in a "normal water year." The water produced at Sherman Island will be of higher quality than the water that is pumped from the Clifton Court Forebay in the south Delta via Banks because it will be **processed** at Sherman Island, not just screened and pumped. This means the State Water Contractors that receive the water from the SWP will receive higher quality water than they currently receive from Banks, OR they would receive from the DCP tunnel. **The SWS is the <u>ONLY</u> alternative that processes and desalinates the water before supplying it to the SWP.**

- The SWS can augment the low flow of fresh river water in years of reduced river flow due to drought or other issues. The output volume of the desalination plant can be increased to provide additional desalinated water to make up for reduced quantities of available fresh water caused by drought or sea level rise.
- The separation of processing functions into two discrete, but interconnected plants, allows both plants to operate at peak efficiency, while still accomplishing the end result of producing 2.4 Million Acre-Feet/year of fresh water for the SWP **irrespective of drought** conditions.

The new fresh water that is produced at Sherman Island will be pumped through a single, 28-foot ID pressure tunnel that is only 19 miles long (see Exhibit 2). This is far superior to the 40-foot tunnel that is 38.5 miles long proposed by the DCP.

Since the incoming water to Sherman Island will be fish-screened by long, low-velocity intakes via permeable levees as it enters the island, and it will be pressurized via the

filtration and desalination processes, it can completely bypass the Clifton Court Forebay and the Banks Pumping Plant. It can be pumped directly to Bethany Reservoir, where it will begin its gravity flow into the SWP's California Aqueduct.

The principle objectives and benefits of intake relocation to Sherman Island as proposed in the SWS:

- By placing the Banks Pumping Plant on standby, the 2.4 Million Acre-feet/year ("MAF") being drawn into the Banks' intakes would instead be permitted to once again flow completely through the Delta. This would restore natural flows as they occurred before the State Water Project began operations in 1960. After flowing completely through the Delta, 1.4 MAF is brought onto Sherman Island and added to 1.0 MAF of new desalinated water that is sourced from brackish water in Sherman Lake on the south end of Sherman Island. The additional 1.0 MAF of river-flow fresh water that is not brought onto Sherman Island continues its flow into the San Francisco Bay/Delta Estuary ("SFBDE"). This additional flow supports the retention of X2 at its historic range OR moves it further west. This improves water quality in the SFBDE and facilitates the recovery of natural breeding and feeding grounds for aquatic species of concern. This meets the recommendations for increased minimum Delta outflow that the EPA; State of the Estuary Report; State Water Resources Control Board and many other analyses have clearly shown are necessary to restore the Bay-Delta and its fisheries.
- Improves both in-Delta and export water quality, rather than improving export water quality at the expense of in-Delta water quality.
- The SWS tunnel passes near Los Vaqueros reservoir which would allow a portion of the new high-purity water to be stored in Los Vaqueros or distributed to water agencies in Contra Costa County, the Cities of Antioch, Pittsburg and to directly serve Zone 7 (Silicon Valley water agencies). This would provide badly needed new water supply to supplement the Contra Costa Canal that has limited water intake possibilities at Mallard Slough and Rock Slough with the increase in salinity along the Antioch/Pittsburg waterfront. These intakes are limited to a few months per year and without desalination they will become completely unusable with additional sea level rise that is occurring now.
- The high elevation of Las Vaqueros would also provide the opportunity for pumped hydro energy storage and power production that could additionally serve the Sherman Island desalination plant at night.
- Avoids significant impacts to the Sacramento Region, including North Delta communities, farmers, water supplies and flood control facilities.

The SolAgra Water Solution is a viable alternative which could accomplish a greater task in less time and at less cost than the DCP.

This new capability can be created by SolAgra using renewable energy, with no need to build additional fossil fuel power plants, nuclear plants, or to import "brown" power from

other states. The SolAgra philosophy is fully consistent with groundbreaking statewide efforts to reduce greenhouse gas emissions.

The power easements and water conveyance rights-of-way currently exist. No additional purchases of easements or rights-of-way are required. The State of California Department of Water Resources owns 8,776 acres on Sherman Island. This is much more land than needed for the facilities that are proposed by the SolAgra Water Solution. No additional land must be condemned or acquired. No Delta property owners must be displaced or have their lives and/or farming operations temporarily or permanently ruined.

The SolAgra Water Solution better restores Bay-Delta ecosystems than the alternatives to be studied in the DCP-EIR/S while exceeding the water quantities projected by the DCP with less cost, in less time and without environmental impact. This reduces or eliminates expensive environmental mitigation requirements. Under the SolAgra plan, Sherman Island can become the center of the "California Water Solution."

One of the benefits attributed to the BDCP and CWF were "improved reliability through redundancy". The twin tunnels were touted as having increased reliability due to the redundancy of two tunnels. The single tunnel configuration of the DCP has no such redundancy. The SolAgra Water Solution has the significant benefit that the existing water pathways through the Delta leading to the Clifton Court Forebay and the Banks Pumping Plants will remain in standby awaiting "Big Gulp" opportunities, but also providing reliability in the event of damage to the SWS tunnel from Sherman Island to Bethany Reservoir.

The SolAgra Water Solution would preserve natural river flows and maintain water quality in the Delta while simultaneously improving reliability of the water supply. It would also minimize or completely avoid many of the significant environmental impacts that will be identified in the DCP - EIR/S. The SWS is the drought-proof solution that has been desperately needed in California for more than 50 years. This Plan **IS** the necessary alternative to the "serial engineering" that has been plaguing California since the creation of the CVP and the SWP. The SWS is a practicable and superior alternative to the DCP. **It must be fully evaluated.**

We welcome the opportunity to discuss the SolAgra Water Solution in greater detail. We have all invested significant resources to find the best solution to California's longstanding water issues. California recently experienced the longest drought in its history. The minimal rainfall in the 2019-2020 winter may signal the beginning of another drought. With climate change exacerbating the long-term weather, it is essential that we find the most sustainable and best solutions to resolve California's water issues that have precipitated the California Water Wars for more than half a century.

Recent scientific studies published current research that show the western United States and particularly California may be entering a Mega-Drought that hasn't been seen in 400 years since a 28-year drought ended in 1603. The article may be accessed here.

No matter the outcome of the analysis of the DCP, it must be clearly understood by all parties that this project and similar projects that preceded it have one thing in common – they all propose to move existing water from north to south but they produce

NO NEW WATER!

Even in abundant rain and snow years in California, the reservoirs and the snowpack can only store so much water. The population of the State is exploding. More potable water is needed for people, agriculture, fish and wildlife. The only solution is to make more water. The Peripheral Canal, BDCP, CWF and now the DCP still produce

NO NEW WATER!

Even if the State elects to move forward with the DCP, the SolAgra Water Solution is the only solution that can produce up to One Million Acre-Feet of new water every year **irrespective of scientifically predicted drought**, climate change or other natural disasters and efficiently deliver that water to the State Water Project for distribution throughout the State.

Please let us know when we may schedule an appointment to discuss the benefits of the SolAgra Water Solution so that you may obtain the information needed to understand and adequately review this superior alternative to the DCP.

Sincerely,

Barry Sgarrella
Chief Executive Officer
SolAgra Corporation

SHERMAN ISLAND to BETHANY RESERVOIR

Water Tunnel Conveyance

From:	J. Scott Petersen
To:	DWR Delta Conveyance Scoping
Cc:	Federico Barajas; Rebecca R. Akroyd
Subject:	SLDMWA Comments on Delta Conveyance NOP
Date:	Friday, April 17, 2020 3:49:10 PM
Attachments:	20200417 LTR.SLDMWA to DWR re Delta Conveyance NOP.final.pdf

Good afternoon,

Attached to this email, please find comments from the San Luis & Delta-Mendota Water Authority related to the Notice of Preparation for the Delta Conveyance Project. Thank you for consideration of these comments.

If you have any questions or would like any additional information, please contact me at any time.

Best, Scott

_____

J. Scott Petersen, P.E.
Water Policy Director
San Luis & Delta-Mendota Water Authority
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San Luis & Delta-Mendota Water Authority
P.O. Box 2157
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Phone: (209) 826-9696
Fax: (209) 826-9698

April 17, 2020

VIA E-MAIL AND U.S. MAIL

Delta Conveyance Scoping Comments
Attn: Renee Rodriguez, Department of Water Resources
P.O. Box 942836
Sacramento, CA 94236
E-Mail: DeltaConveyanceScoping@water.ca.gov

Re: Notice of Preparation of Environmental Impact Report for the Delta Conveyance Project

Dear Ms. Rodriguez:

The San Luis & Delta-Mendota Water Authority ("Water Authority") appreciates the opportunity to provide comments in response to the Notice of Preparation ("NOP") of Environmental Impact Report ("EIR") for the Delta Conveyance Project ("Project"). The Water Authority is a joint powers authority that is comprised of 28 member agencies, 25 of which contract with the United States Department of the Interior, Bureau of Reclamation ("Reclamation"), for the delivery of water from the federal Central Valley Project ("CVP").

Most of the Water Authority's member agencies depend upon the CVP as their principal source of water. The Water Authority's member agencies provide CVP water for diverse uses throughout San Joaquin, Stanislaus, Merced, Fresno, Kings, San Benito, and Santa Clara Counties. Its member agencies supply water to meet the needs of approximately 1.2 million acres of farmland, approximately 2 million California residents, and millions of waterfowl that depend upon nearly 200,000 acres of managed wetlands. In terms of water, the Water Authority's members have contractual entitlements for approximately 3.3 million acre-feet of water per year, including approximately 2.8 million acre-feet for agriculture, approximately 150-200,000 acre-feet for municipal and industrial uses, and approximately 350,000 acre-feet for wildlife refuges.

Most of the water supplied to the Water Authority's member agencies is pumped from the Sacramento-San Joaquin Rivers Delta ("Delta") through the C.W. "Bill" Jones Pumping Plant. The members of the Water Authority depend on water conveyed through and then pumped from the Delta for their CVP supply, and therefore have an interest in any activities, regulations, or projects that may affect the Delta.

There is an obvious potential for the proposed Delta Conveyance Project to affect the Delta and operations of the CVP. It is therefore imperative that the environmental analysis of the proposed Project be accurate and thorough, notwithstanding the challenges associated with analyzing the impacts of the Project when its full scope has not been finalized. The Water Authority is hopeful that the following comments can assist the Department of Water Resources ("DWR") in preparing the EIR for the Project in compliance with the California Environmental Quality Act, Public Resources Code section 21000 et seq. ("CEQA"). Our specific comments in response to the NOP are below.

1. Proposed Delta Conveyance Project Description

Purpose and Project Objectives

The Water Authority supports the Proposed Project objectives, including (1) addressing anticipated sea level rise and reasonably foreseeable consequences of climate change and variable hydrology, (2) minimizing reduction of south-of-Delta water deliveries resulting from natural disasters, (3) protecting the ability of south-of-Delta water deliveries to CVP and SWP contractors consistent with legal and contractual requirements, and (4) providing operational flexibility to improve aquatic conditions in the Delta and improve the reliability of water supply deliveries to Water Authority member agencies.

2. Project Area

The operations of the Proposed Project have significant potential to influence the reliability of water supply deliveries from the CVP to Water Authority member agencies. The description of the Project Area in the NOP indicates that "potentially, South-of-Delta CVP Service Areas" will be included. The Proposed Project could cause impacts within Water Authority member agency service areas and therefore those areas must be (as opposed to "potentially") included within the Project Area.

3. Alternatives

The EIR must include the operations reflected in the February 19, 2020, Record of Decision issued by Reclamation for the long-term operation of the Central Valley Project and State Water Project.

Additionally, because the Water Authority's member agencies receive supplies from the CVP, we request that DWR evaluate the full range of conveyance alternatives that meet the Proposed Project objectives, including cost-effective tunnel sizes and operations up to a 7,500 cfs capacity, single-tunnel alternative, canal options, and full involvement of the CVP.

4. Potential Environmental Effects

The Water Authority requests that DWR analyze the impacts of the proposed project on (1) the operations of Jones Pumping Plant and (2) the storage levels in San Luis Reservoir.

Water Authority member agencies are reliant on the operations of Jones Pumping Plant to provide water supplies for communities, ecosystems, and the economic activity within their respective service areas. The Proposed Project could impact coordinated operations of the Central Valley Project and State Water Project, including the operations of Jones Pumping Plant, and have environmental effects on the CVP service area. The environmental effects of the Proposed Project on the CVP service area, including the service area of Water Authority member agencies, must be analyzed and mitigated.

Reclamation is currently considering a project to address the San Luis Reservoir low point issue that negatively impacts Authority member agencies CVP supplies in dry years and the Proposed Project is likely to have impacts on San Luis Reservoir storage levels. When San Luis Reservoir is drawn down too low, the reliability and water quality of deliveries to the CVP San Felipe Division are adversely affected. Deliveries to the San Felipe Division may be severely or completely interrupted when storage levels are drawn down below 300,000 af. While Reclamation and the State are actively working on a long-term solution to the low point problem, we request that the EIR provide a detailed description of the existing San Luis Reservoir low point issue, and operational protocols designed to minimize low point conditions. The EIR should also provide analysis and detail on the impacts of the action alternatives on storage levels, and on Authority member agency water supplies due to low point and other foreseeable conditions in San Luis Reservoir, including implications of the operations of the Proposed Project on the federal-state share of storage in San Luis Reservoir taking into account the Coordinated Operation Agreement.

5. Additional Background Information

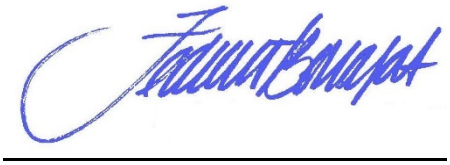
The Water Authority appreciates the provision of additional background information in the NOP. Specifically, we appreciate the NOP's acknowledgment that "the proposed project has been informed by past efforts . . . including those undertaken through the Bay Delta Conservation Plan (BDCP)/California WaterFix." We understand that the current planning effort will use information gleaned through previous planning efforts, and look forward to a clear and common understanding of the relationship between the various planning efforts.

Conclusion

Thank you for this opportunity to submit these comments. The Water Authority is hopeful that DWR will prepare a EIR that informs the public and decision makers and looks forward to reviewing the EIR once it is completed.

The Water Authority requests that it be added to the notification and distribution lists for all Project CEQA notices, public meeting notices, and public hearing notices as permitted under CEQA and the Ralph M. Brown Act. Please direct all such notices to Scott Petersen, Water Policy Director, at scott.petersen@sldmwa.org or via mail at the mailing address above.

Regards,



Federico Barajas, Executive Director
San Luis & Delta-Mendota Water Authority

From: Elsa Rose
To: DWR Delta Conveyance Scoping
Subject: Single Tunnel
Date: Tuesday, April 14, 2020 12:06:46 PM

I live in Discovery Bay on Cherry Hills Dr. and I'm very concerned about how the plans for the Tunnel and the location of the Bryon Tract Maintenance shaft will affect our area. We purchased our home because we enjoy the peace and quiet and the beauty of the Marina. Please take into consideration how this will affect the people who live here. The Waterfix plan was better with the Tunnel route going south of Beacon Island with the shaft on Victoria island.

Sincerely,

Elsa Rose

From: Roger Marks
To: DWR Delta Conveyance Scoping
Subject: Single tunnel
Date: Tuesday, April 14, 2020 12:16:19 PM

I vote no on tunnel project.

Sent from Rogers iPhone

From: Marie Grant
To: DWR Delta Conveyance Scoping
Subject: Single Tunnel
Date: Thursday, April 16, 2020 1:42:14 PM

This project has not displayed a conformity to all, ALL, all the rules and regulations for reporting and studying the potential effects on the San Francisco Bay and Delta. It has not really examined and reported on the probable effect on wildlife, endangered species, wetlands, fish and all the others including HUMAN BEINGS who can only flourish with adequate water. Stop this fraudulent water grab. Stop rationalizing the taking of water from the Sacramento River for the benefit of rich pecan growers.
Marie Grant
Discovery Bay

From:	Anne Hoagland
To:	DWR Delta Conveyance Scoping; Lyster, Stefanie
Subject:	FW: Error in DCP Scoping Comments (Filing Mistake-Cover Accidentally Omitted)
Date:	Monday, April 20, 2020 12:23:50 PM
Attachments:	1. DCP COMMENTS - Final 4-17-20 DA.docx Rep. Garamendi - Public Scoping Comment on Delta Tunnel 3-20-20.docx

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From: Abelson Family <abelsonfamily@comcast.net>
Date: Monday, April 20, 2020 at 12:18 PM
To: "secretary@resources.ca.gov" <secretary@resources.ca.gov>, "deltaconveyance@water.ca.gov" <deltaconveyance@water.ca.gov>
Cc: "Abelson, David" <abelsonfamily@comcast.net>
Subject: Error in DCP Scoping Comments (Filing Mistake-Cover Accidentally Omitted)

To Whom It May Concern:

I filed Scoping Comments on the Delta Conveyance Project with DWR on Friday, April 17, 2020 at 4:23 PM (16:23:05). **Attachment 1 to that filing erroneously omitted the formal Cover Page. That error has now been corrected in Attachment 1 to this email.** No other changes have been made to Attachment 1.

Please replace the erroneous Attachment 1, submitted last Friday, with the correct Attachment 1 to this email.
(Note: **Attachment 2** has not changed in anyway, but is included with this message for the convenience of reviewers.)

Thank you for your help and understanding on this matter. David Abelson (916-446-6178).
P.S. Below are two email messages documenting the timely filing and receipt of my Scoping Comments last Friday.

———

As you can see from the two email messages below, my submittal entitled "**Re: DCP Scoping Comment - West Side Alternative**" was sent to DWR (and others) in a timely on 4/17/2020 [at] 16:23:05." This submittal was accepted by DWR in a timely manner as reflected in its "**Automatic reply: Scoping Comment for the Delta Conveyance Project (DCP)**" email message Friday, 4/17 2020 at 4:23 PM. Thanks again for your help on this matter. David

Automatic reply: Scoping Comments for the Delta Conveyance Project (DCP)
On 4/17/2020 4:23 PM, DWR Delta Conveyance Scoping wrote:

> Your email has been received. Thank you for participating in the Delta Conveyance Project public scoping process. If your email included a request or query, we will get back to you shortly.

Scoping Comments for the Delta Conveyance Project (DCA)
DWR Delta Conveyance Scoping <DeltaConveyanceScoping@water.ca.gov>
Subject: Scoping Comments for the Delta Conveyance Project (DCP)
Date:Fri, 17 Apr 2020 16:23:05 -0700
From: Abelson Family <abelsonfamily@comcast.net>
To: DeltaConveyanceScoping@water.ca.gov, Wade Crowfoot <secretary@resources.ca.gov>, Janiene Friend <Janiene.Friend@water.ca.gov>, Karla Nemeth <Karla.Nemeth@water.ca.gov>
CC: Iain Hart <Iain.Hart@mail.house.gov>, Barbara Barrigan-Paralla <barbara@Restorethedelta.org>, Obegi, Doug <dobegi@nrdc.org>, abelsonfamily@comcast.net <abelsonfamily@comcast.net>, John Garamendi <John.Garamendi@mail.house.gov>

These comments concern the scope and alternatives proposed for the Delta Conveyance Project (DCP). The comments are being submitted via email in accordance with the California Department of Water Resources (DWR) "Notice of Preparation of an Environmental Impact Report," issued on January 15, 2020, as modified by the March 17th "Update" extending the comment period to April 17, 2020.

These scoping comments strongly urge DWR to consider one or more "west-side" corridors for the proposed project. Specifically, the comments in Attachment 1 recommend that the Draft Environmental Impact Report identify and carefully assess the west-side "Fremont Wier/Yolo Bypass" alternative. Additional support for a west-side alternative is reflected in Attachment 2, from Congressman John Garamendi.

Thank you for your attention to these submittals.
David Abelson (916-446-6178)

DWR "Delta Conveyance Project"
Scoping Comments – Proposed Alternative

"YOLO BYPASS/FREMONT WEIR PROPOSAL"
A UNIQUE WATER CONVEYANCE ALTERNATIVE

(April 17, 2020)

Submitted By: David Abelson, Environmental Law Attorney
Emailed To: California Department of Water Resources
DeltaConveyanceScoping@water.ca.gov

cc *via* Email To: Wade Crowfoot, Secretary, Natural Resources Agency
mailto:secretary@resources.ca.gov Wade.Crowfoot@resources.ca.gov

cc *via* Email To: Karla Nemeth, Director, Ca. Dept. of Water Resources
Karla.Nemeth@water.ca.gov

Contact Information:
David Abelson, Sacramento
abelsonfamily@comcast.net
(916) 446 – 6178

April 17, 2020

Topic: Delta Conveyance Project/Scoping Comments
Submitted By: David Abelson, Environmental Law Attorney
Submitted via Email To: DWR (Dept. of Water Resources)
DeltaConveyanceScoping@water.ca.gov

Email cc : Karla Nemeth, Director, Ca. Dept. of Water Resources
Email cc: Wade Crowfoot, Secretary, Natural Resources Agency

Re: DCP Scoping Comments – West-Side Alternative

These comments are submitted pursuant to the Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the Delta Conveyance Project (DCP), issued by the California Department of Water Resources (DWR) on January 15, 2020, as modified by the March 17th "Update" extending the comment period to April 17, 2020.

I. The CEQA Scoping Process and Alternatives Mandate

The California Environmental Quality Act (CEQA) requires project proponents to consider "a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation." In the "Alternatives" section of its NOP, DWR states that "the scoping process [for the DCP] will inform the preliminary **locations, corridors**, capacities and operations of new conveyance facilities to be evaluated in the EIR." The department also says that it will "make its final choice of potentially feasible alternatives to include in the Draft EIR after receipt of scoping comments." (See NOP at p. 9)

In accordance with these statements, and the legal requirements pertaining to alternatives, it is imperative that DWR include in its Draft EIR an assessment of **potentially feasible "west-side" or "western route" locations and corridors**, specifically the "***Fremont Weir/Yolo Bypass Alternative,***" described herein.

II. Current Delta Conveyance Problems and DWR's Proposed "East-Side" Solution

A. Current Delta Conveyance Problems

The primary goal of the proposed DCP is to ensure that a ***reliable supply of high-quality fresh water*** is available for export to existing end-user south of the Sacramento/San Joaquin Delta (delta). These exports provide water needed for irrigated agriculture, drinking water for millions of Californians, and numerous other beneficial uses.

To achieve this goal, the DCP seeks to address a number of serious problems caused by the existing "through-delta" water conveyance system. Two of the most pressing problems

are: (1) water supply risks associated with mandated south-delta ***pumping restrictions*** that are required by law to protect threatened or endangered species (e.g. delta smelt and pacific salmon); and (2) water quality risks associated with **potential salinity intrusion** caused by weak levees, rising sea levels and/or regional earthquakes.

B. The Proposed "East-Side" Solution

Like numerous other proposals before it, the DCP seeks to address the twin concerns about water quality and water quantity by constructing an isolated conveyance system that skirts through or around the east-side of the Delta and then connects to the export facilities located near Tracy. As currently proposed the DCP would consist of up to three water diversion intakes and a single large conveyance tunnel sized to transport up to 7,000 cfs of water.

The proposed intakes and entrance to the tunnel would be located on the Sacramento River, up-stream from the central delta, near the north delta town of Hood. The tunnel would extend for approximately 40 miles to the south, conveying water beneath farmlands and small communities lying east of the delta. The tunnel would terminate at the existing water export facilities located near the south delta city of Tracy.

By removing and isolating the water transport system from the delta itself, the east-side project seeks to obtain a more reliable quantity of water for export. To achieve this goal, the proposed relocation may reduce some of the on-going damage to endangered fish specifies now caused by the existing pumps that are withdrawing large amounts of water directly from the south delta.

In addition, by removing the water transfer system from the delta itself, the DCP seeks to reduce the risks to water quality now posed by a combination of weak levees, rising sea levels and a large regional earthquake. Constructing an isolated conveyance tunnel deep underground may be one way to address such water quality concerns, but it is certainly not the only way.

III. Building A Better Mousetrap: The West-Side/Yolo Causeway Alternative

A. Introduction

Question: What should DWR do if it receives thoughtful scoping comments that identify one or more "potentially feasible" west-side alternatives to the proposed tunnel project, particularly if such alternatives could (1) achieve the twin goals of ***better water quality*** *and* ***more reliable water quantity***; (2) provide ***far greater environmental benefits***; and (3) cause ***far fewer adverse environmental and social impacts?***

Answer: To comply with CEQA's scoping and alternatives requirements, DWR should place such potentially feasible west-side alternatives into its draft EIR, thereby providing a

meaningful opportunity for the thorough and thoughtful review needed to "foster informed decision making and public participation."

B. The Proposed West-Side "Fremont Weir/Yolo Bypass" Alternative

These scoping comments request that DWR broaden the scope of its EIR to include a west-side "***Fremont Weir/Yolo Bypass Alternative,***" as presented in further detail below.

1. Initial Assumptions and Goals

Before describing the west-side Fremont Weir/Yolo Bypass (FW/YB) alternative, it is important to emphasize that this proposal is not intended to answer the imponderably complex question of "how much fresh water can or should be diverted from one watershed to another?"

Rather, this west-side alternative accepts the fact that some amount of water has been and will continue to be transferred from the Sacramento River watershed to regions south of delta. Thus, the relevant question becomes "how can such water transfers be accomplished in the most natural and least destructive way possible?"

2. Proposing Yet Another Highly-Engineered Concrete Channel Is Not The Right Answer

It's been well over half a century since voters first approved the sale of bonds to build the State Water Project (1960). For the past six decades, water planners and engineers have proposed to build various types of physical structures designed to move fresh water from the Sacramento River in the north, through and/or around the Delta, and on to various destinations south of there.

These physical structures have gone by many different names, including the "Delta Transfer Facility," the "Peripheral Canal," the "Cal/Fed Project," the "Bay Conservation and Development Project (BDCP)," the "Water Fix," the "Twin Tunnels," and now the "Delta Conveyance Project (DCP)."

What all of these proposals have in common is one important characteristic -- they each rely primarily on brick and mortar structures designed and engineered to *mechanistically* isolate, divert and then transfer Sacramento River water from its natural channels to other locations outside of the watershed.

It has been said that the very definition of "insanity" is doing the same thing over and over again, and expecting a different result. So what does DWR have to lose by seriously considering a very different kind of approach to the problem? Absolutely nothing! So please read on with an open mind.

C. The Yolo Bypass -- An Outstanding Alternative Hiding In Plain Site

The west-side Fremont Weir/Yolo Bypass alternative asks everyone to step back from the mechanical engineering approach to solving the delta protection/water export conundrum.

Remember, regardless of its various names, these mechanical engineering approaches have produced absolutely no positive results for more than half a century.

Instead, try to envision what might happen if a natural river system were allowed to accomplish most of work needed to provide (1) a reliable quantity and quality of fresh water for export; (2) a return of the lower Sacramento Valley watershed to its more natural state; and (3) substantial mitigation for any significant adverse impacts that remain.

1. Description of the West-Side Project's Key Features

To achieve the water quality and quantity goals listed above, the west-side alternative would allow fresh water to flow naturally into and downstream through the Yolo Bypass, commencing at the Fremont Weir (near Knight's Landing) and exiting through an appropriately sized "toe drain" or "glory hole" (located near Rio Vista.) From there, the authorized amount of fresh water would be transferred southeast to the export facilities located near Tracy, via a relatively short tunnel and/or other conveyance structure. Here are the key features of this alternative:

(a) Multiple Points of Entry

Water intended for export would flow into the Yolo Bypass from multiple points of entry, beginning at the **Fremont Weir** and/or the **Sacramento Bypass Wildlife Area**, and perhaps including other downstream points of entry such as the **Deep Water Ship Channel** near West Sacramento.

The **Sacramento Weir** Releasing Flood Waters Into The Yolo Bypass
(February 2017)

There are numerous potential benefits from such multiple points of entry, including the following:

(i) *Greater Operational Flexibility* - First, multiple points of entry located far apart from each other, allow for much greater operational flexibility regarding when, where and how water enters the Bypass at any given location. Such operational flexibility will provide important environmental benefits, such as providing more options for ongoing salmonid restoration efforts.

[Please see this 2019 Video about the Fremont Weir Adult Fish Passage Project]
https://www.youtube.com/watch?v=WtEpdaE8HMY&feature=youtu.be&t=54

(ii) *Better Water Quality Assurances* - Enhanced water quality assurances are yet another major benefit of these upstream entry points. Two of the three locations are situated well above the urban and industrial development in Sacramento. Thus, there is little or no chance of these water supplies becoming directly contaminated by toxic waste, untreated sewage, or other dangerous discharges cause by a catastrophic urban event downstream (e.g. an industrial plant explosion, an inoperable sewage system, etc.)

In addition, any adverse water quality impacts caused by poisonous discharges entering the Sacramento River below the upper two weirs, but above the third point of entry to the Bypass (e.g. the Deep Water Ship Channel), could be mitigated by simply closing-off the third entry point, thereby preventing the contaminated water from damaging the water quality of the other two fresh water sources.

Finally, even water contamination occurring below the third point of entry would not degrade the other two sources of clean water, because these other sources would no longer be forced to commingle with the degraded water at a single point of export, such as the DCP's proposed tunnel near Hood.

(iii) *Safer Spawning Locations for Delta Smelt* - Third, all of these proposed points of entry are located far enough upstream to eliminate any possible danger to smelt attempting to spawn in the north delta, where the DCP now proposes to install three large water diversion intakes.

(b) A Natural Riverine Transport Corridor

Upon entering the Yolo Bypass, water will be transported south *via a natural, surface-level riverine corridor,* propelled by *gravity.* As proposed, the water passing downstream along this surface corridor would not be hidden in a deeply buried underground tunnel, nor would it be confined to a man-made concrete canal or engineered "straight jacket" of narrow levees. Rather, it would be allowed to carve out a natural meandering streambed all the way down to the point of export near Rio Vista. This has numerous benefits, including the following:

(i) *Elimination of Virtually All Significant Adverse Impacts On The East-Side:*

The DCP proposes to build an enormous 40 mile tunnel along the east-side of the Sacramento River. The significant adverse environmental, social and economic impacts of this project on the small delta communities and rich farmlands located near this east-side corridor are incalculable. Moreover it is virtually certain that many of these adverse impacts cannot be mitigated to the level of insignificance, as required by CEQA.

However, virtually all of these significant adverse impacts will be eliminated if the location of the water transport system is **removed entirely** from the east-side corridor and relocated to the west-side Yolo Bypass corridor instead.

(ii) *The Potential for Significant Environmental Enhancements and Restoration:*

Since the gold rush in 1849, California has lost more than 90% of its natural wetlands and native riparian habitat. The proposed alternative of a west-side surface river transport system through the Yolo Bypass will cause little, if any, additional harm to the natural environment. To the contrary, this natural riverine system will significantly aid in restoring much of the riparian habitat that existed in the floodplain before the Sacramento River was narrowly channelized in the late 19th century (to scour out hydraulic mine tailings.)

(iii) *A Substantial Reduction in Total Project Costs and Construction Delays*

By relocating the DCP from the east-side corridor to the west-side corridor, and by relying more on a gravity-driven surface transport system rather than a concrete tunnel from beginning to end, the total capital and operational costs of this project should drop substantially.

Why are these costs likely to drop? Here are four obvious reasons: (1) the capital costs of three large diversion intakes and related fish screens would be eliminated; (2) the capital costs of a much longer concrete tunnel will be reduced; (3) the operation and maintenance costs for a far smaller and simpler project will be lessened; (4) the extensive delays resulting from massive east-side community opposition and protracted litigation will be reduced; and (5) the probability of ultimately prevailing in the courts will be enhanced.

(c) <u>Extraction Options At The Southern End of The Bypass</u>

Water flowing down the Yolo Bypass is currently drained through a southern riparian channel known quite simply as the "Toe Drain." This is one way to extract water from the Bypass for transfer to the export facilities near Tracy.

Another stationary export option might be a so-called "glory hole," such as the one in operation at Lake Berryessa. Located near the Monticello dam, this spillway consists of a single, vertical, bell-shaped extraction portal that drops water 200 feet straight down, for release into Putah Creek at the base of the dam. The pipe has an intake diameter of 72 feet, which shrinks down to about 28 feet at its base. This spillway has a maximum capacity of 48,000 cfs, and operates whenever there is excess water in the reservoir. Below is a photo of the drain in operation following heavy rains that occurred in February 2017.

The "Glory Hole" at Lake Berryessa, February 2017

(i) *Environmental Benefits*: Removing fresh water supplies from the Bypass via this kind of gravity-driven downward draining device would eliminate the need for massive lateral drain intakes, which can cause extensive damage to aquatic eco-systems through entrainment and impingement of food-chain organisms and native fish.

(ii) *Economic Benefits*: The capital costs of three large lateral intakes would be eliminated, along with the operational and maintenance costs of such intakes. In addition, electricity could actually be generated at the export site, helping to offset any costs associated with pumping the water to its final destination, described below.

(d) A Transport System To Convey The Water to Export Facilities Near Tracy

The last leg of the journey is a transport system that can move water to the export facilities near Tracy. This transport process can be accomplished in several different ways, including pressurized pipes and/or a relatively short tunnel structure underneath the delta.

IV. Conclusion

Any effort to modernize the Delta water system, as directed in the Governor Newsom's executive order, must include an honest and complete study of the west-side conveyance corridor. Consistent with the requirements of CEQA, I urge you to thoroughly evaluate the pros and cons of one or more west-side alternatives in both the draft and final environmental impact reports for the DCP. Thank you.

David F. Abelson
David F. Abelson, Environmental Law Attorney, Retired
Past Executive Director of the Planning & Conservation League

See Also:

1. Congressman John Garamendi's West-Side Scoping Letters (dated 3-20-20 and 2-15-20): **Attached**.

2. Congressman John Garamendi's Public DCP Scoping Statement (dated 3-20-20): **Link**
https://garamendi.house.gov/media/press-releases/garamendi-urges-california-consider-western-route-delta-conveyance

3. Rep. Garamendi's West-Side Route Plan ("Water Plan for All of California," pp.7-10, 2015): **Link**
https://garamendi.house.gov/sites/garamendi.house.gov/files/Little%20Sip%20Version%208_compressed.pdf

From:	S. Dean Ruiz
To:	DWR Delta Conveyance Scoping
Cc:	Julie Smith
Subject:	SDWA and CDWA main comments
Date:	Friday, April 17, 2020 3:30:44 PM
Attachments:	JH SDWACDWA Comments.pdf

Please see the attached comment letter. The attachments related to same were sent by my assistant earlier this afternoon.

Thank you,

S. Dean Ruiz, Esq.
Mohan Harris & Ruiz LLP
Attorneys at Law
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Stockton, CA 95219
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CENTRAL DELTA WASTER AGENCY AND SOUTH DELTA WATER AGENCY SUPPLEMENTAL COMMENTS TO DELTA CONVEYANCE PROJECT NOP.

CURRENT DWR MODELING IS NOT THE BEST SCIENCE AVAILABLE.

Previous DWR modeling and analysis done for the WaterFix project revealed a number of inadequacies associated with that effort. The modeling for the Delta Conveyance should not repeat those problems. The inadequacies include, (a) averaging model results, (b) failure to analyze actual impacts associated with model outputs, (c) failure to predict how modeling outputs will affect actual water quality and (d) not using up-to-date channel geometry in the models. All of these issues can be avoided. Failure to correct these problems will necessarily mean the eventual EIR/S will not contain the best science available.

AVERAGING OF MODELING RESULTS IN INAPPROPRIATE

In the WaterFix environmental documents as well as the evidence presented by DWR and USBR during the Water Fix hearing before the State Water Resources Control Board, DWR modeled (among other things) a "with project" and a "without project" and then compared the two results. Instead of comparing the specific modeling outputs, DWR averaged monthly outputs for each of the years modeled and then compared similar averaging from the other scenario. DWR's analysis modeled thirteen years, then averaged all the data for each month, and then compared the two scenarios' monthly averaged results. Whether such averaging of model outputs is ever appropriate, it is especially inappropriate when trying to estimate a project's impacts on water quality in the Delta.

Per the testimony given by SDWA's expert witness Tom Burke, PE., at the WaterFix hearings, the averaging of thirteen years of model outputs smooths out the extremes in the outputs such that large and persistent changes in the outputs do not appear. Thus if the model estimates a large decrease in salinity in one month of one year, but also a small decrease or small increase in another year for the same month, the average of those numbers ends up hiding the large increase. [Attached hereto are all documents referenced in these comments.]

DWR's averaged outputs showed small or little changes between the two scenarios. However, Mr. Burke, using DWR's model outputs presented the complete data for each month of each year without using averaged data. The differences between his presentation and that of DWR's was marked. Instead of there being little or no difference between the with and without project scenarios as presented by DWR, there suddenly appeared to be multi month-long time frames of significant changes in salinity under the with project scenario as compared to the without project. This clearly showed that while DWR concluded there were only small or insignificant changes in salinity due to the project, in actual fact, their model outputs showed significant changes in salinity. The averaging of the data hides the real model outputs and prevents the public from seeing the actual (estimated) impacts of the proposed project.

DWR argued that its model (specifically DSM2) should not be used to look at or analyze short periods of time and so the averaging is necessary. That assertion is false for a number of reasons, the first of which leads to the second modeling error.

DWR MODELING ANALYSIS DOES NOT ACTUALLY EXAMINE IMPACTS.

In the WaterFix hearing DWR used its averaged model outputs and compared them to the various water quality standards in the Delta. With regard to salinity changes estimated to occur in the areas where the southern Delta salinity standards apply, DWR concluded that the estimated changes in salinity, being so small, would not cause any violations of the standards. In addition, DWR and USBR claimed to operated their projects such that all Delta standards would be met. Leaving the latter until later herein, the former is irrelevant.

Per the uncontroverted testimony of Terry Prichard and Dr. Michelle Leinfelder-Miles given at the WaterFix hearings, comparing changes in the salinity of the water in the Delta channels is only the first part of an analysis to determine if any such changes cause adverse impacts (and the degree of impacts) to agricultural crops. Although the SWRCB has adopted specific water quality standards to protect southern Delta agricultural beneficial uses (measured by "electro-conductivity or "EC"), those standards are of course not the only or even the best way to measure specific impacts of a proposed project. The SWRCB process to develop standards purportedly looks at what is needed to protect the subject beneficial and not to prevent all harm to that use. In addition, the process takes into account other factors which might result in a less protective standard from being adopted. The water quality standards are not a scientific determination of a threshold below which no damage occurs and above which damage does occur. They are instead are a regulatory mandate to provide some level of protection to beneficial uses. CEQA requires an examination of effects and impacts, not just a comparison of impacts to standards.

Per Mr. Prichard, and Dr. Leinfelder-Miles, the accepted science dealing with how salinity might affect agricultural crops is an examination of average seasonal (or yearly) ***soil salinity***; impacts are not determined by examining averaged changes in the applied water salinity (in this case the Delta channel salinity). The correct analysis was not done by DWR or USBR in their various analyses in the WaterFix documents or in their evidence and testimony presented at the hearings. The accepted science has developed crop specific soil salinity thresholds which if exceeded will impair or result in harm to the plant/crop. The laboratory experiments from which these thresholds are derived look at how a certain amount of applied water of a certain salinity will allow the salts in the soil to adequately leach or if the salts will accumulate to the point where they exceed the threshold (beyond which crop damage occurs). The salinity of the applied water can be used to ***roughly estimate*** if salts accumulate in the soil (to the point where damage to the crop occurs) but only if the actual soil (being farmed) is similar to the conditions in the laboratory. The laboratory typically uses sand for the test while southern Delta soils are a mix of many types, some being massive. The more massive soils do not allow water to pass though very easily and thus any laboratory results based on sandy soils may be irrelevant to the real conditions in the southern Delta.

Thus, when DWR's modeling indicates any particular increase in salinity under the with project scenario, they must then determine how this increase affects the soil salinity in the subject farmland soils or their analysis is incomplete. Because DWR failed to do this last and most significant step, its conclusions are meaningless. Here, DWR needs to determine how modeled changes in channel water salinity might affect farmland soil salinity. A complete scientific analysis would need to determine if a 100 EC increase in applied water salinity will affect the soil salinity of the lands that use that water. Dr. Leinfelder-Miles also presented evidence of a soil salinity study she conducted which showed how certain areas within the southern Delta were not adequately leaching and thus the soil salinity was increasing, even when the applied water salinity did not exceed the standard. If the project causes an increase in applied water salinity which increases soil salinity that impact needs to be identified and quantified. That impact is entirely independent of how a change in Delta water quality compares to a standard.

Mr. Prichard and Dr. Lenifelder-Miles also testified that in addition to the effects of increased soil salinity during the growing season, high salinity in the applied water at a particular time could itself inhibit and/or damage certain seedling crops, even if the seasonal soil salinity was below the threshold. Because of this, each month's modeling data (not averaged data) is important in estimating if crop damage is expected to occur. By using the averaged data, DWR ignored any method of estimating how short term changes in salinity may or may not cause harm.

When DWR concluded that (again for example) a 100 EC increase does not result in a violation of the standard therefore the 100 EC change will not result in any adverse impacts to farmers, that conclusion was demonstratively false. If the 100 EC increase is within the area for which inadequate leaching is occurring and salts are already accumulating in the soil, the 100 EC increase will necessarily be compounding the salt problem and likely causing damage. [Although increased salt in the soil is in and of itself a damage, the yield from any crop in any particular year depends on many factors.] Unless DWR examines how and change in EC actually affects the soil salinity in lands which use the channel water (worsened by their project), they are not using the best available science but are using only part of the science.

DWR'S MODELING DOES NOT IDENTIFY ACTUAL CHANGES IN WATER QUALITY

Previous DWR modeling efforts typically assert that the DSM2 model does not predict actual conditions, rather it is used to compare different scenarios in order to estimate the effects of a proposed project. Although this may be generally true in some cases, it is not true in all cases and it reveals another fault in the environmental analysis being done.

DWR's assertion in the WaterFix analysis was that the with project scenario (using averages of model impacts) did not result in any exceedences of the southern Delta salinity standards. However, if the modeling can only be used in a comparative analysis, and not to estimate actual water quality resulting from the project, then one cannot make any conclusions about the project's effects on the beneficial users of Delta water. DWR's logic is that it cannot predict actual conditions but can only show a change in conditions. No conclusions can be drawn as to the effects of a project unless the change in conditions is somehow applied to the real

world. If for example the model shows that the increase in salinity is only 50 EC, how can one determine if that amount of increase results in an exceedence of the standard or not? A 50 EC increase over an "existing" EC of 100 may not result in an exceedence of the 700 (or 1000) EC standard. However, if the 50 EC increase occurs when the "existing" water quality is 680 EC, then the 50 EC increase will indeed cause an exceedence. Recall, such exceedences are the criteria DWR used in the WaterFIx hearing to make conclusions about harm or damage.

As above, the question is actually not how a change affects the meeting of a standard, rather the question is how a change affects a water user. If the 50 EC increase results in the season's average soil salinity exceeding the threshold for that crop, then it is certainly an adverse impact caused by the proposed project. DWR's logic falls apart unless the model outputs can actually be applied to real circumstances regardless of whether an impact is measured by exceedence of a standard or the effect on soil salinity.

In fact DWR does use the DSM2 model to predict actual water quality. As presented at the WaterFix hearings, DWR performs modeling during times of Joint Point of Diversion ("POD") in order to comply with its permit conditions for that type of operations. Their modeling estimates whether or not the POD will adversely affect water quality or stage. Again, predicting a change without comparing how that change relates to existing water quality or stage would be useless. Because it is supposed to estimate if the POD will cause harm to water quality or stage, DWR also includes in its POD modeling results the actual water quality and stage. Thus, one can look at the modeling which (for example) shows a 100 EC change and then look at the actual EC to estimate how that change relates to actual conditions. This is what DWR must do for the subject CEQA analysis. Modeled outputs must be compared to the actual conditions for the years modeled. In that way the public can see if any increase in salinity is occurring at a time when water quality is already bad and see just how accurate the model is at predicting actual conditions.

It is interesting to note that per those POD modeling results, the DSM2 model sometimes accurately tracks actual water quality but regularly misrepresents actual water quality. Because the model is not always accurately predicting actual water quality, we confirm that only showing modeled differences between two scenarios yields no useful information.

If one cannot match a modeled change in EC to what the actual EC will be, one can never determine if the change is causing impacts. Thus any analysis by DWR which does not match estimated changes in water quality to actual conditions is not an adequate analysis and certainly not the best available science. This leads us to the next problem with DWR modeling.

DWR'S MODEL DOES CONTAIN ACCURATE, UP TO DATE INFORMATION

As described above, the DSM2 model does not always accurately predict actual water quality conditions in the southern Delta channels. SDWA testimony and evidence presented at the WaterFix hearings showed that DSM2 has as its inputs for channel geometry, data which is at least 5 years old and some that is over 20 years old. Since that data was accumulated, siltation has occurred in the southern Delta channels which has significantly altered channel geometry.

SDWA performed channel soundings to determine what the actual channel geometry was in various areas. That new data revealed the inaccuracy of the DWR/DSM2 data.

As an example, near the Undine Road bridge over Middle River, the DSM2 model "thought" the channel had 10 feet of depth at a certain tide when the up-to-data SDWA data showed one foot or less of depth. This difference makes the DSM2 model outputs unreliable.

The model uses data input (e.g. flow, ambient temperature, etc) and then performs calculations to estimate how a certain volume of water moving through a channel will change over time. The calculations then "predict" characteristics of the water such as temperature, water quality, stage, rate of flow, volume, etc. If the channel geometry is (for example) now one-tenth of what the model "thinks" that means less water is actually moving through the channel and thus the calculations are necessarily completely wrong. Less water might mean less salt from one direction (Delta tidal flows go back and forth in the channels) or less dilution from another direction. Less water means less tidal flow, less water getting to certain places, a greater susceptibility to temperature changes, and on and on. Without updated channel geometry, the DSM2 model cannot be considered the best available science. [SDWA has provided DWR its more current channel geometry data and has itself performed additional channel surveys. However, SDWA is informed that an "updated" DSM2 (including updated channel geometry) might be available by 2020, but that even then it would not contain any channel geometry data later than 2015 in it.]

THE PROPOSED PROJECT IGNORES THE LEGAL MANDATES REQUIRING THAT EXPORTS BE LIMITED TO WATER WHICH IS TRULY SURPLUS TO THE PRESENT AND FUTURE NEEDS OF THE DELTA AND OTHER AREAS OF ORIGIN INCLUDING FISH AND WILDLIFE NEEDS

Any analysis of increased or changed exports by DWR or USBR must first begin with a water availability analysis. Prior environmental reviews by the projects simply assume there is water to export and intentionally avoid any water availability analysis. This practice should not continue.

Per various statutes, case law and regulatory mandates, DWR and USBR can only export water that is surplus to other needs. The Weber Foundation Studies conducted in anticipation of the S.P., indicated that the average annual amount of water produced (precipitation) in the Sacramento-San Joaquin watersheds during the 1928-1934 drought was 17,631,000 acre feet. During that same period, "Local Requirements" of the beneficial uses in those watersheds was 25,690,000 acre feet. Thus, on average during such a drought, the watersheds were short 8,059,000 acre feet ***each year***. Although this suggests there is zero water available for exports during droughts, it is of course possible that the inadequate supply comes in spurts which might allow for some exports of "surplus flow" from the Delta. However, that analysis is not the end of the issue.

The Weber Foundation Studies did not include what is now known about the adverse effects of the projects on fisheries or the amounts of water needed to preserve the dwindling fish

populations. Thus the "Local Requirements" aspect of the Weber Foundation Studies needs updating to likely include even more water; further decreasing the amounts if any that could be exported.

Water that the projects may have stored during such droughts may not provide any supply during such droughts. During the last drought, DWR and USBR needed eight Urgency Change petitions (all granted by the SWRCB!) in one year because they had insufficient water in storage to meet their permit and other regulator obligations. Thus any calculation of amounts available for export during droughts should include full compliance with permit terms and regulatory mandates. That stored water is in large part needed to meet those obligations and is thus unavailable for export. When even stored water is insufficient to meet all such obligations, then the projects are obligated to manage whatever supply they do control to meet such standards. For example, current DWR and USBR permits apply and bind not only upstream (of the Delta) reservoirs but also the downstream reservoir San Luis. Thus the "stored" water in San Luis cannot be used unless in-Delta permit conditions are met. This means that water already exported and located in San Luis would need to be released back into the San Joaquin River to protect Delta superior needs including fish and wildlife.

Importantly for in-Delta beneficial users, is the case law which conditions exports on meeting in-Delta needs. In the *Racinelli Decision* (US v. SWRCB 182 Cal. App. 3d. 82 (1986))the court found that The Delta Protection Act (Water Code Sections 12200-12220) "prohibits project exports from the Delta of water necessary to provide water to which Delta users are 'entitled' and water which is needed for salinity control and an adequate supply for Delta users." (at 139.)

This case clearly places three in-Delta needs above exports, precluding exports until all such needs are met. Those three needs are 1) water to which Delta users are entitled, 2) water for salinity control, ***and*** 3) an adequate supply for Delta users. As DWR well knows, in the last drought the SWRCB attempted to curtail numerous in-Delta water users who claim pre-1914 and riparian rights while still allowing exports. Per the *Racinelli* there can be no exports if a full and complete in-Delta supply is not provided. Thus, any analysis of the proposed project must be based on a water availability analysis that conforms to the law.

OTHER LEGAL REQUIREMENTS LIMIT THE AMOUNT OF WATER AVAILABLE FOR EXPORT.

The Delta Reform Act Water Code section 85031(a) provides:

"(a) <u>This division does not diminish, impair, or otherwise affect in any manner whatsoever any area of origin, watershed of origin, county of origin, or any other water rights protections</u>, including, but not limited to, rights to water appropriated prior to December 19, 1914, provided under the law. <u>This division does not limit or otherwise affect the application of</u> Article 1.7 (commencing with

Section 1215) of Chapter 1 of Part 2 of Division 2, Sections 10505, 10505.5, 11128, 11460, 11461, 11462, and 11463, and Sections 12200 to 12220, inclusive." (Emphasis added.)

Water Code Sections 11460 et seq. and 12200 et seq. are specific in defining the limitation on the export of water from the Delta by the S.P. and CVP. Water Code Sections 11460 et seq. were added by Statutes 1943, c. 370, p. 1896 around the time of commencement of the CVP. Water Code Section 12200 et seq. was added by Statutes 1959, c. 1766, p. 1766 around the time of commencement of the State Water Project.

The limitation of the projects to the export of only surplus water and the obligation of the projects to provide salinity control and assure an adequate water supply sufficient to maintain and expand agriculture, industry, urban, and recreational development in the Delta is clear.

Water Code Sections 12200 through 12205 (as examined in the *Racinelli Decision*) are also specific as to the requirements to provide salinity control for the Delta and provide an adequate water supply in the Delta sufficient to maintain and expand agriculture, industry, urban and recreational development.

'12200. Legislative findings and declaration

The Legislature hereby finds that the water problems of the Sacramento-San Joaquin Delta are unique within the State; the Sacramento and San Joaquin Rivers join at the Sacramento-San Joaquin Delta to discharge their fresh water flows into Suisun, San Pablo and San Francisco bays and thence into the Pacific Ocean; the merging of fresh water with saline bay waters and drainage waters and the withdrawal of fresh water for beneficial uses creates an acute problem of salinity intrusion into the vast network of channels and sloughs of the Delta; the State Water Resources Development system has as one of its objectives the transfer of waters from water-surplus areas in the Sacramento Valley and the north coastal area to water-deficient areas to the south and west of the Sacramento-San Joaquin Delta via the Delta; water surplus to the needs of the areas in which it originates is gathered in the Delta and thereby provides a common source of fresh water supply for water-deficient areas. It is, therefore, hereby declared that a general law cannot be made applicable to said Delta and that the enactment of this law is necessary for the protection, conservation, development, control and use of the waters in the Delta for the public good. (*Added by Stats. 1959, c. 1766, p. 4247, '1.)*

'12201. Necessity of maintenance of water supply

The Legislature finds that the maintenance of an adequate water supply in the Delta sufficient to maintain and expand agriculture, industry, urban, and recreational development in the Delta area as set forth in Section 12220, Chapter

2, of this part, and to provide a common source of fresh water for export to areas of water deficiency is necessary to the peace, health, safety and welfare of the people of the State, except that delivery of such water shall be subject to the provisions of Section 10505 and Sections 11460 to 11463, inclusive, of this code. (*Added by Stats. 1959, c. 1766, p 4247, '1*.)

'12202. Salinity control and adequate water supply; substitute water supply; Delivery

Among the functions to be provided by the State Water Resources Development System, in coordination with the activities of the United States in providing salinity control for the Delta through operation of the Federal Central Valley Project, shall be the provision of salinity control and an adequate water supply for the users of water in the Sacramento-San Joaquin Delta. If it is determined to be in the public interest to provide a substitute water supply to the users in said Delta in lieu of that which would be provided as a result of salinity control no added financial burden shall be placed upon said Delta water users solely by virtue of such substitution. Delivery of said substitute water supply shall be subject to the provisions of Section 10505 and Sections 11460 to 11463, inclusive, of this code. (*Added by Stats. 1959, c. 1766, p 4247, '1*.)

'12203. Diversion of waters from channels of delta

It is hereby declared to be the policy of the State that no person, corporation or public or private agency or the State or the United States should divert water from the channels of the Sacramento-San Joaquin Delta to which the users within said Delta are entitled. (*Added by Stats. 1959, c. 1766, p 4249, '1*.)

'12204. Exportation of water from delta

In determining the availability of water for export from the Sacramento-San Joaquin Delta no water shall be exported which is necessary to meet the requirements of Sections 12202 and 12203 of this chapter. (*Added by Stats. 1959, c. 1766, p 4249, '1*.)

'12205. Storage of water; integration of operation and management of release of water

It is the policy of the State that the operation and management of releases from storage into the Sacramento-San Joaquin Delta of water for use outside the area in which such water originates shall be integrated to the maximum extent possible in order to permit the fulfillment of the objectives of this part. (*Added by Stats. 1959, c. 1766, p 4249*

[It must be emphasized that Section 12205 immediately above would preclude certain operations of any isolated facility since the releases for export intended to pass through the isolated facility would not help fulfill the objectives of the Act.]

'Water Code 11460 provides:

> **11460. Prior right to watershed water**
>
> In the construction and operation by the department of any project under the provisions of this part a watershed or area wherein water originates, or an area immediately adjacent thereto which can conveniently be supplied with water therefrom, shall not be deprived by the department directly or indirectly of the prior right to all of the water reasonably required to adequately supply the beneficial needs of the watershed, area, or any of the inhabitants or property owners therein. (*Added by Stats. 1943, c. 370, p. 1896. Amended by Stats. 1957, c. 1932, p. 3410, '296.)@*

The December 1960 DWR Bulletin 76 (Exhibit) which includes a contemporaneous interpretation by DWR of Water code Section 12200 through 12205 provides at page 12:

> "In 1959 the State Legislature directed that water shall not be diverted from the Delta for use elsewhere unless adequate supplies for the Delta <u>are first</u> provided. (Emphasis added.)

Similarly the DWR confirmed its interpretation of law in the contract between the State of California Department of Water Resources and the North Delta Water Agency For the Assurance of a Dependable Water Supply of Suitable Quality dated January 28, 1981, which provides:

> "(d) The construction and operation of the CVP and S.P. at times have changed and will further change the regimen of rivers tributary to the Sacramento-San Joaquin Delta (Delta) and the regimen of the Delta channels from unregulated flow to regulated flow. This regulation at times improves the quality of water in the Delta and at times diminishes the quality from that which would exist in the absence of the CVP and S.P. The regulation at times also alters the elevation of water in some Delta channels."
>
> "(f) The general welfare, as well as the rights and requirements of the water users in the Delta, require that there be maintained in the Delta an adequate supply of good quality water for agricultural, municipal and industrial uses."

> "(g) The law of the State of California requires protection of the areas within which water originates and the watersheds in which water is developed. The Delta is such an area and within such a watershed. Part 4.5 of Division 6 of the California Water Code affords a first priority to provision of salinity control and maintenance of an adequate water supply in the Delta for reasonable and beneficial uses of water and relegates to lesser priority all exports of water from the Delta to other areas for any purpose." (Emphasis added.) (See Exhibit .)

In SWRCB D-1485 at page 9 the SWRCB provided:

> "The Delta Protection Act accords first priority to satisfaction of vested rights and public interest needs for water in the Delta and relegates to lesser priority all exports of water from the Delta to other areas for any purpose."

The export projects must additionally fully mitigate their respective impacts and meet the affirmative obligations to the Delta and other areas of origin including those related to flow. Failure to so do results in a shift of the cost of the project to someone else. The State Water Resources Development Bond Act was intended to preclude such a shift in costs. See also Goodman v. Riverside (1993) 140 Cal.App.3d 900 at 906 for the requirement that the costs of the entire project be paid by the contractors. Water Code Section 11912 requires that the costs necessary for the preservation of fish and wildlife be charged to the contractors. The term "preservation" appears to be broader than mitigation and appears to create an affirmative obligation beyond mitigation.

> Title 34 of Public Law 102-575 referred to as the Central Valley Project Improvement Act in Section 3406(b) (1) authorizes and directs the Secretary of Interior to enact and implement a program which makes all reasonable efforts to ensure by the year 2002 natural production of anadromous fish (including salmon, steelhead, striped bass, sturgeon and American shad) will be sustainable on a long term basis at levels not less than twice the average levels attained during the period of 1967-1991

The Delta Reform Act of 2009 includes provisions intended to provide additional protection for the Delta. Such provisions include Water Code §85054 which provides:

"§85054. Coequal goals

> 'Coequa1.goals' means the two goals of providing a more reliable water supply for California and protecting restoring, and enhancing the Delta ecosystem. The coequal goals shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place."

Water Code §85021 provides:

"§85021. Reduction of reliance on Delta for future water supply needs

> The policy of the State of California is to reduce reliance on the Delta in meeting California's future water supply needs through a statewide strategy of investing in improved regional supplies, conservation, and water use efficiency. Each region that depends on water from the Delta watershed shall improve its regional self-reliance for water through investment in water use efficiency, water recycling, advanced water technologies, local and regional water supply projects, and improved regional coordination of local and regional water supply efforts."

The Delta and other areas of origin both upstream and downstream are part of California and also need a more reliable water supply. The proposed project is clearly directed only at the ability of the S.P. and CVP to export water from the Delta. Restoration and protection of Delta water quality and flows including flushing flows are part of a more reliable water supply for California. Non-degradation of water quality and the statutory obligations to provide enhancement of water quality and an adequate supply are also absent from the proposal.

The cumulative impacts of the proposed project together with the predetermined single tunnel will clearly render water supply less reliable in all areas of the Delta downstream of the Sacramento River intakes and those areas along the current routes of Sacramento River flow to the export pumps. The common pool for the interior Delta will be eliminated along with the common interest in protecting the water quality. The single tunnel has no outlets and requirements to protect water quality in dry periods are always circumvented. For areas throughout the watershed, including those along the tributaries upstream of the Delta, curtailment of local water use, and water transfers to increase utilization of the highly expensive tunnel combined with the need for fish flows and high water consumption habitat to mitigate for the construction and operation of the tunnel will greatly add to unreliability.

The Proposed Project ignores the need to reduce reliance on exports of water from the Delta. The hydrology of the Delta watershed is inadequate to support even the past level of exports.

Development within the watersheds of origin and the need to recapture water from S.P. and CVP exports will increase. There is evidence that more water will be needed to mitigate for the S.P. and CVP damage to fish including meeting the CVPIA anadromous fish restoration requirements of 2 times the average natural production for the years 1967 through 1991. Climate

change is also expected to adversely affect water supply. The increasing threat of terrorism, the continuing threat of natural calamities, including earthquakes and the growing need for electricity all gravitate towards less reliance on exports from the Delta and instead concentration on developing local self-sufficiency. The deficit due to the failure to develop North Coast watersheds will not be overcome by efforts at self-sufficiency, however, increased efforts in urban communities can increase the amount of water available for agriculture and the environment.

The limited hydrology was clearly recognized in the planning for the S.P. which was to develop projects on the rivers in the North Coast watersheds sufficient to import to the Delta about 5,000,000 acre feet of water seasonally for transfer to areas of deficiency. (See Exhibit 14 December 1960 Bulletin 76 page 13). Such areas of deficiency were expected to be both north and south of the Delta pumps. The projects in the North Coast watersheds were never constructed and the projects are woefully short of water.

In addition to the lack of precipitation in the Delta watershed to meet local and export needs are the environmental needs. Water is needed for mitigation of project impacts and the affirmative obligations for salinity control and fish restoration.

The original planning for the S.P. and CVP appears to have underestimated the needs to protect fish both as to flow requirements and carryover storage required for temperature control. In 2009 after only two (2) dry years, the S.P. and CVP violated the SWRCB February outflow requirements claiming that meeting the outflow requirements would reduce storage below the point necessary to meet cold water requirements for salmon later in the year. Although the project operators lied and the real reason for the violation was the ongoing pumping of the unregulated flow to help fill San Luis Reservoir, the incident clearly shows the inability of the projects to provide surplus water for export in the 4th, 5th and 6th years of drought.

In May of 2013 the S.P. and CVP again claimed a need to preserve cold water in storage for fish. They requested and were allowed by the SWRCB to reduce outflow so as to exceed the western and interior Delta agricultural water quality objectives to save such cold water in storage. They did not suggest and did not reduce export pumping which would have had the same effect as reducing outflow.

In 2014 the 3rd year of drought, the SWRCB issued curtailment notices to post 1914 water right holders in the areas of origin and reduced exports due to the lack of water.

In the 4th year of drought the SWRCB curtailed post 1914 and some pre-1914 water rights and reduced exports due to lack of water.

Six year droughts can be expected and even longer droughts are possible. The historic occurrence of multi-year droughts was examined in a DWR study of tree rings. Exhibit 13 is Table 3 from such study.

The State Water Project Delivery Reliability Report 2013 shows a long-term (10 year period) average Table A delivery as 2,266,000 acre feet per year; a long-term average (1921-2003) as 2,400,000 acre feet per year; a single dry year (1977) as 453,000 acre feet and a 6-year drought (1987-1992) as 1,055,000 acre feet per year. These figures can be contrasted to the Maximum Possible S.P. Table A Delivery of 4,172,000 acre feet per year. See Exhibit 15 excerpts from S.P. Delivery Reliability Report 2013.

"§ 1502.14 Alternatives including the proposed action.

This Section is the heart of the environmental impact statement. Based on the information and analysis presented in the sections on the Affected Environment (§ 1502.15) and the Environmental Consequences (§ 1502.16), it should present the environmental impacts of the proposal and the alternatives in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decision maker and the public. In this section agencies shall:

(a) Rigorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated.

(b) Devote substantial treatment to each alternative considered in detail including the proposed action so that reviewers may evaluate their comparative merits.

© Include reasonable alternatives not within the ' jurisdiction of the lead agency.

(d) Include the alternative of no action.

(e) Identify the agency's preferred alternative or alternatives, if one or more exists, in the draft statement and identify such alternative in the final statement unless another law prohibits the expression of such a preference.

(f) Include appropriate mitigation measures not already included in the proposed action or alternatives." (Emphasis added.)

An alternative which requires that the S.P. and CVP be operated in accordance with current law is a reasonable alternative which must be rigorously and objectively evaluated. The Proposed Project clearly ignores the law establishing the priorities for meeting needs within the Delta and other areas of origin including the needs of fish and wildlife.

The ability of the S.P. and CVP to deliver “full contract amounts” never existed and thus could not be restored or protected. The words “up to” conceivably should cover a range from

zero deliveries to a high of what can be supported with full compliance with State and federal law and hydrologic conditions. The projects have not been able to meet even the D 1641 requirements.

Although obviously not intended by DWR in controlling the preparation of the DEIR, a range of reasonable alternatives must be considered including substantially reduced and at times no exports from the Delta. The upper range is of course limited by law and hydrology. An impartial evaluation is needed to determine the true capability of the export projects to provide surplus water for export while meeting D-1641 over a drought comparable to the 1928/29 through 1933/34 drought, while at the same time meeting listed species requirements, senior water rights, salinity control and providing an adequate supply to serve the needs in the Delta and other areas of origin.

THE CEQA ANALYSIS SHOULD INCLUDE AN EXAMINATION OF SILTATION TRENDS IN THE DELTA.

As referenced above, recent channel surveys and other anecdotal evidence indicate that in the southern Delta channel capacities are decreasing. Large areas of the San Joaquin River, Middle River, Old River, Doughty Cut and Salmon Slough have lost significant channel capacity due to siltation. After each of the most recent high flows years, degradation of channel capacity has increased. This appears to be a trend such that rather than the high flow year's flows flushing siltation farther downstream or out to the Bay, siltation now increases every year. Estimating the degree of degradation will allow needed modeling to predict how internal Delta flows may be affected and thus how the proposed project might exacerbate any problems.

OTHER REASONABLE ALTERNATIVES MUST BE CONSIDERED.

The NOP suggest a very limited set of alternatives. Such limitations are contrary to CEQA and contrary to the public interest. Alternatives that should be considered include an armored pathway through the Delta which allow prompt restoration of legal exports after a catastrophic earthquake event; alternate routes for any tunnel which avoid use of the already insufficient Delta roads, highways and waterways; a decrease in exports with other sources to supplement export needs; the San Joaquin Valley Blueprint suggested under channel diversion points; and the Delta Corridors proposal. All such alternatives should include actions to fully mitigate the CVP and SWP's adverse impacts on the San Joaquin River and the southern and central Delta waters.

Central Delta Water Agency and South Delta Water Agency are also submitting additional comments and documentation for consideration in the preparation of the Delta Conveyance environmental document.

From: Karen Mann
To: DWR Delta Conveyance Scoping
Subject: Single Tunnel - Scoping response
Date: Friday, April 17, 2020 2:57:01 PM

Good Day – Another lovely day quarantined due to the Stay at Home restriction.

First – It appears that SEC group was set up just as a PR stunt to show that you are listening. However, ARE YOU listening??? The Delta Business Community is VERY MUCH against the construction of the proposed tunnel through the natural resourse which is precious to the State of California historically as well as a good support of the natural ecology of the area. Birds, fish, wildlife, farmers, ranchers, marinas, campgrounds, fishermen, hunters, families enjoy and thrive due to the presence of the California Delta.

Second – It appears that you are not listening to the people you have requested information from at the current and prior scoping meetings. I personally know of 4 recent meetings were 99.7% of the attendees were very much against the construction of the tunnels. We have repeatedly explained the reasons – which appear to have been ignored.

Finally – May this be my official notice to you that I, Karen J. Mann – small business owner, delta resident, recreational boater, recreational fisherman, grandparent and 3rd generation resident to live in or around the San Francisco Bay Area – that I DO NOT WANT THE TUNNEL BUILT THROUGH THE DELTA WATERWAYS! 1 TUNNEL IS 1 TUNNEL TOO MANY!!!!!

For your information – the following OPPOSE THE TUNNEL PROJECT.
*Residents of Discovery Bay, Bethel Island, Rio Vista, Oakley, Brentwood, Stockton, Tracy & Manteca
*the recreational community (camping, fishing, boating) ie marinas, boat sales, RV equipment & sales, Camping gear, restaurants, etc.
*ESPN – televised broadcasts of fishing derbies
*Businesses
*Farmers
*Retail establishments
*Realtors
*The Native American Community
*Ancillary businesses to all the above

As a taxpayer – this is a waste of our taxes and should not be a part of the budget for the State of California.

Karen J. Mann (2020 President, Save the California Delta Alliance)
Certified General Appraiser
MANN & ASSOCIATES – Real Estate Appraisals since 1980

14850 Highway 4 #A326
Discovery Bay CA 94505
Office 925.513.3231
Cell: 510.612.5122 (text or call me)
karen@mannappraisal.com

Sent from Mail for Windows 10

From: Obegi, Doug
To: DWR Delta Conveyance Scoping
Cc: jon@baykeeper.org; bobker@bay.org; Zwillinger, Rachel (Mail Contact)
Subject: Scoping Comments re Delta Conveyance
Date: Friday, April 17, 2020 9:57:02 AM
Attachments: NRDC et al scoping comments re Delta Conveyance 4-17-20.pdf

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Attached are scoping comments in response to DWR's Notice of Preparation for an Environmental Impact Report for the Delta Conveyance Project submitted on behalf of NRDC, Defenders of Wildlife, San Francisco Baykeeper, and The Bay Institute. Please let us know if you have any questions or have problems opening the attachment.

Sincerely,
Doug

- - - - - - - - - - - - - - - - - - -
DOUG OBEGI
*Senior Attorney**
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April 17, 2020

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

Sent Via Email to DeltaConveyanceScoping@water.ca.gov

RE: Scoping Comments regarding the Notice of Preparation of Environmental Impact Report for the Delta Conveyance Project

Dear Ms. Rodriguez:

On behalf of the Natural Resources Defense Council, Defenders of Wildlife, The Bay Institute, and San Francisco Baykeeper, we are writing to provide scoping comments regarding the Notice of Preparation of Environmental Impact Report for the Delta Conveyance Project ("NOP"). As you know, in January 2013 a coalition including NRDC and Defenders of Wildlife proposed a single Delta tunnel as part of a portfolio alternative for the Delta and asked the State to evaluate the alternative.[1] NRDC remains open to the concept of new conveyance in the Delta, provided that new conveyance in the Delta is part of an enforceable portfolio that: (1) significantly improves conditions for native fish and wildlife, in part by substantially reducing water diversions from the Bay-Delta; (2) minimizes and avoids impacts to communities in the Delta from the construction and operation of such a facility; and, (3) includes significant investments in sustainable local and regional water supply projects to help offset reduced water diversions from the Delta.

We believe that credible and impartial environmental and economic analyses of a proposed project and alternatives are essential, in contrast to the fundamentally flawed analyses that DWR previously performed for the Bay Delta Conservation Plan ("BDCP") and California WaterFix project, including the final EIR for which DWR ultimately withdrew certification. However, as discussed on the pages that follow, we are concerned that language in the NOP could prevent consideration of a reasonable range of alternatives, preclude analysis of impacts from the whole project, unreasonably limit consideration of the likely environmental impacts, and fails to

[1] This Portfolio Alternative for the Delta is available online at: https://www.nrdc.org/resources/portfolio-based-conceptual-alternative-bay-delta

provide a stable and accurate project description. We therefore strongly urge the Natural Resources Agency to reconsider the approach to the proposed project and analysis of environmental impacts described in the NOP.

1. The Purpose Statement in the NOP is Unlawful and Cannot Justify Excluding Alternatives That Significantly Reduce Diversions from the Delta

CEQA requires that the project description contain a clear statement of the project objectives, including the underlying purpose of the project. Cal. Code Regs., tit. 14, § 15124(b). The project's purpose and objectives are relevant to defining the reasonable range of alternatives that must be considered in the DEIR. *Id*., § 15126.6(a). However, DWR's purpose and objectives in the NOP are inconsistent with State law and could limit consideration of feasible alternatives. DWR must revise the Purpose and Objectives statement and ensure that the statement does not limit meaningful consideration of alternatives that significantly reduce diversions from the Delta.

In contrast to DWR's purpose and objectives for the BDCP/WaterFix, the purpose statement in this NOP omits any consideration of protecting and restoring the Bay-Delta ecosystem and/or the co-equal goals for the Delta, and instead makes the project purpose solely to "restore and protect" water diversions from the Delta, as the table below demonstrates.

BDCP/WaterFix	Single Delta Conveyance
"DWR's fundamental purpose in proposing the BDCP is to make physical and operational improvements to the SWP system in the Delta necessary to restore and protect ecosystem health, water supplies of the SWP and CVP south-of-Delta, and water quality within a stable regulatory framework, consistent with statutory and contractual obligations."	"DWR's underlying, or fundamental, purpose in proposing the project is to develop new diversion and conveyance facilities in the Delta necessary to restore and protect the reliability of State Water Project (SWP) water deliveries and, potentially, Central Valley Project (CVP) water deliveries south of the Delta, consistent with the State's Water Resilience Portfolio."

This purpose statement in the NOP is inconsistent with state law, the best available science regarding climate change and ecosystem health, and the Newsom Administration's publicly stated objectives for the project. DWR must significantly revise this proposed purpose statement to eliminate language suggesting the purpose is to increase water deliveries from the Delta to ensure that this language does not exclude consideration of a proposed project or alternatives that reduce water diversions from the Bay-Delta.

First, the project purpose to "restore" State Water Project water deliveries suggests that the proposed project should maintain or increase water diversions from the imperiled estuary. However, increasing water diversions from the Delta is inconsistent with the best available science regarding both the effects of climate change and legally required protections for the Bay-Delta ecosystem. For instance, DWR's 2019 Climate Change Vulnerability Assessment found that climate change is likely to reduce median State Water Project diversions from the Delta by 10% by 2050 (deliveries reduced by 312,000-acre feet per year). Other recent analyses, such as Ray *et al* 2020, also have concluded that climate change is likely to result in reduced SWP diversions from the Delta. Equally important, numerous analyses by state and federal agencies have concluded that increased protections for native fish and wildlife, including threatened and endangered species, are needed to prevent extinction and to comply with state laws, and that these increased environmental protections (e.g., increased instream flows, increased Delta outflow, improved temperature management, improved migratory survival through the Delta) would be likely to reduce diversions from the Delta.[2]

Similarly, the NOP's stated purpose of increased SWP water diversions from the Delta, without any investment in local and regional water supplies to reduce reliance on the Delta, is inconsistent with state law. The Delta Reform Act established state policy to reduce reliance on the Delta and to meet state water needs through investments in sustainable local and regional water supply projects, such as improved water use efficiency and water recycling. Cal. Water Code § 85022. While the purpose statement in the NOP references the State's Water Resilience Portfolio, the purpose statement does not explicitly require reduced reliance on the Delta, and it appears to focus on increasing ("restoring" to some higher level) water deliveries from the Delta. More generally, the reference to the Water Resilience Portfolio does nothing to cure the deficiencies in the NOP's stated purpose. The Portfolio has not yet been finalized, does not commit any funding, fails to include enforceable deadlines, and fails to include linkages between the actions (including with new conveyance). The purpose and objectives should be revised to explicitly include reduced reliance on the Delta through a program of investments in local and regional sustainable water supply projects, and by deleting the word "restore" to avoid any implication that the project purpose is to increase water diversions from the Delta, rather than reducing water diversions as necessary to comply with the California Endangered Species Act and other state laws.

Third, the purpose statement and objectives in the NOP are inconsistent with the co-equal goals for the Delta established in the Delta Reform Act. That Act establishes co-equal goals of providing a more reliable water supply and protecting, restoring and enhancing the Delta ecosystem in a manner that protects and enhances the unique values of the Delta. *See* Cal. Water

[2] Examples include the Secretary of the Interior's August 2016 memo to the President, the State Water Resources Control Board's ("SWRCB") 2010 Public Trust Flows report, the SWRCB's 2017 Scientific Basis Report, the SWRCB's July 2018 Framework for the Sacramento/Delta Update to the Bay-Delta Plan, the SWRCB's January 2020 comments on the draft environmental impact report for operations of the State Water Project, and the State of California's 60-day notice letter and filed complaint challenging the Trump Administration's 2019 biological opinions.

Code § 85054. In contrast, the purpose and objectives in the NOP omits any consideration of ecosystem health and restoration, impacts to Delta communities. Such an approach is inconsistent with the Delta Reform Act, and the project purpose and objectives should be revised to incorporate restoration of the Bay-Delta ecosystem as a co-equal purpose to improving the physical reliability of the water delivery system.

Finally, the purpose statement and objectives in the NOP are inconsistent with the Newsom Administration's public statements regarding Delta conveyance. For instance, the Governor's 2019 State of State speech emphasized that in addition to protecting water supply, a single Delta tunnel project must also "preserve Delta fisheries," and that conveyance must be part of a portfolio with water recycling and water conservation. Similarly, the draft Water Resilience Portfolio Report (Recommendation 19.1) emphasized that a Delta tunnel must "protect water quality," "support ecosystem restoration," and "limit local impacts." The purpose and objectives in the NOP wholly omit any consideration of these essential attributes of a sustainable project.

We therefore urge DWR to significantly revise the purpose and objectives of Delta conveyance to eliminate any suggestion that the project's purpose is to increase water diversions from the Delta, to explicitly require reduced reliance on the Delta and investments in local and regional water supply projects as part of a true portfolio, and to incorporate protection and restoration of the Bay-Delta ecosystem as a co-equal purpose of the project.

2. The DEIR Must Consider a Reasonable Range of Alternatives

CEQA requires that an environmental impact report analyze a reasonable range of alternatives to the proposed project, including a no project alternative. Cal. Pub. Res. Code §§ 21002, 21061, 21100; tit. 14, Cal. Code Regs. § 15126.6. Here, a reasonable range of alternatives must include not only one or more alternatives that reduce diversions from the Delta, but also one or more alternatives that include a single Delta tunnel as part of a portfolio of local and regional water supply investments. However, language in the NOP does not appear to consider alternatives that reduce diversions from the Delta and fails to include new conveyance as part of an enforceable portfolio of local and regional water supply projects.

First, because the purpose and objectives of a project define what alternatives are reasonable, *id.* at § 15126.6(a), as discussed *supra* it is essential that the State revise the NOP's purpose and objectives to ensure consideration of alternatives that significantly reduce diversions from the Bay-Delta as needed to comply with state and federal laws. Here, the NOP identifies a range of alternatives based on size of new conveyance (from 3,000 to 7,000 cfs), but it does not identify a range of operational criteria. Instead, it suggests that the alternatives would "increase DWR's ability to capture water during high flow events," and that it would identify "initial operating criteria" rather than a range of operational criteria. However, that approach to operations ignores: (1) the best available science regarding the need to substantially increase Delta outflows and reduce diversions to protect fish and wildlife during portions of most water year types, including wetter years; (2) more restrictive pumping limits in the South Delta to offset the new

environmental impacts caused by the North Delta diversion facility(ies); (3) the best available science showing that diversions from the North Delta reduce salmon survival when flows below the proposed intakes are less than 35,000 cfs (Perry *et al* 2018).

While it is true that the Supreme Court in 2008 upheld the final EIR for the CALFED program despite the fact that the document did not consider a reduced export alternative, *In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings*, 43 Cal. 4th 1143, 1168 (2008), changes in state law and the best available scientific information demonstrate that a EIR for this project must consider alternatives that reduce diversions from the Bay-Delta. For instance, the subsequent enactment of the Delta Reform Act now makes ecosystem restoration a co-equal purpose with improving water supply reliability and establishes state policy to reduce reliance on the Delta. Similarly, the best available science regarding the effects of climate change and ecosystem restoration demonstrate that reduced water diversions are needed to meet water quality standards and comply with state and federal endangered species acts. As a result, the EIR for this project must consider alternatives that result in reduced diversions from the Delta, even as the physical reliability of the system may be improved with new conveyance.

Second, in order to be consistent with the Delta Reform Act the DEIR must consider one or more alternatives that include new conveyance as part of a portfolio of local and regional water supply investments. The 2013 Portfolio Alternative for the Delta provides one model for this approach, and the terms and conditions proposed by NRDC *et al* in our opening statement to the SWRCB for the WaterFix change in point of diversion hearing provides another portfolio alternative that should be considered. The CALFED EIR/EIS provides another potential model for analyzing Delta conveyance as part of a broader program; that final EIR analyzed the effects of the CALFED program, including program elements such as habitat restoration, water conservation, new Delta conveyance, water quality improvements, and improved flows and fish screens to protect fish and wildlife. Similarly, here CEQA analysis of a single tunnel Delta conveyance project as part of a portfolio that reduces reliance on the Delta and invests in local and regional water supply projects could utilize both programmatic and project level analysis of different program elements.

Finally, the NOP indicates that the scoping process will inform operations to be analyzed in the DEIR. We strongly suggest that the DEIR include a range of operational alternatives that strengthen protections for fish and wildlife, including: (1) one or more alternatives that are consistent with the operations outlined in the SWRCB's July 2018 Framework for the Sacramento/Delta Update to the Bay-Delta Plan; (2) one or more alternatives that are consistent with the operational criteria identified by NRDC *et al* in our opening statement to the SWRCB for Phase 2 of the water rights proceeding for the California WaterFix project.[3] These operational requirements include significant increases in Delta outflow to protect longfin smelt, Delta Smelt, and other native fish species, and prohibitions on diversions from new conveyance

[3] Available online at: https://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/opening_statements/docs/part2/opening_nrdc.pdf

when flows at Freeport are less than 35,000 cfs to protect salmon (*see* Perry *et al* 2018). In order to comply with state and federal laws, the proposed project must strengthen environmental protections as compared to the environmental baseline.

3. The Scope of the DEIR Must Include Analysis of Effects of the Whole Project of SWP/CVP Operations and Facilities, Including Upstream Operations

CEQA requires that the DEIR analyze the effects of the whole project on the environment. CEQA Guidelines § 15378 (definition of "project" means "the whole of an action"). The definition of a project is broadly construed in order to maximize protection of the environment. *Nelson v. County of Kern*, 190 Cal.App.4th 252, 271 (2010). The whole of the action analyzed in this DEIR must include upstream operations of the SWP and CVP, and it must consider not only short-term effects of construction and operations, but also effects of operations in the long term in light of the likely effects of climate change.

While there is language in the NOP suggesting that the DEIR will consider upstream effects, other language in the NOP suggests that the DEIR will not fully consider effects from operations of the SWP and CVP upstream of the Delta. The NOP acknowledges on page 6 that the scope of the environmental review may include State Water Project contract amendments relating to paying for Delta conveyance, and that the geographic scope includes areas upstream of the Delta. In contrast, the NOP on page 9 suggests that the DEIR will only examine changes in flow in the Delta and exclude consideration of changes to flow and water temperature upstream. Moreover, DWR's recent DEIR for operations of the State Water Project failed to adequately consider environmental impacts from operations of the CVP and SWP upstream of the Delta, raising further concerns about the language in this NOP. As discussed in more detail in our comments on that DEIR, because the State Water Project and Central Valley Project are operated as a coordinated system, and because operations in the Delta affect operations upstream, the DEIR must consider effects of SWP and CVP operations throughout the Bay-Delta watershed, including effects in the Feather River below Oroville Dam and in the Sacramento River below Shasta Dam.

Second, although the NOP does not identify the temporal duration or extent of environmental analysis, it is essential that the DEIR consider both short-term and long-term effects of the proposed project and alternatives. Short-term effects would include effects of more than ten years of construction and the subsequent operation of the project; long-term effects would include operations, including the effects of climate change, decades from now. Long-term effects must be considered because: (1) the SWP, including Delta conveyance, is intended to be operated for decades; (2) SWP contractors would likely be paying for the project for decades; and, (3) because the California Endangered Species Act requires that the State Water Project fully mitigate impacts in light of the effects of climate change, regardless of whether and to what extent SWP operations contributed to climate change. *Environmental Protection Information Agency v. Calif. Dep't. of Forestry and Fire Protection*, 44 Cal. 4th 459, 513 (2008). The DEIR

must therefore consider the effects of operations of the SWP in light of the effects of climate change over a time period that extends at least until 2070.

4. The Environmental Baseline Should Include ESA and CESA Requirements at the Time the NOP was Issued, as well as Existing Habitat Restoration Obligations

CEQA requires that the proposed project and alternatives be analyzed against the existing environmental conditions (the "environmental baseline"), in order that the Project's environmental impacts can be meaningfully analyzed and compared to alternatives. Cal. Code Regs., tit. 14, § 15125(a); *see County of Amador v. El Dorado County Water Agency*, 76 Cal.App.4th 931, 952 (1999); *Neighbors for Smart Rail v. LA County Metropolitan Transit Authority*, 57 Cal. 4th 310, 315 (2013). That environmental baseline is generally existing conditions at the time of the Notice of Preparation. Cal. Code Regs., tit. 14, § 15125. Under CEQA, the DEIR must "delineate environmental conditions prevailing absent the project, defining a 'baseline' against which predicated effects can be described and quantified." *Neighbors for Smart Rail*, 57 Cal.4th 439, 447 (2013) (*citing Communities for a Better Environment v. South Coast Air Quality Dist.*, 48 Cal.4th 310, 315 (2010)). The purpose is to provide a "realistic baseline that will give the public and decision makers the most accurate picture practically possible of the project's likely effects." *Neighbors for Smart Rail*, 57 Cal.4th at 449 (*citing Communities for a Better Environment*, 48 Cal. 4th at 322, 325, 328).

The NOP was issued on January 15, 2020. Accordingly, the environmental baseline should include the operational requirements under CESA and the ESA that were in effect on that date, including the full requirements of the 2008 and 2009 biological opinions and the related incidental take permits and consistency determinations under CESA for operations of the SWP. In addition, although the vast majority of the habitat restoration requirements of those prior CESA/ESA permits had not been implemented at the time of the NOP, excluding these existing mitigation and compliance obligations from the environmental baseline in this DEIR would bias the environmental analysis and would be misleading to the public and decisionmakers. *See Neighbors for Smart Rail*, 57 Cal. 4th at 457.

5. The DEIR Must Provide an Accurate and Stable Project Description

It is black letter law that, "[a]n accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR." *County of Inyo v. City of Los Angeles*, 71 Cal. App. 3d 185, 193 (1977). An EIR must provide a clear explanation of the nature and scope of the proposed project, otherwise it "is fundamentally inadequate and misleading." *See Communities for a Better Environment v. City of Richmond*, 184 Cal.App.4th 70, 84-85 (2010). Here, the lack of clarity as to the role of the Bureau of Reclamation must be resolved before the DEIR can be issued.

The NOP admits that the Bureau of Reclamation "may" have a role in the project, and that the objectives of the project "potentially" include water deliveries of the Central Valley Project.

However, the operations of the Bureau of Reclamation are coordinated with the operations of the State Water Project pursuant to the Coordinated Operating Agreement, and the DEIR must have clarity as to Reclamation's operations and whether Reclamation will participate in the conveyance project. For instance, if the Bureau of Reclamation does not participate in the conveyance project, how will the State Water Project ensure no injury to the Bureau of Reclamation if Old and Middle River flows must be less negative, or Delta outflow must be increased, to offset and fully mitigate adverse impacts from operations and construction of new conveyance and the State Water Project? Similarly, how will the State Water Project ensure no injury to south of Delta wildlife refuges that rely on the Bureau of Reclamation for delivery of water that sustains endangered species and millions of Pacific Flyway birds? In addition, Reclamation's participation is likely to affect questions of sizing and operations of Delta conveyance that are essential to resolve before release of the DEIR. Similarly, DWR must ensure that the proposed project is reasonably certain to implement the proposed environmental flow conditions to maintain water quality and protect fish and wildlife, and the DEIR cannot lawfully rely on DWR providing a "proportional share" of such environmental and water quality measures, if the full measures are not reasonably certain to occur. *See* Cal. Code Regs., tit. 14, § 15126.2.

NRDC *et al* raised similar issues regarding a lack of a stable and accurate project description in our January 6, 2020 comments[4] on DWR's recent DEIR regarding operations of the State Water Project, which inconsistently described the role of the Bureau of Reclamation, and as a result, provided misleading analysis of the potential environmental impacts of the proposed project and alternatives. To comply with CEQA, the DEIR must provide a clear and consistent description of the Bureau of Reclamation's role in the proposed project and alternatives and ensure that all operational measures are reasonably certain to occur.

6. The NOP Inaccurately Discusses the Relationship to the BDCP/WaterFix EIS/EIR

Pages 10-11 of the NOP inaccurately describes the BDCP/WaterFix EIS/EIR process, because it fails to acknowledge that DWR withdrew its Notice of Determination and withdrew certification of the final EIR. *See* DWR, Rescission of Notice of Determination (NOD) – State Clearinghouse Number – 2008032062, May 2, 2019.[5] The NOP properly acknowledges that the "proposed Delta Conveyance Project is a new project and is not supplemental to these past efforts **or tiered from previous environmental compliance documents**." (emphasis added). DWR must ensure that the DEIR does not tier to the fundamentally flawed final EIR for the BDCP/WaterFix project.

[4] That comment letter and supporting documents are incorporated by reference.
[5] This document is available online at: https://ceqanet.opr.ca.gov/2008032062/9/Attachment/gFURwX. It is hereby incorporated by reference.

7. <u>The DEIR Must Analyze Potentially Significant Impacts, Including Effects of Waiving Protective Operational Requirements During Droughts, Effects Upstream of the Delta in Light of Climate Change, and Cumulative Impacts, Using Credible Methods of Analysis</u>

CEQA requires that a DEIR accurately assess potential environmental impacts from the proposed project and alternatives, using credible methods of analysis. *See, e.g.*, Cal. Code Regs., tit. 14, § 15151; *Laurel Heights Improvement Assn. v. Regents of University of Cal.*, 47 Cal.3d 376, 409 (1988). DWR's recent DEIR for the operations of the State Water Project violated this fundamental principle by using analytical methods that are not scientifically credible, failing to consider the effect of waiving operational measures that protect fish and wildlife during droughts, and failing to analyze all likely significant impacts of the project, as discussed in NRDC *et al*'s January 6, 2020 comments on the DEIR for operations of the State Water Project. The following potentially significant impacts should be considered in this DEIR:

A. *Effects on Fish and Wildlife Upstream of the Delta:* The DEIR must consider potentially significant effects of upstream operations of the CVP and SWP in light of climate change, including:
    a. the effects of changes in instream flows on survival of salmon and other fish migrating downstream;
    b. the effects of water temperatures on salmon and other fish species that spawn and rear below dams, as a result of SWP/CVP reservoir storage and releases;
    c. the effects of redd dewatering on salmon as a result of CVP/SWP operations.
B. *Effects on Fish and Wildlife in the Delta:* The DEIR must consider potentially significant effects of CVP and SWP operations in the in light of climate change, including:
    a. The effects of entrainment, salvage and loss of all four runs of Chinook salmon, Delta Smelt, Longfin Smelt, steelhead, sturgeon, and other native fish and wildlife;
    b. The effects of SWP/CVP operations on survival of all four runs of salmon through the Delta, including effects of Old and Middle River flows, import: export ratios, Delta Cross Channel gate operations, and Sacramento River flows at Freeport;
    c. The effects of increased entrainment and loss of sediment and reduced turbidity downstream of the proposed new Delta conveyance facility on Delta Smelt, longfin smelt, all four runs of Chinook salmon, and other species;
    d. The effects of reduced flows below the proposed North Delta conveyance intakes on survival of salmonids through the Delta;
    e. The effects of Delta outflow on the abundance and survival of Longfin Smelt, Delta Smelt, salmon, and other species.
C. *Effects on Water Quality in the Delta:* The DEIR must consider potentially significant effects of CVP and SWP operations in light of climate change on water quality in the Delta, including:
    a. The effects of reduced turbidity, changes in residence times, changes in flows, and other operational changes on the magnitude, duration, and frequency of harmful algal blooms;

b. The effects of operations on salinity, residence time, and water temperatures in the Delta, particularly in light of sea level rise and climate change.

D. *Effects during Droughts:* As discussed in our January 6, 2020 comments, DWR has admitted that waivers of protective operations are "reasonably foreseeable" during future droughts, similar to the waivers of water quality standards and ESA/CESA protections during 2013-2015. The DEIR must account for the impacts of waiving or weakening these protections during future droughts, because the analysis of environmental impacts must rely on measures that are reasonably certain to occur.

E. *Effects on avian and terrestrial species:* The DEIR must consider potentially significant effects of project construction and CVP and SWP operations on avian and terrestrial species, including:
   a. Impacts to wildlife in south of Delta wildlife refuges from changes in water supply;
   b. Construction impacts to wetland-dependent wildlife in the Delta; and
   c. Impacts to wildlife from increased frequency and/or extent of crop-idling water transfers.

In order to accurately assess potentially significant impacts, the DEIR must use credible methods of analysis, such as the Winter-Run Life Cycle Model, and cannot use statistically improper methods, such as the statistical manipulation that DWR used to analyze impacts to longfin smelt from reduced Delta outflow in its recent DEIR for Operations of the State Water Project. Moreover, to accurately assess the impacts of the proposed project and alternatives in light of climate change, DWR should use CALSIM 3 or another model that uses CMIP5 projections of climate change, given that NMFS and other agencies have concluded that CMIP3 projections are not the best available science and underestimate the likely adverse effects of climate change on hydrology and water temperatures. As noted above, the analysis of impacts must only rely on protective operations and mitigation measures that are reasonably certain to occur. Any impact that results in reduction in survival or abundance of species listed under CESA is a significant impact for which mitigation is required, as we noted in our January 6, 2020 comments to DWR:

> Given the imperiled status of these species, the further reductions in abundance and survival caused by the proposed project constitute mandatory findings of significant impacts under CEQA. The populations of Delta smelt, Longfin smelt, winter-run Chinook salmon, and spring-run Chinook salmon already are not self-sustaining (particularly without hatchery supplementation of salmonids) and are declining in abundance, and the proposed project would further "cause a fish or wildlife population to drop below self-sustaining levels." Cal. Code Regs., tit. 14, § 15065(a)(1).[6]

Finally, in its recent DEIR on the operations of the State Water Project, DWR has admitted that with respect to the adverse effects on fish and wildlife caused by operations of the State Water

[6] Moreover, any reductions in abundance and survival of listed species under the proposed project compared to the baseline demonstrates that the proposed project is not fully mitigating impacts as required by CESA, and thus that the proposed project is inconsistent with the project objectives.

Project, together with similar effects caused by the CVP, other dams and water diversions in the Bay-Delta watershed, and habitat modifications in the watershed, "This overall cumulative impact is significant." In light of the acknowledged significant and adverse cumulative impacts, and the State Water Projects' disproportionately large proportion of those effects (including the State Water Project's settlement contractors on the Feather River and implementation of the Coordinated Operating Agreement with the CVP), the DEIR must carefully consider the cumulative impacts of the proposed project, particularly in light of pending proposals for Sites Reservoir and other water storage and diversion projects. Given that CALSIM modeling of Sites Reservoir and other reasonably foreseeable projects is available, the DEIR's analysis of cumulative impacts should include quantitative analysis and not simply rely on qualitative analysis.

8. Conclusion

We are concerned that the approach to the Delta Conveyance Project and environmental analysis described in the NOP is significantly flawed. Those concerns are heightened by DWR's recent deeply flawed DEIR for Operations of the State Water Project, and by the continuing delay of the State Water Resources Control Board's update of the Bay-Delta Water Quality Control Plan. Before the State and public considers a new Delta Conveyance Project or other major water storage and diversion projects that are likely to significantly worsen environmental conditions in the Delta, the State Water Resources Control Board should first establish updated flow and water quality standards that will achieve salmon doubling, prevent extinction, and protect and restore native fish and wildlife and the health of the Bay-Delta watershed.

We strongly encourage the Natural Resources Agency to reconsider the approach identified in the NOP, consistent with these comments. We would be happy to discuss these comments further with the Natural Resources Agency at your convenience.

Thank you for consideration of our views.

Sincerely,

Doug Obegi
NRDC

Rachel Zwillinger
Defenders of Wildlife

Gary Bobker
The Bay Institute

Jon Rosenfield, Ph.D.
The Bay Institute

From: Karen Jacques
To: DWR Delta Conveyance Scoping
Subject: Scoping Comments for Proposed Delta Single Tunnel Project
Date: Thursday, April 16, 2020 10:40:52 PM

I am a resident of the City of Sacramento and have been closely following water issues in California including the previous Water Fix proposal and the current Single Tunnel Delta Conveyance proposal. The following are my comments with regard to scoping for the EIR that will be drafted for the Single Tunnel proposal.

The proposed single tunnel will be hugely expensive, will take many years to build and cause massive damage to the portion of the Delta in which it will be built. Given climate change predictions - increasing drought most years interspersed with some years of extremely heavy rainfall and sea level rise that will impact the Delta, it is quite possible that building a massive tunnel will turn out to be of minimal help with California's water problems while using up vast sums of state and rate payer money that could be better used to provide a series of locally based water solutions and the repair and upgrading of existing water infrastructure.

With that in mind, the EIR should analyze the following.

__A detailed study of what is likely to happen over at least the next 50 years as the climate warms and changes and sea level rise occurs. This should include detailed analysis of the data and conclusions of the Fourth California Climate Assessment and how those changes will impact operation of the tunnel and water available to be exported south while still leaving a functioning ecosystem in the Delta which is already under extreme stress due to the amount of water currently exported.

__The consistency (or lack of consistency) with the 2009 Delta Reform Act's policy of placing less reliance on the Delta in meeting California's matter needs

__ Alternatives to the tunnel that would increase Delta outflow and reduce exports as compared to current conditions in the Delta. This should specifically include a "no tunnel alternative" and an in depth analysis of how a combination of water conservation, efficiency and recycle/reuse and other demand reduction measures would be less environmentally damaging than the tunnel and achieve the same (or better) water reliability supply goals. This analysis should look at resiliency: i.e., given the uncertainty of how rapidly the climate will reach major tipping points and the potential for climate related natural disasters, would a series of local solutions provide more water security then dependence on one large, costly solution.

__Construction and maintenance impacts including analysis of all materials used in construction for both the tunnels themselves and any reservoirs constructed or enlarged as part of the tunnel project

__Impacts of the tunnel on water quality, including increased salinity, toxic hot spots, pesticide, mercury and other pollutant discharge that won't be cleared out due to lack of adequate fresh water passing through the Delta. Also analyze the potential for increased algae blooms which are already a problem in parts of the Delta

__Biological resources including all impacted and potentially impacted species (some of which are already listed as endangered) and their habitats, including upland habitats

__Impacts on cultural and archaeological resources with the recognition that parts of the Delta include known historic or potential historic resources that, dependent on tunnel route, may be demolished or seriously damaged

__Impacts on environmental justice communities of which there are several in the Delta both during and after construction

__Impacts on the economy of the Delta and to what extent construction of the tunnel will turn impacted communities and their economies (including Delta area farms) into economic sacrifice zones

The EIR must also analyze the effectiveness of proposed mitigation and conservation measures over the life of the

tunnel project

The EIR must also analyze all economic costs and benefits of the tunnel and those of a no-tunnel alternative that includes investment in water conservation, efficiency and water infrastructure improvements to meet current and future water supply needs. It is necessary that this analysis include comparison for a tunnel and no-tunnel alternative for Southern California rate payers.

One final comment: It seems that the supposed need for a tunnel is generated, at least in part, by the water needs of powerful agricultural interests served primarily by the Westlands Water District. Given that these agricultural interests grow crops (almonds and other nuts) that are highly water intensive, one has to ask how long such crops will be viable given the temperature increases and drought that climate change will bring and whether, in building a tunnel that serves them now, the state will be sacrificing the long term environmental and economic health of the Delta and risking its ecological collapse.

Thank-you for this opportunity to comment. Karen Jacques

From: Katja Irvin
To: DWR Delta Conveyance Scoping
Subject: Scoping comments for Delta Conveyance Project
Date: Friday, April 17, 2020 4:29:37 PM
Attachments: Delta Conveyance NOP comments KI.pdf

Please find my scoping comments on the Delta Conveyance Project EIR attached.

Best regards,

Katja Irvin
San Jose Resident

Delta Conveyance Scoping Comments

Comments by Katja Irvin, resident of San Jose on April 17, 2020

Please add me to your list of contacts for this project: katja.irvin@sbcglobal.net

For the record I submit the following scoping comments regarding for Delta Conveyance (Project) Environmental Impact Report.

Project description

In the project description please describe the maximum amount of additional water the State Water Project (SWP) will be able to deliver to south-of-Delta contractors by avoiding pumping restrictions at the Harvey O. Banks Pumping Plant. Also discuss how pumping from both locations will be managed and coordinated and how this will change flows through the San Francisco Bay Delta (Delta) compared to baseline conditions, both the locations where flow will change and the amount of decreased (or increased) flows at each location. Furthermore, describe how flows will change when all projects listed under Cumulative Impacts below are completed.

In the project description and in the analysis of impacts under Energy and Green House Gas (GHG) Emissions, please describe and compare the energy use and GHG emissions required to pump water for the State Water Project under current operations vs. the future energy use and GHG emissions under tunnel operations including impacts from new water transfers that the Project will enable (analysis must use maximum feasible transfers).

Include in the project description a discussion (preferably a list) of all possible transfers that may use the Project in the future. Also, include a discussion (preferably a list) of all possible changes in water rights that may result in use of the Project to convey any additional water allocation.

Regulatory Setting

Please discuss the relationship of the Project to the following State regulations that aim to improve our environment and how the Project will contribute to meeting the goals and requirements of these regulations.

1. The California Air Resources Board targets under AB 398 to reduce GHG emission to 40% below 1990 levels by 2030 and 80% below 1990 levels by 2050. Electricity accounts for 15% of GHG emissions in California and, according to the California Public Utilities Commission, 19% of California's electric energy is used for the conveyance and delivery of water.
2. The Delta Reform Act of 2009 (California Water Code Section 85021) policy to "reduce reliance on the Delta in meeting California's future water supply needs through a statewide strategy of investing in improved regional supplies, conservation, and water use efficiency." SWP contractors are counting on the Delta Conveyance so they do not have to reduce their reliance on the Delta. Santa Clara Valley Water District's (SCVWD) recently completed Water Supply Master Plan 2040 shows SCVWD is planning on increasing the percentage of delta-conveyed supplies from 40% to 41% of supplies with demand increasing by 50,000 acre/feet per month. Please quantify and consolidate such data for all SWP contractors to show how the Project supports this Delta Reform Act policy.

3. Discuss how the project relates to the Water Quality Control Plan for the San Francisco Bay/Sacramento–San Joaquin Delta Estuary (Bay-Delta Plan), especially fresh-water flow requirements to improve water quality, reduce salinity, and save endangered species from extinction. Since voluntary agreements have not been approved, analysis needs to be based on the requirements adopted by the State Water Resources Control Board (SWRCB).

Water Quality and Biological Resources Impacts

Impacts to water quality and biological resources (especially listed species) must not be analyzed using the latest biological opinions from the Trump Administration. Please use the same methodology and biological data/analysis as used by the SWRCB to formulate the Bay-Delta Plan.

The largest impacts in these resource areas are related to flows. Please analyze how reduced flows will impact water quality, salinity, and endangered species (especially fish), not only in the Delta but also in the San Francisco Bay Estuary.

Please evaluate the impact on the water quality of water exported from the delta. Analyze how any changes in water quality will impact reservoirs south of the Delta that hold exported water, such as San Luis Reservoir, and Calero Reservoir (in Santa Clara County). Specifically, analyze how this will impact the frequency and severity of harmful algal blooms in these reservoirs.

Cumulative Impacts

Many other projects underway will combine with the Project to impact flows into and through the Delta and/or exports to south-of-Delta contractors. Please analyze the cumulative impacts of the following projects in conjunction with the Delta Conveyance and provide mitigation measures as appropriate.

Proposed surface storage projects under development:

- Shasta Dam and Reservoir Enlargement Project
- Sites Reservoir
- Los Vaqueros Reservoir Expansion Project
- Del Puerto Canyon Reservoir Project
- Pacheco Reservoir Expansion Project
- Temperance Flat Reservoir Project
- B.F. Sisk Dam Safety of Dams Modification Project

Other proposed conveyance infrastructure:

- San Joaquin Valley Blueprint Project List
    - Mid-Valley Canal - South Branch 3,000 cfs
    - Mid-Valley Canal - North Branch 1,000 cfs
    - Trans-Valley Conveyance 3,000 cfs
    - Enlarge Delta Mendota Canal
    - Groundwater Recharge Facilities (100,000 ac) 12,000 cfs

From: Jennifer Olguin
To: DWR Delta Conveyance Scoping
Subject: Request to Seriously Reconsider the Delta Conveyance Tunnel Project
Date: Wednesday, April 15, 2020 10:49:50 PM

Dear California Department of Water Resources,

My name is Jennifer Olguin and I am an Environmental Studies student from UCSB. I am writing this email in strong opposition to the Delta Conveyance project. This shameful project should be terminated immediately as its construction will drive the Chinook Salmon to extinction and hence devastate the Winnemem Wintu Tribe and moreover over a hundred species will follow, facing extinction.

This tunnel project will have a tremendous impact on the livelihood and culture of the Winnemem Wintu Tribe, a matrilineal Wintu-speaking community who are indigenous to the Winnemem, or McCloud River. The Chinook Salmon are an essential part of the livelihood and cultural traditions of the Winnemem Wintu Tribe that takes care of the Salmon's land. The Winnemem Wintu Tribe is spiritually connected to the Chinook Salmon

"As native people, we rely on the river and the salmon as part of our traditional heritage. We cannot afford to let anything further erode our river systems," testified Robbins, an advisor for Water Protectors Club.

Moreover, the environmental disruption to the region will be irreversible as even just the construction and operation of the tunnel will "degrade the water quality for Delta farms, subsistence anglers, providers of urban drinking water (including Stockton, Antioch, and other cities), residents playing and swimming in Delta channels, and an increase in deadly toxic algal blooms."

Restore the Delta put together a report detailing the impacts of this Proposed Water Project named The Fate of the Delta. The report stated "[the tunnel project] will impact human uses of water for farms, subsistence fishing, urban drinking water supplies, and urban water rates, each of which will place disproportionate, undue burdens on Delta EJ communities."

Finally, this project will endanger the Chinook salmon, which is a keystone species that for millennia has been providing nutrients for the soils and nourishing a hundred species that depended on them.

Some of the species that depend on the Chinook Salmon are: Black bears, Grizzly Bears, and American badgers, Water shrews, Ringtail cats and Long-tailed weasels, Harbor seals, Great blue herons, and Great egrets, Bald eagles, orcas, and ravens, wolves, North American River otters, ermine, fox, martens, bobcats, ducks, pumas, 'coons, and sharks.

The delta tunnel will heavily contribute towards the extinction of Chinook salmon since last year, only 0.1% of the salmon came back! Much of the species living in the area require salmon to continue living and therefore their extinction will change the ecosystem in the region.

Please reconsider this project as its irreversible damages will be detrimental to the ecosystems in the Sacramento Region, McCloud River, Trinity River, and the Delta. We understand that we are currently in a crisis and you also have other people to take care of, which is why we need this project to halt because it concerns the well-being of the Winnemem Wintu Tribe, especially so during this time. Please protect your people in California, especially so during this crisis.

Respectfully,

Jennifer Olguin

From: Phillip Merlo
To: DWR Delta Conveyance Scoping
Subject: Scoping Comments - Phillip Merlo
Date: Friday, April 17, 2020 4:52:52 PM
Attachments: DWR NOP Comments.pdf

To the Staff of the DWR, and specifically Renee Rodriguez,

Attached are my comments to the DWR for consideration during the development of the Draft EIR of the proposed Delta Conveyance Project.

Best,
Phillip

Phillip Merlo, Director of Education
San Joaquin County Historical Society & Museum
11793 N. Micke Grove Road, Lodi, CA 95240
P.O. Box 30, Lodi, CA 95241
209.331.2055 museum
209.670.5828 mobile
209.331.2057 fax
www.SanJoaquinHistory.org

Promoting community pride, continued learning, and an appreciation of regional history.

Phillip Merlo
1050 Bristol Avenue
Stockton, CA 95204
209-670-5828
Merlo.phillip@gmail.com
4/17/2020

Staff of the Department of Water Resources
P.O. Box 942836
Sacramento, CA 94326

Dear Staff of the Department of Water Resources:

I write as a concerned citizen of the State of California and of the City of Stockton to present scoping comments for the Notice of Project (NOP) announced by the Department of Water Resources (DWR) in partnership with the Delta Conveyance Authority (DCA) JPA, for the construction of a single-tunnel conveyance system to reroute water from the Sacramento River near Courtland, underneath the Eastern rim of the Delta, and into the State Water Project's infrastructure near Mountain House, California. I wish to express the utmost concern with this project and its potential impacts on the environmental and economic impacts on the residents of the California Delta, San Joaquin County, and the greater Northern California Megaregion. Broadly, this project represents a serious threat to equity and social justice for California communities. Specifically, I list eleven questions for consideration in the California Environmental Quality Act (CEQA) review process.

1. To what extent will the project's impact on cultural heritage sites in California Delta communities be evaluated by the DWR? Specifically, excellent documentation from Spanish and English language sources exists that the project's intake site north of Courtland was the Miwok village of Ochejamne. The project proposed would also travel through the Miwok lands of the Unisumne and Guaypem villages, and the Yokuts lands of the Tauquimne, Jalalon, Tamcan and Nototomne groups. The project plans to create a fore bay near Mountain House would likely flood the archaeological site of the Tamcan village. Does the DWR care about the heritage of the native peoples of the Delta? If so, how does the project plan to reconcile the potential obliteration of the cultural heritage of Miwok and Yokuts communities in California? How does the project plan to recompense the Central Valley Miwuk community descended from the Miwok and Yokuts peoples of San Joaquin County and the Delta? How does the DWR plan to identify and respect native people's burial sites the project may pass through? Will the DWR evaluate the historicity of other non-native Delta sites affected by the Project?

2. To what extent do the DWR and DCA plan to consider the environmental impacts of construction on air quality in the greater Delta? How will the construction process create more CO2 emissions from increased traffic on Delta roads and highways, and how will the massive amount of waste product from the drilling of the tunnel be controlled so as to avoid a sharp increase in PM2.5 concentrations in Delta air? Communities in Southeast Stockton, near where planned project site near Rough & Ready Island, suffer from some of the highest rates of asthma in the state. How do the DWR and DCA plan to mitigate the degraded air quality in Stockton that will inevitably result from the project? Does the DWR have a plan for measuring and avoiding degraded respiratory health outcomes as a result of this project?

3. How do the DWR and DCA plan to consider the environmental impacts of the construction process on water quality in the Delta? Specifically, how might increased barge flow, construction and drilling in water ways, and potential industrial runoff in waterways from construction, result in the import of invasive species into Delta water ways, cause turbidity disturbances during drilling, or lead to chemical waste drainage in delta water?

4. To what extent will the DWR and DCA analyze the economic impacts of increased trucking on delta roadways? How will the increased traffic of trucks, sometimes in excess of 200 trucks per day, affect the lives and livelihoods of communities in Sacramento, San Joaquin, Contra Costa, and Alameda Counties who rely on highways in the secondary and primary zones of the Delta for work?

5. To what extent will the DWR and DCA consider the potential economic impacts of the project on farmers in the California Delta? How will the project potentially degrade long-term water quality in the delta, and for the hundreds of thousands of people in San Joaquin, Contra Costa, and Sacramento Counties who rely on delta water, such as residents of the City of Stockton? In the event of marked water quality decline, how will the DWR and State of CA compensate affected consumers? Will the State pay for the healthcare of those adversely affected?

6. To what extent has the DWR evaluated the impacts of the project on the property values of residents in the primary and secondary zones of the Delta, especially with respect to the decline in quantity and quality of water in Delta waterways, but also as a result of the industrialization of the Delta, increased traffic due to construction and maintenance, and the loss of viable farmland expected as a result of this project? Do the DWR and State of CA plan to forecast these impacts? Do the DWR and State of CA plan to compensate Delta

communities for the long-term (50-100 year timescales) decline in property value that the project will likely precipitate?

7. To what extent does the DWR plan to forecast the economic impacts of the project on the logistics industries that rely on Delta agriculture? How will this project impact the strategic economic posture of the Cities of Stockton, Brentwood, Tracy, and Lathrop? How will this project impact the economic vitality of the Port of Stockton? Will the DWR forecast the long-term impacts on industries that ship products of the Delta?

8. To what extent does the DWR plan to compensate Delta communities for the lost potential income from the exploitation of natural gas deposits in the Delta, made inaccessible due to their proximity to State infrastructure?

9. To what extent does the DWR plan to forecast and mitigate the environmental impacts of the project on Delta ecosystems? How will Delta Smelt and other Delta species, such as salmonids and aquatic flora, be affected? Will the DWR accept analysis on this matter from scientists not employed by the State of California?

10. To what extent do the DWR and DCA plan to forecast and mitigate the health impacts of construction noise on communities along the path of the project, including but not limited to the inhabited communities of Courtland, Walnut Grove, Elk Grove, Lodi, Terminous, Stockton, Lathrop, Discovery Bay, and Mountain House? Does the DWR plan to consider the latest research on industrial noise and cognitive development in children in their project planning?

11. To what extent will the DWR and State of California examine the project under the lens of the Equal Protection Clause in the Fourteenth Amendment of the US Constitution? The clause states that no state shall “deny to any person within its jurisdiction the equal protection of the law.” Under modern-day interpretation of this constitutional clause, the enforcement of laws must not lead to inequality of opportunity. If a rational basis review is performed under judicial auspices, and the construction and operation of a single tunnel is shown to lead to an inequality of opportunity between Delta communities and communities receiving water exports derived from the tunnel, will the DWR and State of CA cease and desist project operation?

Sincerely,

Phillip Merlo

From: Chloe McKerr
To: DWR Delta Conveyance Scoping
Subject: Save the delta, bring the salmon home.
Date: Friday, April 17, 2020 6:28:40 AM

I oppose Governor Newson's Delta Tunnel project. This is environmental injustice.

From:	Michelle Bracha
To:	DWR Delta Conveyance Scoping
Cc:	Kelley Taber; Tatayon, Susan@DeltaCouncil; Nemeth, Karla@DWR; Aaron Ferguson; Burke, William; Kerry Schmitz
Subject:	Sacramento County Water Agency Comments on Notice of Preparation for Environmental Impact Report
Date:	Friday, April 17, 2020 9:14:31 AM
Attachments:	04172020 SCWA Comments on NOP for Delta Conveyance EIR (00082419xD2C75).pdf

Good morning,

The attached correspondence is submitted on behalf of Kelley Taber for the Sacramento County Water Agency.

Thank you.

Michelle Bracha
Legal Secretary

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April 17, 2020

VIA ELECTRONIC MAIL (DELTACONVEYANCESCOPING@WATER.CA.GOV)
Delta Conveyance Scoping Comments
Attn. Renee Rodriguez, Department of Water Resources
P.O. Box 942836
Sacramento, CA 94236

Re: Sacramento County Water Agency Comments on Notice of Preparation for Environmental Impact Report – Delta Conveyance Project

Dear Ms. Rodriguez:

These comments are submitted on behalf of the Sacramento County Water Agency (SCWA) in response to the Department of Water Resources' (DWR) notice of preparation (NOP) for an environmental impact report (EIR) for the Delta Conveyance Project (Project).

I. BACKGROUND

SCWA currently supplies potable and recycled water to approximately 150,000 persons through more than 49,000 residential and business connections throughout its Zone 40 service area. SCWA's service area also includes the major growth areas of Sacramento County, south of Jackson highway and east of State Route 99, which are anticipated to accommodate roughly 100,000 new persons and more than 20,000 new connections by buildout.

In 2002, SCWA, in conjunction with East Bay Municipal Utility District (EBMUD), formed the Freeport Regional Water Authority (FRWA). The FRWA was created to guide the financing, ownership, development, construction, and operation of the Freeport Regional Water Project (FRWP). The FRWP is a cooperative effort of SCWA and EBMUD to supply surface water from the Sacramento River to customers in central Sacramento County and the East Bay area of California via a water intake facility and pumping plant on the Sacramento River at the Freeport Bend, approximately ten miles south of downtown Sacramento. SCWA relies on the FRWP facilities to provide surface water supplies and fulfill SCWA's conjunctive use program. The FRWP consists of (1) an intake and pump station near Freeport Bend; (2) pipelines extending from the intake to SCWA's Vineyard Surface Water Treatment

Plant and to the Folsom South Canal; (3) a pipeline extending from the Folsom South Canal terminus to EBMUD's Mokelumne River Aqueducts; and (4) related pumping plants, terminal facilities, and water treatment facilities. The FRWP intake can divert 185 million gallons per day (mgd), of which 85 mgd is dedicated to SCWA and 100 mgd to EBMUD. Currently, SCWA diverts water at the FRWP intake under an appropriative water right, contract rights for Central Valley Project (CVP) water, and a contract for delivery of remediated groundwater.

The FRWP intake, located at Sacramento River Mile 47.1, can be impacted by the Sacramento Regional Wastewater Treatment Plant (SWRTP) treated wastewater discharge located downstream at Sacramento River Mile 46. "Reverse flows" predictably occur on the Sacramento River during periods of high tides on the San Francisco Bay and low downstream flows in the river. To avoid water quality impacts to the FRWP, FRWA halts diversions at the FRWP intake when SRWTP wastewater effluent has traveled 0.9 miles upstream from its discharge point during reverse flow events. These intake shutdowns are required by the domestic water supply permits issued by the State Water Resource Control Board (SWRCB) Division of Drinking Water to SCWA and EBMUD. The FRWP resumes operation only after the river resumes flowing in the downstream direction and the effluent zone has moved back downstream to a location not more than 0.7 miles upstream from the SRWTP discharge point.

Based on the information presented in the NOP, the proposed Project appears to be virtually identical to the abandoned California WaterFix project, except that it may have one less intake and somewhat reduced diversion capacity. The NOP provides no information on proposed Project operations but does state that diversions could range from 3,000 cubic feet per second (cfs) up to 7,500 cfs. The location and operation of the Project intakes presents the potential for significant adverse impacts to SCWA's operation of the FRWP from reverse flow events in the Sacramento River, and to the Sacramento region's water supply, through impacts to surface and groundwater quality and availability (including groundwater levels during construction and operation in the Project area and South American Sub-Basin) and changes in upstream reservoir operations and in river flows in the Delta and upstream tributaries.

II. ISSUES TO ADDRESS IN DRAFT EIR

A. Project Description

1. Project Objectives

The Project objectives (NOP, p. 2.) are too narrowly drawn, focusing only on benefits to State Water Project (SWP) operations and south of Delta water deliveries. The objectives

reference providing "operational flexibility to improve aquatic conditions in the Delta" but the Project does not commit to improving aquatic conditions, nor does it include any objectives that would protect water supplies for water users in and upstream of the Delta. Framing Project objectives so narrowly could discourage consideration of alternatives to the Project that would protect and restore the Delta environment and thus is inconsistent with the California Environmental Quality Act (CEQA) as well as with the Delta Reform Act's *coequal* goals of improving water supply reliability *and* protecting, restoring, and enhancing the Delta ecosystem, as well as the Legislature's directive that "coequal goals shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place." The Project objectives should be expanded to include prevention of water quality degradation in the Delta and avoidance of adverse impacts to water users in and north of the Delta, including impacts to Delta public facilities (which would include the FRWP), consistent with the Delta Plan, as discussed further in section II.F, below.

2. Project Operations

The Project description must provide sufficient and complete information about the ways in which DWR may operate the Project to enable an accurate and meaningful evaluation of Project impacts. The full range of potential operations must be identified, and the impacts of those operations assessed. The EIR must specify the quantity and timing of water to be diverted at the north Delta diversion, including the amount of outflow that may be needed to meet the needs of threatened and endangered fish species, and the quantity, the timing, or the source of water for any additional outflow, and how the SWP and CVP will be operated with the Project in place. Each of these operational aspects is essential to understand and draw meaningful conclusions about the Project's effects on the environment and water supplies in the Sacramento Valley and American River watershed.

B. Scope and Methodology of Impact Analyses

1. Baseline for Impact Analysis

Impact analyses that depend on Sacramento and San Joaquin River and Delta hydrologic conditions (including impacts to water quality, water supply, and public facilities that divert water from or discharge into the Sacramento-San Joaquin River Delta) must utilize a baseline that accurately reflects conditions at the time the Project is expected to begin operations, as well as reasonably foreseeable future conditions. Operational impacts to groundwater resources, Delta water quality and FRWP operations will occur immediately upon commencement of Project diversions and near-term impacts may be substantially

different from those occurring farther in the future, when background hydrologic conditions will be substantially different due to the effects of climate change.

2. Impacts to FRWP and SCWA Surface Water Supply

The EIR must adequately identify, analyze, and avoid or mitigate the Project's potential impact on the FRWP intake facility and SCWA water supply due to the increased likelihood of significant reverse flow events. In evaluating impacts to the FRWP, the EIR must employ the appropriate methodology.

The Project is likely to shift the timing of Sacramento River flows, and under certain circumstances, increase the frequency of reverse flow events that would result in a controlled shutdown of the FRWP on the Sacramento River. Shutdowns of the FRWP intakes critically impact SCWA's ability to serve water to its customers during drought periods.

The Project's potential to affect the occurrence of reverse flows at the FRWP stems from its potential to change the manner in which the CVP and SWP are operated. The Project's north Delta intakes may be operated in a way that shifts the timing and magnitude of the CVP's and SWP's north-to-south water exports. DWR or the U.S. Bureau of Reclamation (Reclamation) may choose to release water from upstream reservoirs that otherwise would have remained in storage until a later time and to redivert the released water through the north-Delta intakes for export. If the new north-Delta intakes are operated in this manner, the resulting shift in reservoir releases and export patterns may result in periodic reductions in the volume and velocity of water flowing down the Sacramento River past the FRWP intake, compared with the status quo. The reduced downstream flows would strengthen the tidal influence at Freeport Bend. Stronger tidal influence will lead to more or stronger reverse flow events at Freeport Bend. Some of those reverse flow events would be strong enough to require shutdown of the FRWP intake facilities, affecting SCWA's ability to provide water to its customers.

In developing the modeling and EIR analysis of these issues, DWR should carefully consider the expert evidence submitted in the WaterFix water rights change petition hearing by SCWA, EBMUD, and other stakeholders. Specifically, SCWA refers DWR to the work by MBK Engineers and Daniel B. Steiner relating to the CALSIM II model assumptions, which will inform DWR of the type of information, assumptions and methodology necessary to properly evaluate these impacts.

3. Impacts to Groundwater Resources in the South American Sub-Basin

SCWA currently serves approximately 150,000 people about 34,500 acre-feet per year (af/yr) throughout its Zone 40 service area. SCWA serves its customers a combination of groundwater and surface water as part of a conjunctive use plan, using surface water during wet years when it is available, and relying on groundwater during dry years. SCWA extracts groundwater from the South American Sub-Basin to serve municipal and industrial demands throughout Zone 40. SCWA has recently produced 20,000-29,000 af/yr from the South American Sub-Basin. At buildout of Zone 40, SCWA anticipates producing about 25,000-63,000 af/yr, depending on hydrologic year type.

SCWA produces groundwater from a groundwater management area known as the Central Basin, which is located entirely within Sacramento County and almost entirely within the South American Sub-Basin. The Central Basin is bounded on the north by the American River, on the west by the Sacramento River and Interstate 5, and on the south roughly by the Cosumnes River. The groundwater in the Central Basin is interconnected with the Sacramento River.

The long-term decrease in surface-water flow resulting from Project diversions could have an impact on the hydraulic connection between the Sacramento River and groundwater in the South American Sub-Basin. Based on existing conditions and current groundwater pumping rates, additional decreases in surface flows could reduce current levels of natural recharge resulting in groundwater elevation decreases, groundwater quality degradation, and adversely affect stream/aquifer interactions. The EIR must thoroughly analyze the Project's potential impacts on stream-groundwater aquifer interactions upstream and downstream of the proposed Project diversions, including whether the Project would lower groundwater levels beneath the Sacramento River and in nearby domestic wells, and by how much.

4. Impacts to Folsom Reservoir Operations, Surface Water Supplies, and Fish Species

SCWA holds two CVP water service contracts for water deliveries from the American River Basin. SCWA also holds an appropriative water right for diversion from the Sacramento River at the FRWP downstream of the confluence with the American River. The Project has the potential to threaten the availability and reliability of SCWA's water supplies through changes in CVP operations that can result in lower storage levels in Folsom Reservoir in certain dry years. Reduced storage and surface water deliveries to SCWA could also require an increase in groundwater production from the South American Sub-Basin in order to meet Zone 40 demands. The electronic modeling files prepared by DWR and Reclamation as part of the WaterFix CEQA/Nation Environmental Protection Act (NEPA) process showed that implementing WaterFix could have these exact impacts. The Project EIR must consider

the Project's potential to result in similar impacts, using appropriate modeling assumptions and methodology, and disclose the results of the analysis.

This analysis is important not only to assess the Project's potential adverse effects on water supply, but also because impacts to Folsom Reservoir storage and releases have the potential to result in significant impacts to sensitive fish species in the lower American River, including steelhead listed under the federal and state ESAs and fall-run Chinook salmon. SCWA coordinates management of the lower American River fishery through the Sacramento Water Forum. The health of the lower American River's aquatic resources are connected to operations of Folsom Reservoir. Reduced Folsom Reservoir storage could cause significant impacts to sensitive fish species in the Lower American River due to a reduced cold-water pool in the reservoir and resulting high water temperatures in the river. The EIR must analyze the impacts that lower Folsom Reservoir storage may have on the lower American River fisheries. The EIR's analysis of hydrologic and fisheries effects should incorporate the Modified Flow Management Standard for the lower American River developed by the Sacramento Water Forum, which has goals of protecting anadromous salmonids and avoiding catastrophic water shortages in the basin

5. Impacts to Town of Hood Wells and Domestic Water Supply

SCWA operates two groundwater wells that serve as the only source of drinking water and fire suppression for residents in the Town of Hood (Hood). The wells are within close proximity to the proposed Project facilities. The Hood wells extend approximately 200-350 feet below ground surface, which is below the depth of the proposed Project tunnel.

SCWA has significant concerns about the tunnel's potential impact on Hood's wells. If there were a small alignment error, tunneling construction could damage the new Hood well hole. Construction could disrupt the existing geological structure and recharge capability, particularly the aquifers. Tunnel construction and operation vibrations could modify or collapse the aquifers, reducing productivity of the new Hood well, which is Hood's primary water source. This modification or collapse could permanently reduce well production since the well hole screens may no longer align with the geological water bearing structures. Further, vibrations from construction and operations have the potential to displace or dislodge existing contaminates, causing a significant adverse change in water quality.

The EIR must analyze the potential impacts on the Hood wells due to construction and the potential degradation of the groundwater aquifer that the wells draw from due to partial or full soil liquefaction. Any impacts to operational reliability must be clearly mitigated. DWR should consult with SCWA as it develops the EIR so that impacts can be avoided through

Project design. The EIR also must address the potential for adverse effects to the groundwater aquifer stability from Project construction and operation. Specifically, the EIR must accurately describe the groundwater aquifer characteristics in and around Hood, and evaluate how the groundwater aquifer and water supplies might be affected by any compaction or alteration of groundwater flow paths. Impacts to local infrastructure or groundwater aquifers must be clearly avoided or mitigated.

6. The EIR Must Evaluate the Project's Consistency with the Delta Plan

The Delta Plan contains policies, recommendations, and performance measures designed to protect the Delta environment and existing Delta land uses from the impacts of major new projects, including the proposed Project. The Delta Reform Act requires that projects within the boundaries of the Delta that will significantly impact the achievement of the statutorily-established coequal goals for protection of the Delta and provision of a reliable water supply demonstrate consistency with the coequal goals and each of the regulatory polices contained in the Delta Plan before the project may be implemented. (Wat. Code, §§ 85054, 85057.5, 85225; Cal. Code Regs., tit. 23, § 5002, subd. (b)(1). The Delta Plan also contains priority recommendations that identify actions "essential to achieving the coequal goals" (Delta Plan, p. ES-17) and performance measures related to meeting the Plan goals and policies. (Delta Plan, Appendix E: Performance Measures for the Delta Plan, as amended Apr. 26, 2018.) The EIR must evaluate the Project's consistency with all relevant Delta Plan policies, recommendations, and performance measures.

Project impacts to the FRWP and Sacramento County residents' water supplies are inconsistent with specific Delta Plan policies and the coequal goals themselves. For example, the Project is not consistent with Delta Plan Policy DP P2 (Cal. Code Regs., tit. 23, § 5011), which requires that water management facilities be sited so as to avoid or reduce conflicts with existing uses, including the Hood wells and FRWP. The Project should be revised prior to release of the draft EIR to move the proposed intakes so that there is no potential for adverse effects to municipal wells or the FRWP. Any impacts to the availability or reliability of the Sacramento region's surface or groundwater resources must be acknowledged and avoided or fully mitigated.

C. The EIR Must Evaluate Alternative Intake Locations and Limitations on the Timing and Volume of Diversions

CEQA requires that DWR consider alternatives to the Project capable of avoiding or substantially lessening its significant impacts. For the reasons discussed above, the proposed intake locations threaten significant impacts to the FRWP, the Hood wells, and surface and

groundwater supplies. DWR staff have represented in Project scoping meetings that there are no available alternative intake locations due to fish concerns. This is inaccurate and contradicted by information developed in the WaterFix CEQA process. Moreover, such statements suggest that DWR has improperly prejudged the scope of its alternatives analysis, such that the Draft EIR may be no more than a post-hoc rationalization for the Project.

Information in the WaterFix EIR Appendix 3F, Intake Location Analyses (pp. 3.F.6-3.F.8), relying on the Fish Facilities Technical Team report, indicates that there are suitable intake locations farther downstream below Steamboat Slough (identified as intakes 6 and 7). Moving intakes farther south on the Sacramento River would reduce the potential for conflicts with, and significant impacts to, SRWTP operations, and thus the FRWP operations, as well as the Hood wells, and have the benefit of being better for salmon. Moving the intakes to avoid impacts to the FRWP and SRWTP also would avoid significant impacts to tribal cultural resources identified by Miwok Tribal government representatives at the February 26, 2020 Delta Stakeholder Engagement Committee meeting, where DWR staff was informed that all three intakes are highly sensitive to the Miwok and include several village sites and more than 5 burial grounds. At a minimum, the draft EIR alternatives must include a robust analysis of alternative locations for the intakes that avoid these significant impacts.

Given the potential for significant impacts to the quality and reliability of water supply for Delta water users, and Delta Reform Act mandates, the EIR also should fully evaluate both a non-structural alternative that should include water reclamation, localized desalination, and increased capture and storage of localized rainfall in lieu of continued or increased Delta exports, as well as alternative intake locations that avoid impacts to Hood and the FRWP.

Finally, in order to protect water supply reliability for water users in and north of the Delta, consistent with the Delta Reform Act, the EIR should evaluate operating scenarios that include limitations on the amount and timing of diversions capable of avoiding any significant impacts to Delta water quality and in-Delta or upstream water supplies.

III. CONCLUSION

As described in the NOP, the Project is likely to have significant adverse impacts to facilities and operations, and result in significant impacts to surface and groundwater resources and water supply, from Project construction and operations. Conflicts with the FRWP and the Hood wells also make the Project described in the NOP inconsistent with the Delta Plan. SCWA encourages DWR to modify the Project prior to release of the draft EIR to move the proposed intakes outside of an area that may adversely influence FRWP operations, or the Hood wells, and to coordinate and consult with SCWA as it develops the draft EIR to

ensure that all impacts, including those identified in these comments, are accurately and adequately evaluated and fully avoided or mitigated. Please contact Kerry Schmitz at SCWA at 916-874-6851 to discuss these comments.

Sincerely,

Kelley M. Taber
Attorney for Sacramento County Water Agency

cc: Susan Tatayon, Chair, Delta Stewardship Council
(*Via Electronic Mail: susan.tatayon@deltacouncil.ca.gov*)

Karla Nemeth, DWR
(*Via Electronic Mail: Karla.nemeth@water.ca.gov*)

Ernest Conant, U.S. Bureau of Reclamation
Region 10 Office
Federal Office Building
2800 Cottage Way
Sacramento CA 95825-1898

From: Alexa Kerr
To: DWR Delta Conveyance Scoping
Subject: Request to Seriously Reconsider the Delta Conveyance Tunnel Project
Date: Friday, April 17, 2020 4:39:47 PM

Dear the California Department of Water Resources,

I hope you and yours are well during these strange times.

My name is Alexa Kerr and I am an officer on the Environmental Affairs Board and a member of the Environmental Justice Alliance at UC Santa Barbara. I am writing this email in strong opposition to the Delta Conveyance project. This damaging project should be terminated immediately as its construction and operation will drive the Chinook Salmon to extinction, with over a hundred species following, devastating the Winnemem Wintu Tribe, local fisheries, and the beautiful ecosystem we currently have and need.

This tunnel project will have a tremendous impact on the livelihood and culture of the Winnemem Wintu Tribe, a matrilineal Wintu-speaking community who are indigenous to the Winnemem, or McCloud River. The Chinook Salmon are an essential part of the cultural traditions of the Winnemem Wintu Tribe, who takes care of the Salmon's land and is deeply and spiritually connected to the Chinook Salmon (Julie Bongers).

"As native people, we rely on the river and the salmon as part of our traditional heritage. We cannot afford to let anything further erode our river systems," testified Robbins, an advisor for Water Protectors Club (fishsniffer.com)

As the Department of Water Resources, it is your mission to protect these natural resources, water, river, Salmon, and listen and learn from the communities most impacted by your proposed project.

Moreover, the environmental disruption to the region will be irreversible as even just the construction and operation of the tunnel will "degrade the water quality for Delta farms, subsist-ence anglers, providers of urban drinking water (including Stockton, Antioch, and other cities), residents playing and swimming in Delta channels, and an increase in deadly toxic algal blooms" (Restore the Delta, Impact Report).

Restore the Delta put together a report detailing the impacts of this Proposed Water Project named The Fate of the Delta. The report stated "[the tunnel project] will impact human uses of water for farms, subsistence fishing, urban drinking water supplies, and urban water rates, each of which will place disproportionate, undue burdens on Delta EJ communities" (Restore the Delta, Impact Report). It is the Department of Water Resources' responsibility to serve communities with non-toxic and pure water, not risk residents' lives with algae blooms.

Finally, this project will endanger the Chinook salmon, which is a keystone species

that for a millennia have been providing nutrients for the soils and nourishing a hundred species that depended on them (Julie Bongers).

Some of the species that depend on the Chinook Salmon are: Black bears, Grizzly Bears, and American badgers, Water shrews, Ringtail cats and Long-tailed weasels, Harbor seals, Great blue herons, and Great egrets, Bald eagles, orcas, and ravens, wolves, North American River otters, ermine, fox, martens, bobcats, ducks, pumas, ‘coons, and sharks (California Mammals). These species are crucial to California wildlife and waterways, without them the biodiversity of California will plummet and drive more extinction.

The delta tunnel will heavily contribute towards the extinction of Chinook salmon, most importantly, last year, only 0.1% of the salmon came back! Much of the species living in the area require salmon to continue living and therefore their extinction will change the ecosystem in the region. The species that depend on the Salmons are all currently starving.

This issue is near to my heart as I am currently away from school in Santa Barbara and living back at home in the Sacramento area. Please reconsider this project as its irreversible damages will be detrimental to the ecosystems in the Sacramento Region, McCloud River, Trinity River, and the Delta. We understand that we are currently in a PANDEMIC and you also have other people to take care of, which is why we need this project to HALT immediately because it concerns the well-being of the Winnemem Wintu Tribe, especially so during this time. Please protect your people in California, especially the most vulnerable.

Respectfully,

Alexa Kerr

From: Jacob Foley
To: DWR Delta Conveyance Scoping
Subject: Request to Seriously Reconsider the Delta Conveyance Tunnel Project
Date: Thursday, April 16, 2020 2:09:56 PM

Dear the California Department of Water Resources,

My name is Jacob and I am a concerned citizen of California. I am writing this email in strong opposition to the Delta Conveyance project. This damaging project should be terminated immediately as its construction and operation will drive the Chinook Salmon to extinction, with over a hundred species following, devastating the Winnemem Wintu Tribe, local fisheries, and the beautiful ecosystem we currently have and need.

This tunnel project will have a tremendous impact on the livelihood and culture of the Winnemem Wintu Tribe, a matrilineal Wintu-speaking community who are indigenous to the Winnemem, or McCloud River. The Chinook Salmon are an essential part of the cultural traditions of the Winnemem Wintu Tribe, who takes care of the Salmon's land and is deeply and spiritually connected to the Chinook Salmon (Julie Bongers).

"As native people, we rely on the river and the salmon as part of our traditional heritage. We cannot afford to let anything further erode our river systems," testified Robbins, an advisor for Water Protectors Club (fishsniffer.com)

As the Department of Water Resources, it is to your mission to protect these natural resources, water, river, Salmon, and listen and learn from the communities most impacted by your proposed project.

Moreover, the environmental disruption to the region will be irreversible as even just the construction and operation of the tunnel will "degrade the water quality for Delta farms, subsist-ence anglers, providers of urban drinking water (including Stockton, Antioch, and other cities), residents playing and swimming in Delta channels, and an increase in deadly toxic algal blooms" (Restore the Delta, Impact Report).

Restore the Delta put together a report detailing the impacts of this Proposed Water Project named The Fate of the Delta. The report stated "[the tunnel project] will impact human uses of water for farms, subsistence fishing, urban drinking water supplies, and urban water rates, each of which will place disproportionate, undue burdens on Delta EJ communities" (Restore the Delta, Impact Report). It is the Department of Water Resource's responsibility to serve communities with non-toxic and pure water, not risk residents life with algea blooms.

Finally, this project will endanger the Chinook salmon, which is a keystone species that for a millennia have been providing nutrients for the soils and nourishing a hundred species that depended on them (Julie Bongers).

Some of the species that depend on the Chinook Salmon are: Black bears, Grizzly Bears, and American badgers, Water shrews, Ringtail cats and Long-tailed weasels, Harbor seals, Great blue herons, and Great egrets, Bald eagles, orcas, and ravens, wolves, North American River otters, ermine, fox, martens, bobcats, ducks, pumas, 'coons, and sharks

(California Mammals). These species are crucial to California wildlife and waterways, without them the biodiversity of California will plummet and drive more extinction.

The delta tunnel will heavily contribute towards the extinction of Chinook salmon, most importantly, last year, only 0.1% of the salmon came back! Much of the species living in the area require salmon to continue living and therefore their extinction will change the ecosystem in the region. The species that depend on the Salmons are all currently starving.

Please reconsider this project as its irreversible damages will be detrimental to the ecosystems in the Sacramento Region, McCloud River, Trinity River, and the Delta. We understand that we are currently in a PANDEMIC and you also have other people to take care of, which is why we need this project to HALT immediately because it concerns the well-being of the Winnemem Wintu Tribe, especially so during this time. Please protect your people in California, especially the most vulnerable.

Respectfully,

Jacob Foley

From: Genesis Mendozaa
To: DWR Delta Conveyance Scoping
Subject: Request to Seriously Reconsider the Delta Conveyance Tunnel Project
Date: Wednesday, April 15, 2020 11:03:59 PM

Dear the California Department of Water Resources,

Hello,

My name is Genesis Mendoza and I am a student from California State University, Los Angeles. I am writing this email in strong opposition to the Delta Conveyance project. This shameful project should be terminated immediately as its construction will drive the Chinook Salmon to extinction and hence devastate the Winnemem Wintu Tribe and moreover over a hundred species will follow, facing extinction.

This tunnel project will have a tremendous impact on the livelihood and culture of the Winnemem Wintu Tribe, a matrilineal Wintu-speaking community who are indigenous to the Winnemem, or McCloud River. The Chinook Salmon are an essential part of the livelihood and cultural traditions of the Winnemem Wintu Tribe that takes care of the Salmon's land. The Winnemem Wintu Tribe is spiritually connected to the Chinook Salmon

"As native people, we rely on the river and the salmon as part of our traditional heritage. We cannot afford to let anything further erode our river systems," testified Robbins, an advisor for Water Protectors Club (fishsniffer.com)

Moreover, the environmental disruption to the region will be irreversible as even just the construction and operation of the tunnel will "degrade the water quality for Delta farms, subsist-ence anglers, providers of urban drinking water (including Stockton, Antioch, and other cities), residents playing and swimming in Delta channels, and an increase in deadly toxic algal blooms" (Restore the Delta, Impact Report).

Restore the Delta put together a report detailing the impacts of this Proposed Water Project named The Fate of the Delta. The report stated "[the tunnel project] will impact human uses of water for farms, subsistence fishing, urban drinking water supplies, and urban water rates, each of which will place disproportionate, undue burdens on Delta EJ communities" (Restore the Delta, Impact Report)

Finally, this project will endanger the Chinook salmon, which is a keystone species that for a millennia have been providing nutrients for the soils and nourishing a hundred species that depended on them.

Some of the species that depend on the Chinook Salmon are: Black bears, Grizzly Bears, and American badgers, Water shrews, Ringtail cats and Long-tailed weasels, Harbor seals, Great blue herons, and Great egrets, Bald eagles, orcas, and ravens, wolves, North American River otters, ermine, fox, martens, bobcats, ducks, pumas, 'coons, and sharks (California Mammals).

The delta tunnel will heavily contribute towards the extinction of Chinook salmon since last

year, only 0.1% of the salmon came back! Much of the species living in the area require salmon to continue living and therefore their extinction will change the ecosystem in the region.

Please reconsider this project as its irreversible damages will be detrimental to the ecosystems in the Sacramento Region, McCloud River, Trinity River, and the Delta. We understand that we are currently in a crisis and you also have other people to take care of, which is why we need this project to halt because it concerns the well-being of the Winnemem Wintu Tribe, especially so during this time. Please protect your people in California, especially so during this crisis.

Respectfully,

Genesis Mendoza

From: Diana Garcia
To: DWR Delta Conveyance Scoping
Subject: Request to Seriously Reconsider the Delta Conveyance Tunnel Project
Date: Thursday, April 16, 2020 4:29:43 PM

Dear the California Department of Water Resources,

My name is Diana Garcia and I am an undergraduate student at UCSB as well as the cochair for Environmental Justice Alliance at UCSB. I am writing this email in strong opposition to the Delta Conveyance project. This damaging project should be terminated immediately as its construction and operation will drive the Chinook Salmon to extinction, with over a hundred species following, devastating the Winnemem Wintu Tribe, local fisheries, and the beautiful ecosystem we currently have and need. This is a direct environmental injustice.

This tunnel project will have a tremendous impact on the livelihood and culture of the Winnemem Wintu Tribe, a matrilineal Wintu-speaking community who are indigenous to the Winnemem, or McCloud River. The Chinook Salmon are an essential part of the cultural traditions of the Winnemem Wintu Tribe, who takes care of the Salmon's land and is deeply and spiritually connected to the Chinook Salmon (Julie Bongers).

"As native people, we rely on the river and the salmon as part of our traditional heritage. We cannot afford to let anything further erode our river systems," testified Robbins, an advisor for Water Protectors Club (fishsniffer.com)

As the Department of Water Resources, it is to your mission to protect these natural resources, water, river, Salmon, and listen and learn from the communities most impacted by your proposed project.

Moreover, the environmental disruption to the region will be irreversible as even just the construction and operation of the tunnel will "degrade the water quality for Delta farms, subsist-ence anglers, providers of urban drinking water (including Stockton, Antioch, and other cities), residents playing and swimming in Delta channels, and an increase in deadly toxic algal blooms" (Restore the Delta, Impact Report).

Restore the Delta put together a report detailing the impacts of this Proposed Water Project named The Fate of the Delta. The report stated "[the tunnel project] will impact human uses of water for farms, subsistence fishing, urban drinking water supplies, and urban water rates, each of which will place disproportionate, undue burdens on Delta EJ communities" (Restore the Delta, Impact Report). It is the Department of Water Resource's responsibility to serve communities with non-toxic and pure water, not risk residents life with algea blooms.

Finally, this project will endanger the Chinook salmon, which is a keystone species that for a millennia have been providing nutrients for the soils and nourishing a hundred species that depended on them (Julie Bongers).

Some of the species that depend on the Chinook Salmon are: Black bears, Grizzly Bears, and American badgers, Water shrews, Ringtail cats and Long-tailed weasels, Harbor seals, Great blue herons, and Great egrets, Bald eagles, orcas, and ravens, wolves, North American River otters, ermine, fox, martens, bobcats, ducks, pumas, ‘coons, and sharks (California Mammals). These species are crucial to California wildlife and waterways, without them the biodiversity of California will plummet and drive more extinction.

The delta tunnel will heavily contribute towards the extinction of Chinook salmon, most importantly, last year, only 0.1% of the salmon came back! Much of the species living in the area require salmon to continue living and therefore their extinction will change the ecosystem in the region. The species that depend on the Salmons are all currently starving.

Please reconsider this project as its irreversible damages will be detrimental to the ecosystems in the Sacramento Region, McCloud River, Trinity River, and the Delta. We understand that we are currently in a PANDEMIC and you also have other people to take care of, which is why we need this project to HALT immediately because it concerns the well-being of the Winnemem Wintu Tribe, especially so during this time. Please protect your people in California, especially the most vulnerable.

Respectfully,

Diana Garcia

From: Rachel Huang
To: DWR Delta Conveyance Scoping
Subject: Request to Seriously Reconsider the Delta Conveyance Tunnel Project
Date: Thursday, April 16, 2020 4:24:34 PM

Dear the California Department of Water Resources,

—greetings—

My name is Rachel and I am a core member of Zero Waste Committee at UCSB. I am writing this email in strong opposition to the Delta Conveyance project. This damaging project should be terminated immediately as its construction and operation will drive the Chinook Salmon to extinction, with over a hundred species following, devastating the Winnemem Wintu Tribe, local fisheries, and the beautiful ecosystem we currently have and need.

This tunnel project will have a tremendous impact on the livelihood and culture of the Winnemem Wintu Tribe, a matrilineal Wintu-speaking community who are indigenous to the Winnemem, or McCloud River. The Chinook Salmon are an essential part of the cultural traditions of the Winnemem Wintu Tribe, who takes care of the Salmon's land and is deeply and spiritually connected to the Chinook Salmon (Julie Bongers).

"As native people, we rely on the river and the salmon as part of our traditional heritage. We cannot afford to let anything further erode our river systems," testified Robbins, an advisor for Water Protectors Club (fishsniffer.com)

As the Department of Water Resources, it is to your mission to protect these natural resources, water, river, Salmon, and listen and learn from the communities most impacted by your proposed project.

Moreover, the environmental disruption to the region will be irreversible as even just the construction and operation of the tunnel will "degrade the water quality for Delta farms, subsist-ence anglers, providers of urban drinking water (including Stockton, Antioch, and other cities), residents playing and swimming in Delta channels, and an increase in deadly toxic algal blooms" (Restore the Delta, Impact Report).

Restore the Delta put together a report detailing the impacts of this Proposed Water Project named The Fate of the Delta. The report stated "[the tunnel project] will impact human uses of water for farms, subsistence fishing, urban drinking water supplies, and urban water rates, each of which will place disproportionate, undue burdens on Delta EJ communities" (Restore the Delta, Impact Report). It is the Department of Water Resource's responsibility to serve communities with non-toxic and pure water, not risk residents life with algea blooms.

Finally, this project will endanger the Chinook salmon, which is a keystone species that for a millennia have been providing nutrients for the soils and nourishing a hundred species that depended on them (Julie Bongers).

Some of the species that depend on the Chinook Salmon are: Black bears, Grizzly Bears, and American badgers, Water shrews, Ringtail cats and Long-tailed weasels, Harbor seals, Great blue herons, and Great egrets, Bald eagles, orcas, and ravens, wolves, North American River otters, ermine, fox, martens, bobcats, ducks, pumas, 'coons, and sharks (California Mammals). These species are crucial to California wildlife and waterways, without them the biodiversity of California will plummet and drive more extinction.

The delta tunnel will heavily contribute towards the extinction of Chinook salmon, most importantly, last year, only 0.1% of the salmon came back! Much of the species living in the area require salmon to continue living and therefore their extinction will change the ecosystem in the region. The species that depend on the Salmons are all currently starving.

Please reconsider this project as its irreversible damages will be detrimental to the ecosystems in the Sacramento Region, McCloud River, Trinity River, and the Delta. We understand that we are currently in a PANDEMIC and you also have other people to take care of, which is why we need this project to HALT immediately because it concerns the well-being of the Winnemem Wintu Tribe, especially so during this time. Please protect your people in California, especially the most vulnerable.

Respectfully,

Rachel

From: Lorenzo Castaneda
To: DWR Delta Conveyance Scoping
Subject: Request to Seriously Reconsider the Delta Conveyance Tunnel Project
Date: Thursday, April 16, 2020 5:16:31 PM

Dear the California Department of Water Resources,

Hello,

My name is Lorenzo Castaneda and I am an from the Environmental Justice Alliance at UCSB. I am writing this email in strong opposition to the Delta Conveyance project. This damaging project should be terminated immediately as its construction and operation will drive the Chinook Salmon to extinction, with over a hundred species following, devastating the Winnemem Wintu Tribe, local fisheries, and the beautiful ecosystem we currently have and need.

This tunnel project will have a tremendous impact on the livelihood and culture of the Winnemem Wintu Tribe, a matrilineal Wintu-speaking community who are indigenous to the Winnemem, or McCloud River. The Chinook Salmon are an essential part of the cultural traditions of the Winnemem Wintu Tribe, who takes care of the Salmon's land and is deeply and spiritually connected to the Chinook Salmon (Julie Bongers).

"As native people, we rely on the river and the salmon as part of our traditional heritage. We cannot afford to let anything further erode our river systems," testified Robbins, an advisor for Water Protectors Club (fishsniffer.com)

As the Department of Water Resources, it is to your mission to protect these natural resources, water, river, Salmon, and listen and learn from the communities most impacted by your proposed project.

Moreover, the environmental disruption to the region will be irreversible as even just the construction and operation of the tunnel will "degrade the water quality for Delta farms, subsist-ence anglers, providers of urban drinking water (including Stockton, Antioch, and other cities), residents playing and swimming in Delta channels, and an increase in deadly toxic algal blooms" (Restore the Delta, Impact Report).

Restore the Delta put together a report detailing the impacts of this Proposed Water Project named The Fate of the Delta. The report stated "[the tunnel project] will impact human uses of water for farms, subsistence fishing, urban drinking water supplies, and urban water rates, each of which will place disproportionate, undue burdens on Delta EJ communities" (Restore the Delta, Impact Report). It is the Department of Water Resource's responsibility to serve communities with non-toxic and pure water, not risk residents life with algea blooms.

Finally, this project will endanger the Chinook salmon, which is a keystone species that for a millennia have been providing nutrients for the soils and nourishing a hundred species that depended on them (Julie Bongers).

Some of the species that depend on the Chinook Salmon are: Black bears, Grizzly Bears, and American badgers, Water shrews, Ringtail cats and Long-tailed weasels, Harbor seals, Great blue herons, and Great egrets, Bald eagles, orcas, and ravens, wolves, North American River otters, ermine, fox, martens, bobcats, ducks, pumas, ‘coons, and sharks (California Mammals). These species are crucial to California wildlife and waterways, without them the biodiversity of California will plummet and drive more extinction.

The delta tunnel will heavily contribute towards the extinction of Chinook salmon, most importantly, last year, only 0.1% of the salmon came back! Much of the species living in the area require salmon to continue living and therefore their extinction will change the ecosystem in the region. The species that depend on the Salmons are all currently starving.

Please reconsider this project as its irreversible damages will be detrimental to the ecosystems in the Sacramento Region, McCloud River, Trinity River, and the Delta. We understand that we are currently in a PANDEMIC and you also have other people to take care of, which is why we need this project to HALT immediately because it concerns the well-being of the Winnemem Wintu Tribe, especially so during this time. Please protect your people in California, especially the most vulnerable.

Respectfully,

Lorenzo Castaneda

From: Georgia Steinheimer
To: DWR Delta Conveyance Scoping
Subject: Request to Seriously Reconsider the Delta Conveyance Tunnel Project
Date: Thursday, April 16, 2020 6:24:52 PM

Dear California Department of Water Resources,

I am writing this email in strong opposition to the Delta Conveyance project. This damaging project should be terminated immediately as its construction and operation will drive the Chinook Salmon to extinction, with over a hundred species following, devastating the Winnemem Wintu Tribe, local fisheries, and the beautiful ecosystem we currently have and need.

This tunnel project will have a tremendous impact on the livelihood and culture of the Winnemem Wintu Tribe, a matrilineal Wintu-speaking community who are indigenous to the Winnemem, or McCloud River. The Chinook Salmon are an essential part of the cultural traditions of the Winnemem Wintu Tribe, who takes care of the Salmon's land and is deeply and spiritually connected to the Chinook Salmon (Julie Bongers).

"As native people, we rely on the river and the salmon as part of our traditional heritage. We cannot afford to let anything further erode our river systems," testified Robbins, an advisor for Water Protectors Club (fishsniffer.com)

As the Department of Water Resources, it is to your mission to protect these natural resources, water, river, Salmon, and listen and learn from the communities most impacted by your proposed project.

Moreover, the environmental disruption to the region will be irreversible as even just the construction and operation of the tunnel will "degrade the water quality for Delta farms, subsist-ence anglers, providers of urban drinking water (including Stockton, Antioch, and other cities), residents playing and swimming in Delta channels, and an increase in deadly toxic algal blooms" (Restore the Delta, Impact Report).

Restore the Delta put together a report detailing the impacts of this Proposed Water Project named The Fate of the Delta. The report stated "[the tunnel project] will impact human uses of water for farms, subsistence fishing, urban drinking water supplies, and urban water rates, each of which will place disproportionate, undue burdens on Delta EJ communities" (Restore the Delta, Impact Report). It is the Department of Water Resource's responsibility to serve communities with non-toxic and pure water, not risk residents life with algea blooms.

Finally, this project will endanger the Chinook salmon, which is a keystone species that for a millennia have been providing nutrients for the soils and nourishing a hundred species that depended on them (Julie Bongers).

Some of the species that depend on the Chinook Salmon are: Black bears, Grizzly

Bears, and American badgers, Water shrews, Ringtail cats and Long-tailed weasels, Harbor seals, Great blue herons, and Great egrets, Bald eagles, orcas, and ravens, wolves, North American River otters, ermine, fox, martens, bobcats, ducks, pumas, ‘coons, and sharks (California Mammals). These species are crucial to California wildlife and waterways, without them the biodiversity of California will plummet and drive more extinction.

The delta tunnel will heavily contribute towards the extinction of Chinook salmon, most importantly, last year, only 0.1% of the salmon came back! Much of the species living in the area require salmon to continue living and therefore their extinction will change the ecosystem in the region. The species that depend on the Salmons are all currently starving.

Please reconsider this project as its irreversible damages will be detrimental to the ecosystems in the Sacramento Region, McCloud River, Trinity River, and the Delta. We understand that we are currently in a PANDEMIC and you also have other people to take care of, which is why we need this project to HALT immediately because it concerns the well-being of the Winnemem Wintu Tribe, especially so during this time. Please protect your people in California, especially the most vulnerable.

Respectfully,

Georgia Steinheimer

From: Phoebe Lawton
To: DWR Delta Conveyance Scoping
Subject: Request to Seriously Reconsider the Delta Conveyance Tunnel Project
Date: Thursday, April 16, 2020 6:19:32 PM

Dear the California Department of Water Resources,

Hello, my name is Phoebe Lawton and I am a concerned student activist. I am writing this email in strong opposition to the Delta Conveyance project. This damaging project should be terminated immediately as its construction and operation will drive the Chinook Salmon to extinction, with over a hundred species following, devastating the Winnemem Wintu Tribe, local fisheries, and the beautiful ecosystem we currently have and need.

This tunnel project will have a tremendous impact on the livelihood and culture of the Winnemem Wintu Tribe, a matrilineal Wintu-speaking community who are indigenous to the Winnemem, or McCloud River. The Chinook Salmon are an essential part of the cultural traditions of the Winnemem Wintu Tribe, who takes care of the Salmon's land and is deeply and spiritually connected to the Chinook Salmon (Julie Bongers).

"As native people, we rely on the river and the salmon as part of our traditional heritage. We cannot afford to let anything further erode our river systems," testified Robbins, an advisor for Water Protectors Club (fishsniffer.com)

As the Department of Water Resources, it is to your mission to protect these natural resources, water, river, Salmon, and listen and learn from the communities most impacted by your proposed project.

Moreover, the environmental disruption to the region will be irreversible as even just the construction and operation of the tunnel will "degrade the water quality for Delta farms, subsist-ence anglers, providers of urban drinking water (including Stockton, Antioch, and other cities), residents playing and swimming in Delta channels, and an increase in deadly toxic algal blooms" (Restore the Delta, Impact Report).

Restore the Delta put together a report detailing the impacts of this Proposed Water Project named The Fate of the Delta. The report stated "[the tunnel project] will impact human uses of water for farms, subsistence fishing, urban drinking water supplies, and urban water rates, each of which will place disproportionate, undue burdens on Delta EJ communities" (Restore the Delta, Impact Report). It is the Department of Water Resource's responsibility to serve communities with non-toxic and pure water, not risk residents life with algea blooms.

Finally, this project will endanger the Chinook salmon, which is a keystone species that for a millennia have been providing nutrients for the soils and nourishing a hundred species that depended on them (Julie Bongers).

Some of the species that depend on the Chinook Salmon are: Black bears, Grizzly Bears, and American badgers, Water shrews, Ringtail cats and Long-tailed weasels, Harbor seals, Great blue herons, and Great egrets, Bald eagles, orcas, and ravens, wolves, North American River otters, ermine, fox, martens, bobcats, ducks, pumas, ‘coons, and sharks (California Mammals). These species are crucial to California wildlife and waterways, without them the biodiversity of California will plummet and drive more extinction.

The delta tunnel will heavily contribute towards the extinction of Chinook salmon, most importantly, last year, only 0.1% of the salmon came back! Much of the species living in the area require salmon to continue living and therefore their extinction will change the ecosystem in the region. The species that depend on the Salmons are all currently starving.

Please reconsider this project as its irreversible damages will be detrimental to the ecosystems in the Sacramento Region, McCloud River, Trinity River, and the Delta. We understand that we are currently in a PANDEMIC and you also have other people to take care of, which is why we need this project to HALT immediately because it concerns the well-being of the Winnemem Wintu Tribe, especially so during this time. Please protect your people in California, especially the most vulnerable.

Respectfully,

Phoebe Lawton

From: Miranda O"Brien
To: DWR Delta Conveyance Scoping
Subject: Request to Seriously Reconsider the Delta Conveyance Tunnel Project
Date: Thursday, April 16, 2020 7:59:25 PM

Dear the California Department of Water Resources,

My name is Miranda O'Brien and I am an undergraduate student activist at UCSB. I am writing this email in strong opposition to the Delta Conveyance project. This damaging project should be terminated immediately as its construction and operation will drive the Chinook Salmon to extinction, with over a hundred species following, devastating the Winnemem Wintu Tribe, local fisheries, and the beautiful ecosystem we currently have and need.

This tunnel project will have a tremendous impact on the livelihood and culture of the Winnemem Wintu Tribe, a matrilineal Wintu-speaking community who are indigenous to the Winnemem, or McCloud River. The Chinook Salmon are an essential part of the cultural traditions of the Winnemem Wintu Tribe, who takes care of the Salmon's land and is deeply and spiritually connected to the Chinook Salmon (Julie Bongers).

"As native people, we rely on the river and the salmon as part of our traditional heritage. We cannot afford to let anything further erode our river systems," testified Robbins, an advisor for Water Protectors Club (fishsniffer.com)

As the Department of Water Resources, it is to your mission to protect these natural resources, water, river, Salmon, and listen and learn from the communities most impacted by your proposed project.

Moreover, the environmental disruption to the region will be irreversible as even just the construction and operation of the tunnel will "degrade the water quality for Delta farms, subsist-ence anglers, providers of urban drinking water (including Stockton, Antioch, and other cities), residents playing and swimming in Delta channels, and an increase in deadly toxic algal blooms" (Restore the Delta, Impact Report).

Restore the Delta put together a report detailing the impacts of this Proposed Water Project named The Fate of the Delta. The report stated

“[the tunnel project] will impact human uses of water for farms, subsistence fishing, urban drinking water supplies, and urban water rates, each of which will place disproportionate, undue burdens on Delta EJ communities” (Restore the Delta, Impact Report). It is the Department of Water Resource’s responsibility to serve communities with non-toxic and pure water, not risk residents life with algea blooms.

Finally, this project will endanger the Chinook salmon, which is a keystone species that for a millennia have been providing nutrients for the soils and nourishing a hundred species that depended on them (Julie Bongers).

Some of the species that depend on the Chinook Salmon are: Black bears, Grizzly Bears, and American badgers, Water shrews, Ringtail cats and Long-tailed weasels, Harbor seals, Great blue herons, and Great egrets, Bald eagles, orcas, and ravens, wolves, North American River otters, ermine, fox, martens, bobcats, ducks, pumas, ‘coons, and sharks (California Mammals). These species are crucial to California wildlife and waterways, without them the biodiversity of California will plummet and drive more extinction.

The delta tunnel will heavily contribute towards the extinction of Chinook salmon, most importantly, last year, only 0.1% of the salmon came back! Much of the species living in the area require salmon to continue living and therefore their extinction will change the ecosystem in the region. The species that depend on the Salmons are all currently starving.

Please reconsider this project as its irreversible damages will be detrimental to the ecosystems in the Sacramento Region, McCloud River, Trinity River, and the Delta. We understand that we are currently in a PANDEMIC and you also have other people to take care of, which is why we need this project to HALT immediately because it concerns the well-being of the Winnemem Wintu Tribe, especially so during this time. Please protect your people in California, especially the most vulnerable.

Respectfully,

Miranda O'Brien

From: Jennifer Martinez Eugenio
To: DWR Delta Conveyance Scoping
Subject: Request to Seriously Reconsider the Delta Conveyance Tunnel Project
Date: Thursday, April 16, 2020 6:26:20 PM

Dear the California Department of Water Resources,

—greetings—

My name is Jennifer Martinez and I am a student at the University of California, Santa Barbara. I am writing this email in strong opposition to the Delta Conveyance project. This damaging project should be terminated immediately as its construction and operation will drive the Chinook Salmon to extinction, with over a hundred species following, devastating the Winnemem Wintu Tribe, local fisheries, and the beautiful ecosystem we currently have and need.

This tunnel project will have a tremendous impact on the livelihood and culture of the Winnemem Wintu Tribe, a matrilineal Wintu-speaking community who are indigenous to the Winnemem, or McCloud River. The Chinook Salmon are an essential part of the cultural traditions of the Winnemem Wintu Tribe, who takes care of the Salmon's land and is deeply and spiritually connected to the Chinook Salmon (Julie Bongers).

"As native people, we rely on the river and the salmon as part of our traditional heritage. We cannot afford to let anything further erode our river systems," testified Robbins, an advisor for Water Protectors Club (fishsniffer.com)

As the Department of Water Resources, it is to your mission to protect these natural resources, water, river, Salmon, and listen and learn from the communities most impacted by your proposed project.

Moreover, the environmental disruption to the region will be irreversible as even just the construction and operation of the tunnel will "degrade the water quality for Delta farms, subsist-ence anglers, providers of urban drinking water (including Stockton, Antioch, and other cities), residents playing and swimming in Delta channels, and an increase in deadly toxic algal blooms" (Restore the Delta, Impact Report).

Restore the Delta put together a report detailing the impacts of this Proposed Water Project named The Fate of the Delta. The report stated "[the tunnel project] will impact human uses of water for farms, subsistence fishing, urban drinking water supplies, and urban water rates, each of which will place disproportionate, undue burdens on Delta EJ communities" (Restore the Delta, Impact Report). It is the Department of Water Resource's responsibility to serve communities with non-toxic and pure water, not risk residents life with algea blooms.

Finally, this project will endanger the Chinook salmon, which is a keystone species that for a millennia have been providing nutrients for the soils and nourishing a

hundred species that depended on them (Julie Bongers).

Some of the species that depend on the Chinook Salmon are: Black bears, Grizzly Bears, and American badgers, Water shrews, Ringtail cats and Long-tailed weasels, Harbor seals, Great blue herons, and Great egrets, Bald eagles, orcas, and ravens, wolves, North American River otters, ermine, fox, martens, bobcats, ducks, pumas, ‘coons, and sharks (California Mammals). These species are crucial to California wildlife and waterways, without them the biodiversity of California will plummet and drive more extinction.

The delta tunnel will heavily contribute towards the extinction of Chinook salmon, most importantly, last year, only 0.1% of the salmon came back! Much of the species living in the area require salmon to continue living and therefore their extinction will change the ecosystem in the region. The species that depend on the Salmons are all currently starving.

Please reconsider this project as its irreversible damages will be detrimental to the ecosystems in the Sacramento Region, McCloud River, Trinity River, and the Delta. We understand that we are currently in a PANDEMIC and you also have other people to take care of, which is why we need this project to HALT immediately because it concerns the well-being of the Winnemem Wintu Tribe, especially so during this time. Please protect your people in California, especially the most vulnerable.

Respectfully,

Jennifer Martinez

From: Siena Hooper
To: DWR Delta Conveyance Scoping
Subject: Request to Seriously Reconsider the Delta Conveyance Tunnel Project
Date: Thursday, April 16, 2020 8:48:19 PM

Dear the California Department of Water Resources,

My name is Siena Hooper and I am an environmental studies major at UCSB. I am writing this email in strong opposition to the Delta Conveyance project. This damaging project should be terminated immediately as its construction and operation will drive the Chinook Salmon to extinction, with over a hundred species following, devastating the Winnemem Wintu Tribe, local fisheries, and the beautiful ecosystem we currently have and need.

This tunnel project will have a tremendous impact on the livelihood and culture of the Winnemem Wintu Tribe, a matrilineal Wintu-speaking community who are indigenous to the Winnemem, or McCloud River. The Chinook Salmon are an essential part of the cultural traditions of the Winnemem Wintu Tribe, who takes care of the Salmon's land and is deeply and spiritually connected to the Chinook Salmon (Julie Bongers).

"As native people, we rely on the river and the salmon as part of our traditional heritage. We cannot afford to let anything further erode our river systems," testified Robbins, an advisor for Water Protectors Club (fishsniffer.com)

As the Department of Water Resources, it is your mission to protect these natural resources, water, river, Salmon, and listen and learn from the communities most impacted by your proposed project.

Moreover, the environmental disruption to the region will be irreversible as even just the construction and operation of the tunnel will "degrade the water quality for Delta farms, subsist-ence anglers, providers of urban drinking water (including Stockton, Antioch, and other cities), residents playing and swimming in Delta channels, and an increase in deadly toxic algal blooms" (Restore the Delta, Impact Report).

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Finally, this project will endanger the Chinook salmon, which is a keystone species that for a millennia have been providing nutrients for the soils and nourishing a hundred species that depended on them (Julie Bongers).

Some of the species that depend on the Chinook Salmon are: Black bears, Grizzly Bears, and American badgers, Water shrews, Ringtail cats and Long-tailed weasels, Harbor seals, Great blue herons, and Great egrets, Bald eagles, orcas, and ravens, wolves, North American River otters, ermine, fox, martens, bobcats, ducks, pumas, ‘coons, and sharks (California Mammals). These species are crucial to California wildlife and waterways, without them the biodiversity of California will plummet and drive more extinction.

The delta tunnel will heavily contribute towards the extinction of Chinook salmon, most importantly, last year, only 0.1% of the salmon came back! Much of the species living in the area require salmon to continue living and therefore their extinction will change the ecosystem in the region. The species that depend on the Salmons are all currently starving.

Please reconsider this project as its irreversible damages will be detrimental to the ecosystems in the Sacramento Region, McCloud River, Trinity River, and the Delta. We understand that we are currently in a PANDEMIC and you also have other people to take care of, which is why we need this project to HALT immediately because it concerns the well-being of the Winnemem Wintu Tribe, especially so during this time. Please protect your people in California, especially the most vulnerable.

Respectfully,

Siena Hooper

From: Elvia Cruz-Garcia
To: DWR Delta Conveyance Scoping
Subject: Request to Seriously Reconsider the Delta Conveyance Tunnel Project
Date: Thursday, April 16, 2020 11:33:10 PM

Dear the California Department of Water Resources,

My name is Elvia Cruz and I am with the University of California, Santa Barbara's Environmental Justice Alliance. I am writing this email in strong opposition to the Delta Conveyance project. This damaging project should be terminated immediately as its construction and operation will drive the Chinook Salmon to extinction, with over a hundred species following, devastating the Winnemem Wintu Tribe, local fisheries, and the beautiful ecosystem we currently have and need.
This tunnel project will have a tremendous impact on the livelihood and culture of the Winnemem Wintu Tribe, a matrilineal Wintu-speaking community who are indigenous to the Winnemem, or McCloud River. The Chinook Salmon are an essential part of the cultural traditions of the Winnemem Wintu Tribe, who takes care of the Salmon's land and is deeply and spiritually connected to the Chinook Salmon (Julie Bongers).

"As native people, we rely on the river and the salmon as part of our traditional heritage. We cannot afford to let anything further erode our river systems," testified Robbins, an advisor for Water Protectors Club (fishsniffer.com)

As the Department of Water Resources, it is to your mission to protect these natural resources, water, river, Salmon, and listen and learn from the communities most impacted by your proposed project.

Moreover, the environmental disruption to the region will be irreversible as even just the construction and operation of the tunnel will "degrade the water quality for Delta farms, subsistence anglers, providers of urban drinking water (including Stockton, Antioch, and other cities), residents playing and swimming in Delta channels, and an increase in deadly toxic algal blooms" (Restore the Delta, Impact Report).

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Finally, this project will endanger the Chinook salmon, which is a keystone species that for millennia has been providing nutrients for the soils and nourishing a hundred species that depended on them (Julie Bongers).

Some of the species that depend on the Chinook Salmon are Black bears, Grizzly Bears, and American badgers, Water shrews, Ringtail cats and Long-tailed weasels, Harbor seals, Great blue herons, and Great egrets, Bald eagles, orcas, and ravens, wolves, North American River otters, ermine, fox, martens, bobcats, ducks, pumas, 'coons, and sharks (California Mammals).

These species are crucial to California wildlife and waterways, without them the biodiversity of California will plummet and drive more extinction.

The delta tunnel will heavily contribute towards the extinction of Chinook salmon, most importantly, last year, only 0.1% of the salmon came back! Much of the species living in the area require salmon to continue living and therefore their extinction will change the ecosystem in the region. The species that depend on the Salmons are all currently starving.

Please reconsider this project as its irreversible damages will be detrimental to the ecosystems in the Sacramento Region, McCloud River, Trinity River, and the Delta. We understand that we are currently in a PANDEMIC and you also have other people to take care of, which is why we need this project to HALT immediately because it concerns the well-being of the Winnemem Wintu Tribe, especially so during this time. Please protect your people in California, especially the most vulnerable.

Best,

Elvia

From: lonofre123@gmail.com
To: DWR Delta Conveyance Scoping
Subject: Request to Seriously Reconsider the Delta Conveyance Tunnel Project
Date: Thursday, April 16, 2020 9:26:54 PM

Dear the California Department of Water Resources,

—greetings—

My name Luis, I am writing this email in strong opposition to the Delta Conveyance project. This damaging project should be terminated immediately as its construction and operation will drive the Chinook Salmon to extinction, with over a hundred species following, devastating the Winnemem Wintu Tribe, local fisheries, and the beautiful ecosystem we currently have and need.

This tunnel project will have a tremendous impact on the livelihood and culture of the Winnemem Wintu Tribe, a matrilineal Wintu-speaking community who are indigenous to the Winnemem, or McCloud River. The Chinook Salmon are an essential part of the cultural traditions of the Winnemem Wintu Tribe, who takes care of the Salmon's land and is deeply and spiritually connected to the Chinook Salmon (Julie Bongers).

"As native people, we rely on the river and the salmon as part of our traditional heritage. We cannot afford to let anything further erode our river systems," testified Robbins, an advisor for Water Protectors Club (fishsniffer.com)

As the Department of Water Resources, it is to your mission to protect these natural resources, water, river, Salmon, and listen and learn from the communities most impacted by your proposed project.

Moreover, the environmental disruption to the region will be irreversible as even just the construction and operation of the tunnel will "degrade the water quality for Delta farms, subsist-ence anglers, providers of urban drinking water (including Stockton, Antioch, and other cities), residents playing and swimming in Delta channels, and an increase in deadly toxic algal blooms" (Restore the Delta, Impact Report).

Restore the Delta put together a report detailing the impacts of this Proposed Water Project named The Fate of the Delta. The report stated "[the tunnel project] will impact human uses of water for farms, subsistence fishing, urban drinking water supplies, and urban water rates, each of which will place disproportionate, undue burdens on Delta EJ communities" (Restore the Delta, Impact Report). It is the Department of Water Resource's responsibility to serve communities with non-toxic and pure water, not risk residents life with algea blooms.

Finally, this project will endanger the Chinook salmon, which is a keystone species that for a millennia have been providing nutrients for the soils and nourishing a hundred species that depended on them (Julie Bongers).

Some of the species that depend on the Chinook Salmon are: Black bears, Grizzly Bears,

and American badgers, Water shrews, Ringtail cats and Long-tailed weasels, Harbor seals, Great blue herons, and Great egrets, Bald eagles, orcas, and ravens, wolves, North American River otters, ermine, fox, martens, bobcats, ducks, pumas, ‘coons, and sharks (California Mammals). These species are crucial to California wildlife and waterways, without them the biodiversity of California will plummet and drive more extinction.

The delta tunnel will heavily contribute towards the extinction of Chinook salmon, most importantly, last year, only 0.1% of the salmon came back! Much of the species living in the area require salmon to continue living and therefore their extinction will change the ecosystem in the region. The species that depend on the Salmons are all currently starving.

Please reconsider this project as its irreversible damages will be detrimental to the ecosystems in the Sacramento Region, McCloud River, Trinity River, and the Delta. We understand that we are currently in a PANDEMIC and you also have other people to take care of, which is why we need this project to HALT immediately because it concerns the well-being of the Winnemem Wintu Tribe, especially so during this time. Please protect your people in California, especially the most vulnerable.

Respectfully,

Sent from my iPhone

From: Cynthia Torres
To: DWR Delta Conveyance Scoping
Subject: Request to Seriously Reconsider the Delta Conveyance Tunnel Project
Date: Thursday, April 16, 2020 11:52:46 PM

Dear the California Department of Water Resources,

I hope you are doing well. My name is Cynthia Torres and I am an California native. I am writing this email in strong opposition to the Delta Conveyance project. This damaging project should be terminated immediately as its construction and operation will drive the Chinook Salmon to extinction, with over a hundred species following, devastating the Winnemem Wintu Tribe, local fisheries, and the beautiful ecosystem we currently have and need.

This tunnel project will have a tremendous impact on the livelihood and culture of the Winnemem Wintu Tribe, a matrilineal Wintu-speaking community who are indigenous to the Winnemem, or McCloud River. The Chinook Salmon are an essential part of the cultural traditions of the Winnemem Wintu Tribe, who takes care of the Salmon's land and is deeply and spiritually connected to the Chinook Salmon (Julie Bongers).

"As native people, we rely on the river and the salmon as part of our traditional heritage. We cannot afford to let anything further erode our river systems," testified Robbins, an advisor for Water Protectors Club (fishsniffer.com)

As the Department of Water Resources, it is to your mission to protect these natural resources, water, river, Salmon, and listen and learn from the communities most impacted by your proposed project.

Moreover, the environmental disruption to the region will be irreversible as even just the construction and operation of the tunnel will "degrade the water quality for Delta farms, subsist-ence anglers, providers of urban drinking water (including Stockton, Antioch, and other cities), residents playing and swimming in Delta channels, and an increase in deadly toxic algal blooms" (Restore the Delta, Impact Report).

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Finally, this project will endanger the Chinook salmon, which is a keystone species that for a millennia have been providing nutrients for the soils and nourishing a hundred species that depended on them (Julie Bongers).

Some of the species that depend on the Chinook Salmon are: Black bears, Grizzly Bears, and American badgers, Water shrews, Ringtail cats and Long-tailed weasels, Harbor seals, Great blue herons, and Great egrets, Bald eagles, orcas, and ravens, wolves, North American River otters, ermine, fox, martens, bobcats, ducks, pumas, ‘coons, and sharks (California Mammals). These species are crucial to California wildlife and waterways, without them the biodiversity of California will plummet and drive more extinction.

The delta tunnel will heavily contribute towards the extinction of Chinook salmon, most importantly, last year, only 0.1% of the salmon came back! Much of the species living in the area require salmon to continue living and therefore their extinction will change the ecosystem in the region. The species that depend on the Salmons are all currently starving.

Please reconsider this project as its irreversible damages will be detrimental to the ecosystems in the Sacramento Region, McCloud River, Trinity River, and the Delta. We understand that we are currently in a PANDEMIC and you also have other people to take care of, which is why we need this project to HALT immediately because it concerns the well-being of the Winnemem Wintu Tribe, especially so during this time. Please protect your people in California, especially the most vulnerable.

Respectfully,

Cynthia Torres

From: Selenia Segura-Verdin
To: DWR Delta Conveyance Scoping
Subject: Request to Seriously Reconsider the Delta Conveyance Tunnel Project
Date: Friday, April 17, 2020 2:16:45 AM

Dear the California Department of Water Resources,

My name is Selenia and I am writing this email in strong opposition to the Delta Conveyance project. This damaging project should be terminated immediately as its construction and operation will drive the Chinook Salmon to extinction, with over a hundred species following, devastating the Winnemem Wintu Tribe, local fisheries, and the beautiful ecosystem we currently have and need.

This tunnel project will have a tremendous impact on the livelihood and culture of the Winnemem Wintu Tribe, a matrilineal Wintu-speaking community who are indigenous to the Winnemem, or McCloud River. The Chinook Salmon are an essential part of the cultural traditions of the Winnemem Wintu Tribe, who takes care of the Salmon's land and is deeply and spiritually connected to the Chinook Salmon (Julie Bongers).

"As native people, we rely on the river and the salmon as part of our traditional heritage. We cannot afford to let anything further erode our river systems," testified Robbins, an advisor for Water Protectors Club (fishsniffer.com)

As the Department of Water Resources, it is to your mission to protect these natural resources, water, river, Salmon, and listen and learn from the communities most impacted by your proposed project.

Moreover, the environmental disruption to the region will be irreversible as even just the construction and operation of the tunnel will "degrade the water quality for Delta farms, subsist-ence anglers, providers of urban drinking water (including Stockton, Antioch, and other cities), residents playing and swimming in Delta channels, and an increase in deadly toxic algal blooms" (Restore the Delta, Impact Report).

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Finally, this project will endanger the Chinook salmon, which is a keystone species that for a millennia have been providing nutrients for the soils and nourishing a hundred species that depended on them (Julie Bongers).

Some of the species that depend on the Chinook Salmon are: Black bears, Grizzly Bears, and American badgers, Water shrews, Ringtail cats and Long-tailed weasels, Harbor seals, Great blue herons, and Great egrets, Bald eagles, orcas, and ravens, wolves, North American River otters, ermine, fox, martens, bobcats, ducks, pumas, ‘coons, and sharks (California Mammals). These species are crucial to California wildlife and waterways, without them the biodiversity of California will plummet and drive more extinction.

The delta tunnel will heavily contribute towards the extinction of Chinook salmon, most importantly, last year, only 0.1% of the salmon came back! Much of the species living in the area require salmon to continue living and therefore their extinction will change the ecosystem in the region. The species that depend on the Salmons are all currently starving.

Please reconsider this project as its irreversible damages will be detrimental to the ecosystems in the Sacramento Region, McCloud River, Trinity River, and the Delta. We understand that we are currently in a PANDEMIC and you also have other people to take care of, which is why we need this project to HALT immediately because it concerns the well-being of the Winnemem Wintu Tribe, especially so during this time. Please protect your people in California, especially the most vulnerable.

Respectfully,

Selenia Segura-Verdin
she/her/hers
University of California, Santa Barbara | Class of 2020
Environmental Studies, B.A. | College of Letters & Science
selenia@ucsb.edu

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Selenia Segura-Verdin

From: Gabriel Van Praag Sanchez
To: DWR Delta Conveyance Scoping
Subject: Request to Seriously Reconsider the Delta Conveyance Tunnel Project
Date: Friday, April 17, 2020 12:05:21 AM

Dear the California Department of Water Resources,

—greetings—

My name is Gabriel van Praag and I am a concerned California resident and student core member of Environmental Justice Alliance (EJA) and Environmental Affairs Board (EAB), two Associated Students Organizations from the University of California, Santa Barbara. I am writing this email in **strong opposition** to the Delta Conveyance project. This damaging project should be terminated immediately as its construction and operation will drive the Chinook Salmon to extinction, with over a hundred species following, devastating the Winnemem Wintu Tribe, local fisheries, and the beautiful ecosystem we currently have and need.

This tunnel project will have a tremendous impact on the livelihood and culture of the Winnemem Wintu Tribe, a matrilineal Wintu-speaking community who are indigenous to the Winnemem, or McCloud River. The Chinook Salmon are an essential part of the cultural traditions of the Winnemem Wintu Tribe, who takes care of the Salmon's land and is deeply and spiritually connected to the Chinook Salmon (Julie Bongers).

"As native people, we rely on the river and the salmon as part of our traditional heritage. We cannot afford to let anything further erode our river systems," testified Robbins, an advisor for Water Protectors Club (fishsniffer.com)

As the Department of Water Resources, it is your mission to protect these natural resources, water, river, Salmon, and listen and learn from the communities most impacted by your proposed project.

Moreover, the environmental disruption to the region will be irreversible as even just the construction and operation of the tunnel will "degrade the water quality for Delta farms, subsist-ence anglers, providers of urban drinking water (including Stockton, Antioch, and other cities), residents playing and swimming in Delta channels, and an increase in deadly toxic algal blooms" (Restore the Delta, Impact Report).

Restore the Delta put together a report detailing the impacts of this Proposed Water Project named **The Fate of the Delta**. The report stated "[the tunnel project] will impact human uses of water for farms, subsistence fishing, urban drinking water supplies, and urban water rates, each of which will place disproportionate, undue burdens on Delta EJ communities" (Restore the Delta, Impact Report). It is the Department of Water Resources' responsibility to serve communities with non-toxic and pure water, not risk residents' lives with algae blooms.

Finally, this project will endanger the Chinook salmon, which is a **keystone species** that for a millennia have been providing nutrients for the soils and nourishing a hundred species that depended on them (Julie Bongers).

Some of the species that depend on the Chinook Salmon are: Black bears, Grizzly Bears, and American badgers, Water shrews, Ringtail cats and Long-tailed weasels, Harbor seals, Great blue herons, and Great egrets, Bald eagles, orcas, and ravens, wolves, North American River otters, ermine, fox, martens, bobcats, ducks, pumas, ‘coons, and sharks (California Mammals). These species are crucial to California wildlife and waterways, without them the biodiversity of California will plummet and drive more extinction.

The delta tunnel will heavily contribute towards the extinction of Chinook salmon, most importantly, last year, **only 0.1% of the salmon came back!** Much of the species living in the area require salmon to continue living and therefore their extinction will change the ecosystem in the region. The species that depend on the Salmons are all currently starving.

Please reconsider this project as its irreversible damages will be detrimental to the ecosystems in the Sacramento Region, McCloud River, Trinity River, and the Delta. We understand that we are currently in a PANDEMIC and you also have other people to take care of, which is why we need this project to HALT immediately because it concerns the well-being of the Winnemem Wintu Tribe, especially so during this time. Please protect your people in California, especially the most vulnerable.

Respectfully,

Gabriel van Praag

From: Arisbeth Cruz
To: DWR Delta Conveyance Scoping
Subject: Request to Seriously Reconsider the Delta Conveyance Tunnel Project
Date: Friday, April 17, 2020 11:21:59 AM

My name is Arisbeth. I am writing this email in strong opposition to the Delta Conveyance project. This damaging project should be terminated immediately as its construction and operation will drive the Chinook Salmon to extinction, with over a hundred species following, devastating the Winnemem Wintu Tribe, local fisheries, and the beautiful ecosystem we currently have and need.

This tunnel project will have a tremendous impact on the livelihood and culture of the Winnemem Wintu Tribe, a matrilineal Wintu-speaking community who are indigenous to the Winnemem, or McCloud River. The Chinook Salmon are an essential part of the cultural traditions of the Winnemem Wintu Tribe, who takes care of the Salmon's land and is deeply and spiritually connected to the Chinook Salmon (Julie Bongers).

"As native people, we rely on the river and the salmon as part of our traditional heritage. We cannot afford to let anything further erode our river systems," testified Robbins, an advisor for Water Protectors Club (fishsniffer.com)

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(California Mammals). These species are crucial to California wildlife and waterways, without them the biodiversity of California will plummet and drive more extinction.

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Respectfully,

Arisbeth Cruz

From: arushi@umail.ucsb.edu
To: DWR Delta Conveyance Scoping
Subject: Request to Seriously Reconsider the Delta Conveyance Tunnel Project
Date: Friday, April 17, 2020 10:29:03 AM

Dear the California Department of Water Resources,

My name is Arushi Lakhan-Pao and I am a student at University of California, Santa Barbara. I am writing this email in strong opposition to the Delta Conveyance project. This damaging project should be terminated immediately as its construction and operation will drive the Chinook Salmon to extinction, with over a hundred species following, devastating the Winnemem Wintu Tribe, local fisheries, and the beautiful ecosystem we currently have and need.

This tunnel project will have a tremendous impact on the livelihood and culture of the Winnemem Wintu Tribe, a matrilineal Wintu-speaking community who are indigenous to the Winnemem, or McCloud River. The Chinook Salmon are an essential part of the cultural traditions of the Winnemem Wintu Tribe, who takes care of the Salmon's land and is deeply and spiritually connected to the Chinook Salmon (Julie Bongers).

"As native people, we rely on the river and the salmon as part of our traditional heritage. We cannot afford to let anything further erode our river systems," testified Robbins, an advisor for Water Protectors Club (fishsniffer.com)

As the Department of Water Resources, it is to your mission to protect these natural resources, water, river, Salmon, and listen and learn from the communities most impacted by your proposed project.

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Please reconsider this project as its irreversible damages will be detrimental to the ecosystems in the Sacramento Region, McCloud River, Trinity River, and the Delta. We understand that we are currently in a PANDEMIC and you also have other people to take care of, which is why we need this project to HALT immediately because it concerns the well-being of the Winnemem Wintu Tribe, especially so during this time. Please protect your people in California, especially the most vulnerable.

Respectfully,

Arushi Lakhan-Pal

From: Malei Guzman
To: DWR Delta Conveyance Scoping
Subject: Request to Seriously Reconsider the Delta Conveyance Tunnel Project
Date: Friday, April 17, 2020 2:31:07 AM

Dear the California Department of Water Resources,

My name is Malei Guzman and I am a student at UC Santa Barbara. I am writing this email in strong opposition to the Delta Conveyance project. This damaging project should be terminated immediately as its construction and operation will drive the Chinook Salmon to extinction, with over a hundred species following, devastating the Winnemem Wintu Tribe, local fisheries, and the beautiful ecosystem we currently have and need.

This tunnel project will have a tremendous impact on the livelihood and culture of the Winnemem Wintu Tribe, a matrilineal Wintu-speaking community who are indigenous to the Winnemem, or McCloud River. The Chinook Salmon are an essential part of the cultural traditions of the Winnemem Wintu Tribe, who takes care of the Salmon's land and is deeply and spiritually connected to the Chinook Salmon (Julie Bongers).

"As native people, we rely on the river and the salmon as part of our traditional heritage. We cannot afford to let anything further erode our river systems," testified Robbins, an advisor for Water Protectors Club (fishsniffer.com)

As the Department of Water Resources, it is to your mission to protect these natural resources, water, river, Salmon, and listen and learn from the communities most impacted by your proposed project.

Moreover, the environmental disruption to the region will be irreversible as even just the construction and operation of the tunnel will "degrade the water quality for Delta farms, subsistence anglers, providers of urban drinking water (including Stockton, Antioch, and other cities), residents playing and swimming in Delta channels, and an increase in deadly toxic algal blooms" (Restore the Delta, Impact Report).

Restore the Delta put together a report detailing the impacts of this Proposed Water Project named The Fate of the Delta. The report stated "[the tunnel project] will impact human uses of water for farms, subsistence fishing, urban drinking water supplies, and urban water rates, each of which will place disproportionate, undue burdens on Delta EJ communities" (Restore the Delta, Impact Report). It is the Department of Water Resource's responsibility to serve communities with non-toxic and pure water, not risk residents life with algea blooms.

Finally, this project will endanger the Chinook salmon, which is a keystone species that for a millennia have been providing nutrients for the soils and nourishing a hundred species that depended on them (Julie Bongers).

Some of the species that depend on the Chinook Salmon are: Black bears, Grizzly Bears, and American badgers, Water shrews, Ringtail cats and Long-tailed weasels, Harbor seals, Great blue herons, and Great egrets, Bald eagles, orcas, and ravens, wolves, North American River otters, ermine, fox, martens, bobcats, ducks, pumas, 'coons, and sharks (California Mammals). These species are crucial to California wildlife and waterways, without them the biodiversity of California will plummet and drive more extinction.

The delta tunnel will heavily contribute towards the extinction of Chinook salmon, most importantly, last year, only 0.1% of the salmon came back! Much of the species living in the area require salmon to continue living and therefore their extinction will change the ecosystem in the region. The species that depend on the Salmons are all currently starving.

Please reconsider this project as its irreversible damages will be detrimental to the ecosystems in the Sacramento Region, McCloud River, Trinity River, and the Delta. We understand that we are currently in a PANDEMIC and you also have other people to take care of, which is why we need this project to HALT immediately because it concerns the well-being of the Winnemem Wintu Tribe, especially so during this time. Please protect your people in California, especially the most vulnerable.

Respectfully,

From: Dang Nguyen
To: DWR Delta Conveyance Scoping
Subject: Request to Seriously Reconsider the Delta Conveyance Tunnel Project
Date: Friday, April 17, 2020 12:09:14 AM

Dear the California Department of Water Resources,

My name is Dang Nguyen and I am a concerned citizen born and currently living in California. I am writing this email in strong opposition to the Delta Conveyance project. This damaging project should be terminated immediately as its construction and operation will drive the Chinook Salmon to extinction, with over a hundred species following, devastating the Winnemem Wintu Tribe, local fisheries, and the beautiful ecosystem we currently have and need.

This tunnel project will have a tremendous impact on the livelihood and culture of the Winnemem Wintu Tribe, a matrilineal Wintu-speaking community who are indigenous to the Winnemem, or McCloud River. The Chinook Salmon are an essential part of the cultural traditions of the Winnemem Wintu Tribe, who takes care of the Salmon's land and is deeply and spiritually connected to the Chinook Salmon (Julie Bongers).

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Very respectfully,

Dang N.

From:	Kaltreider, Misty C.
To:	DWR Delta Conveyance Scoping
Cc:	Emlen, Bill F.; Wolk, Daniel M.
Subject:	RE: Delta Conveyance NOP Comment Letter
Date:	Friday, April 17, 2020 12:15:45 PM
Attachments:	image002.jpg Solano County Delta Conveyance NOP Comment Letter April 17 2020.pdf

Good afternoon,

In response to the Notice of Preparation of the EIR for the Delta Conveyance Project, attached is the Solano County comment letter.

Sincerely,

Misty C. Kaltreider, PG, CEG
Water and Natural Resources Program Manager
(707) 784-6765
Direct: (707) 784-3311
Fax: (707) 784-4805

Department of Resource Management
675 Texas Street, Suite 5500
Fairfield, CA 94533

DCS598

DEPARTMENT OF RESOURCE MANAGEMENT

BILL EMLEN
Director
(707) 784-6765
TERRY SCHMIDTBAUER
Assistant Director
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SOLANO COUNTY

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www.solanocounty.com

April 17, 2020

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

Via email at DeltaConveyanceScoping@water.ca.gov

Subject: Solano County Comments on Notice of Preparation of Environmental Impact Report for Delta Conveyance Project

Dear Ms. Rodriquez:

The County of Solano (County) has reviewed the Notice of Preparation (NOP) of the Environmental Impact Report (EIR) for the Delta Conveyance Project (Project) that was issued by the California Department of Water Resources (DWR) on January 15, 2020. The NOP initiates the scoping period under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000, *et seq.*) for the Project.

In a letter dated February 14, 2020, the County, as a Responsible Agency, provided comments to DWR within 30 days of the NOP pursuant to CEQA Guidelines sections 15082, subdivision (b) and 15103. The comments provided in this letter are to supplement those other comments.[1]

Purpose and Project Objectives

The NOP provides that the purpose of the Project is to "develop new diversion and conveyance facilities in the Delta necessary to restore and protect the reliability of State Water Project (SWP) water deliveries and, potentially, Central Valley Project (CVP) water deliveries south of the Delta". Since the Project will also involve federal agencies, it therefore must comply with the National Environmental Policy Act (NEPA) for all federal actions. However, as indicated in the NOP introduction, DWR proposes to only prepare an EIR and include "relevant NEPA information in the EIR, where appropriate." In order to reduce redundancy and to fully assess impacts for the entire Project, DWR should conduct a joint review process with the federal agencies and prepare a combined EIR and Environmental Impact Statement (EIS) that complies with all applicable laws. Such elimination of duplication is set out in federal regulation. (40 C.F.R. § 1506.2(c)).

[1] These comments are also intended to supplement the comment letter being submitted by the larger Delta Counties Coalition (DCC), of which Solano is a member.

Furthermore, the proposed new facilities are to operate, along with the existing south Delta pumping facilities, as "dual conveyance" methods to divert and convey water. As such, the entire Project, including state and federal Project components and their operations, need to be addressed in detail as part of environmental review as the effects on the Delta include both the physical effects from construction and the changes in flow that could create water temperature, water quality and other problems to the Delta.

Description and Proposed Project Facilities

As indicated in the NOP Project description, multiple facilities will be needed to provide support for the construction and operations of the Project. However, details on the location(s) and descriptions of all Project components including ancillary facilities to support construction and operations 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 are not provided. As such, due to lengthy and massive scale of the Project, it's unclear to the full extent of potential impacts the planned activities, facilities, and operations will affect Solano County and its residents. Such detail must be in the NOP, as providing "sufficient information…to make a meaningful response" is mandated by law. (CEQA Guidelines section 15082, subd. (a).)

Lack of Alternatives

The EIR proposes to only consider alternatives of flow rate capacities ranging from 3,000 to 7,500 cubic feet per second and to the degree of involvement of the CVP. The NOP did not mention assessing a "No Project" alternative, a broad range of conveyance routes, alternatives that do not involve establishing a new conveyance or alternatives for reducing reliance on the Delta. Besides modifications to specific aspects of the Project, other alternatives besides the Project must be developed and analyzed in the EIR.

Alternatives reducing exports must also be considered given the mandates of the Delta Reform Act. (Water Code §§ 85000 et seq.) The Act establishes the policy of the State of California "to reduce reliance on the Delta in meeting California's future water supply needs through a statewide strategy of investing in improved regional supplies, conservation, and water use efficiency." (Water Code § 85021.)

Significant Environmental Effects

The Solano County General Plan, adopted in 2008, reflects an overall commitment to provide protections for the environment while supporting its diverse land uses and human needs with emphasis on protecting agricultural uses in the Delta region. Due to its extent and duration, the proposed Project would cause significant environmental effects that directly impact the County's ability to sustain the objectives established in the General Plan. As required under CEQA (Guidelines section 15125), any EIR and/or EIS must review the Project for consistency with the County General Plan. It is unclear in the NOP that there is an intent to look at the County's General

Plan, in particular Land Use Policies; Agricultural Policies; Resource Policies, including Biological Resources, Marsh and Delta Areas, Scenic Resources, Cultural Resources, Recreational Resources, Water Resources, and Quality; Public and Environmental Health and Safety policies including; Flood Control, Disaster Preparedness, and Climate Change; Economic Development policies, Transportation and Circulation policies; and Public Faculties and Services policies; including Water facilities and Service, Drainage, Fire Protection and Emergency Services, Law Enforcement, and Utilities.

Changes in Surface Water Supplies and Water Quality Impacts

The proposed changes in Delta operations may impact water quality and quantity on County water supplies for urban, agricultural production, and natural habitats. Major cities in the County along with Napa County (together totaling over 400,000 residents) receive water from the SWP though the North Bay Aqueduct (NBA) intake located in Solano County. Other land owners and reclamation districts in and around Solano County also obtain water from the Delta area for their water supply and to support agricultural production and habitat. The Project construction and operations could create water quality impacts on the County's water supplies, particularly with potentially increased salinity associated with alterations of fresh water flowing into the Delta as well as reduced water quality associated with restoration projects intended to increase diversions. Changes in water quality and quantity that could impact water intakes in the County would result in reduced use of the NBA and other surface and agricultural supplies if the Delta water supply is not treatable or viable for use. Furthermore, SWRCB Water Rights Decision 1641 requires DWR meet water quality objectives at municipal and industrial diversion points, including the NBA and those for agricultural beneficial uses.

As such, the EIR must fully analyze and evaluate the environmental effects on Delta-dependent water supplies. Such an analysis must also include the potential water quality impacts associated with increasing sea levels from climatic changes. Appropriate financial assurances must be identified to address and mitigate any potential adverse impacts and corrective actions needed (such as the costs to construct and operate desalination, brackish water treatment or other plants) that may occur as part of Project operations.

Changes in Surface Water Flows and Impacts to the Aquatic Resources in the Delta and Suisun Marsh

Alterations to freshwater flows in the Delta, both during construction and as part of facility operations, would tremendously impact threatened and endangered species that rely on water flows of adequate quality and quantity from the north of the Delta. The EIR must fully analyze the potential impacts to aquatic resources and potential increases of invasive species that pose additional pressures on threatened and endangered species.

Furthermore, the Suisun Marsh (Marsh) which is comprised of diked seasonal wetlands, is the largest brackish water marsh in the Western United States. The Marsh is managed primarily as habitat for fish and wildlife. The Marsh salinity levels are mandated by the State Water Resources

Control Board Water Rights Decisions and maintained by Delta outflow, tidal flows, and the operations of the Suisun Marsh Salinity Control Gates. Alterations to the quality and quantity of fresh water flows due to the Project's operations could result in reduced freshwater inflow to the Suisun Marsh and increased salinity, compromising existing water quality standards, wetland and habitat management, and Marsh management infrastructure which must be analyzed in the Project EIR.

Impacts to Groundwater Wells and Groundwater Dependent and Interconnected Surface Water Ecosystems (GDE) During Construction

Ecosystems that are dependent on groundwater and interconnected to surface water rely on both groundwater levels being close enough to the land surface to interconnect with surface water. The Project proposes dewatering areas to construct the massive tunnel and access systems. Areas surrounding dewatering points will be affected by the work which can directly impact ecosystems dependent on groundwater. Furthermore, dewatering and installation of slurry walls may impact groundwater flow and water quality that is utilized by shallow water supply wells located near the Project's construction areas. The EIR should fully analyze aquifer conditions and how dewatering and slurry wall installation will affect long-term groundwater flow and water quality on shallow water supply wells and groundwater dependent ecosystems. In addition, due to seasonal and interannual variability of groundwater levels multi-year and seasonal groundwater conditions should be utilized in order to ensure that adverse impacts are avoided.

Impacts to Transportation and Emergency Response

Based on available information, the Project may include constructing approximately 40 miles of a large diameter main tunnel along one of two potential corridor routes, launch and retrieval vertical shafts, intake and outlet facilities, two forebays, a pumping plant, connection tunnel reaches, and numerous construction and staging areas and ancillary facilities along the proposed construction corridor. The proposed Project, including construction and staging areas, forebays, and pumping plant facilities, could disturb several thousands of acres to construct and operate the facilities. During the estimated 13-year construction time-frame, levee roads, railways, and waterway barges all may be used. It is estimated that hundreds of construction trucks, rail, and/or barge and worker trips will likely be needed every day throughout the multi-year construction project timeframe. Using barge and rail may reduce truck traffic impacts on roads and levees but may cause other impacts from traffic delays associated with rail road crossings, impacts to boating and water way access, and levee impacts due to heavy traffic, wave action and increased barge traffic, along with effects on air quality and excessive noise. In addition, the Project construction and operations may impact the few key highway routes within and adjacent to the Delta, which serve Solano and neighboring Counties, that provide not only economic and emergency access, but also service the Travis Airforce Base. The EIR should analyze the impacts of the Project construction and operations will have on major transportation routes, including loss and relocation of roads, and access and emergency response disruptions.

Construction and Tunnel Debris

Constructing the intakes, access shafts, tunnel bore, and accessory facilities will encompass large areas and generate massive amounts of debris, spent cuttings, and wastes. The NOP proposes to either reuse the material or store it near the launch shaft locations. It is possible that not all material and debris generated can be reused due to residual contaminants and/or soil characteristics. Debris, mud, and waste generated need to be assessed and analyzed before determining that it can be reused. Adequate sampling and analysis should be conducted on all material prior to considering reusable and should include evaluations based on the intended use of the material compared to background concentrations in the host site. Waste that is not deemed suitable for reuse must be properly disposed at an accepting facility. Storage of the material should also follow an assessment and management plan describing how the material will be managed to avoid environmental and water quality impacts. The EIR should also assess the impacts to managing and disposing of materials that are not adequate for reuse due to contamination and/or soil type. Alternatives should include reducing the Project size and capacity in order to reduce the amount of material and wastes generated and associated impacts.

Other Issues

During Project construction, neighboring levees and residents could be impacted by the construction vibrations, excessive noise, and air pollution caused by the work, including site construction, foundation pile driving, levee road use, slurry injection, and other Project work. Neighboring levees should be retrofitted to withstand the impacts from the Project work and alternatives should be considered to minimize excessive noise, vibrations, air pollution, and other impacts to the neighboring residents and levees.

Future Impacts Not Previously Analyzed

Depending on future changes to the Project to meet management goals and to the extent these future actions have not been analyzed, future environmental review would be required.

We thank you for the opportunity to review and comment on the NOP for the Project.

Sincerely,

Bill Emlen
Director of Resource Management

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

From: Michelle Huang
To: DWR Delta Conveyance Scoping
Subject: Request to Seriously Reconsider the Delta Conveyance Tunnel Project
Date: Friday, April 17, 2020 11:24:04 AM

Dear the California Department of Water Resources,

—greetings—

My name is Michelle Huang and I am a firm believer of conserving the nature and unique cultures. I am writing this email in strong opposition to the Delta Conveyance project. This damaging project should be terminated immediately as its construction and operation will drive the Chinook Salmon to extinction, with over a hundred species following, devastating the Winnemem Wintu Tribe, local fisheries, and the beautiful ecosystem we currently have and need.

This tunnel project will have a tremendous impact on the livelihood and culture of the Winnemem Wintu Tribe, a matrilineal Wintu-speaking community who are indigenous to the Winnemem, or McCloud River. The Chinook Salmon are an essential part of the cultural traditions of the Winnemem Wintu Tribe, who takes care of the Salmon's land and is deeply and spiritually connected to the Chinook Salmon (Julie Bongers).

"As native people, we rely on the river and the salmon as part of our traditional heritage. We cannot afford to let anything further erode our river systems," testified Robbins, an advisor for Water Protectors Club (fishsniffer.com)

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Moreover, the environmental disruption to the region will be irreversible as even just the construction and operation of the tunnel will "degrade the water quality for Delta farms, subsist-ence anglers, providers of urban drinking water (including Stockton, Antioch, and other cities), residents playing and swimming in Delta channels, and an increase in deadly toxic algal blooms" (Restore the Delta, Impact Report).

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Respectfully,

Michelle

--
Michelle Huang

From: Lucas B
To: DWR Delta Conveyance Scoping
Subject: regarding Delta Tunnel project
Date: Friday, April 17, 2020 12:26:12 PM

Good afternoon.

I hope this finds you, your family all all your relations well. I write as a former SF salmon fisherman and bay area resident, one that greatly respects the waters that support the salmon, the health of the ocean and bay, and that of the Indigenous communities of Northern California. I write to encourage a stay on the Delta tunnel decision processes during the Covid crisis, recognizing the immense difficulties it is creating for all peoples, but particular those of Indigenous communities. In order to respect their voices it is critical that they have consultation and presence in any decision regarding the Delta Tunnel. Recognizing the challenges of the stay at home orders, any fast tracking of this project would be detrimental to their needs and inevitably be harmful to all of us. Within your powers I strongly encourage you to postpone any movement on this project until equitable representation can be present.

Thank you kindly, Lucas Brown