

From: [Barry Nelson](#)
To: [DWR Delta Conveyance Scoping](#)
Subject: GSSA Comments on Delta Conveyance NOP
Date: Friday, April 17, 2020 4:54:09 PM
Attachments: [GSSA re. DWR Delta Conveyance NOP 4-17-20.pdf](#)

Dear Ms. Rodriguez -

Attached are the comments of the Golden Gate Salmon Association on DWR's Delta Conveyance NOP. Please let me know if you have any questions regarding these comments.

Thank you.

Barry Nelson
Western Water Strategies
510 340 1685



"A Voice for Salmon"
365 Days a Year

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:

The Golden State Salmon Association represents commercial and recreational fishermen and women, party boats, river guides, restaurants, fishing related manufacturers and retailers, tribal interests and more. On behalf of those members and supporters, I am writing to provide scoping comments regarding the Notice of Preparation of Environmental Impact Report for the Delta Conveyance Project ("NOP").

GSSA believes that credible and impartial environmental and economic analyses of a proposed project and alternatives is essential, in contrast to the fundamentally flawed analysis that DWR previously performed for BDCP/WaterFix, including the final EIR for which DWR ultimately withdrew certification. However, as discussed on the pages that follow, GSSA is 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 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 Bay Delta Conservation Plan and California WaterFix projects, 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) are likely to reduce diversions from the Delta.¹

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 water deliveries from the Delta. The purpose and objectives should be revised by explicitly including 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 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.

¹ 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.

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" without also reducing DWR's diversion of water during normal and drier water year types, and that it would identify "initial operating criteria" rather than a range of operational criteria.

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 CALFED EIR/EIS provides a 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 its opening statement to the SWRCB for Phase 2 of the water rights proceeding for the California WaterFix project.² These operational requirements include significant increases in Delta outflow and prohibitions on diversions from new conveyance when flows at Freeport are less than 35,000 cfs. In order to comply with state and federal laws, the proposed project must strengthen environmental protections as compared to the environmental baseline.

The importance of an analysis of a reasonable range of alternatives is highlighted by the fate of the twin tunnels proposed by DWR under the previous state administration. DWR's inability to finance that project played a central role in its demise. A major factor in the unwillingness of water users to finance that project, as required by state law, lay in their conclusion that the benefits of the project were not worth its cost.

² Available online at:

https://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/opening_statements/docs/part2/opening_nrdc.pdf

The conclusion on the part of water contractors that the twin tunnels project was not cost-effective came from two factors – operations and alternative water management tools. First, like the twin tunnel project, the benefits of the proposed single tunnel project will be determined in large part by its ultimate operations, not simply by its construction. Second, many or all SWP contractors will analyze the proposed conveyance project in comparison with alternative water management tools that could reduce reliance on the Delta (e.g. crop changes, conservation, water recycling, groundwater cleanup and more.) Therefore, analyzing a full range of alternatives, including alternatives with stronger flow protections for the environment and with increased investment in alternative water supply tools, is essential to allow the public to evaluate the merits and cost-effectiveness of the proposed project. In short, the fact that DWR ignored these critical issues when analyzing the twin tunnels played a major role in that project's failure. DWR should not make the same mistake again in this DEIR.

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 in a time period well after 2050.

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? 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.

GSSA, NRDC and allies raised similar issues regarding a lack of a stable and accurate project description in our January 6, 2020 comments³ 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 WaterFix/BDCP EIS/EIR

³ That comment letter and supporting documents are incorporated by reference and available here: https://www.nrdc.org/sites/default/files/media-uploads/nrdc_et_al_final_comments_on_deir_1-6-20.pdf

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, 2019.⁴ 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 California WaterFix/BDCP project.

7. 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

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:

⁴ This document is available online at: <https://ceqanet.opr.ca.gov/2008032062/9/Attachment/gFURwX>. It is hereby incorporated by reference.

- 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 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 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.

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).⁵

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 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

GSSA is 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.

GSSA strongly encourages 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,

⁵ 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.

GSSA re. DWR Delta Conveyance NOP

April 17, 2020

P 12

A handwritten signature in cursive script that reads "John McManus".

John McManus

President

From: [Alison Monroe](#)
To: [DWR Delta Conveyance Scoping](#)
Subject: Issues to be considered in the environmental impact report
Date: Thursday, April 16, 2020 5:06:24 PM

Any EIR on any project that proposes to remove water from the delta and send it south must consider the total cumulative environmental impact of further dewatering of the Delta.

For example, on:

- fishing in the Delta, Bay, and ocean;
- endangered species in the Bay;
- subsidence in the Delta;
- recreation and boating in our rivers and Delta;
- drinking water quality in the Delta and elsewhere in Central California;
- salinization and poisoning of Valley soils by wasteful irrigated agriculture;
- dust effects on health, when agriculture enabled by this temporary water boom is necessarily abandoned;
- sprawl in the San Joaquin Valley and LA basin;
- California politics, if we continue to empower wasteful oligarchs and give them undue influence on the management of public resources.

Thanks for asking!

Alison Monroe
3121 Lynde St.
Oakland CA 94601

From: [Roberto Valdez](#)
To: [DWR Delta Conveyance Scoping](#)
Cc: [Roberto Valdez](#)
Subject: Individual Comments re: EIR Preparation for Delta Conveyance Project (DCP).
Date: Friday, April 17, 2020 4:40:32 PM

Dear Renee Rodriquez, DWR Project Manager;

1. The DCP needs to specify, clarify in detail further mitigation measures for potential vernal pool species (Vernal Pool Tadpool Shrimp, California Fairy Shrimp, Longhorn Fairy Shrimp, Vernal Pool Fairy Shrimp, Midvalley Shrimp) as well as Western Pond Turtle & Western Burrowing Owl species which were targeted in defunct Bay Delta Conservation Plan.
2. The DCP needs to coordinate environmental efforts to protect both targeted & associates species identified by Northern California Conservation Plan Partners, i.e., HCPs or NCCPS, in surrounding counties that the single tunnel will impact along designated waterways from Freeport to Sutter Slough.
3. The DCP needs to clarify why the 6K-cfs tunnel needs to be built underground rather above-ground along designated plan; can the tunnel be used to reinforced Delta levees from an engineering viewpoint?
4. Dued to enviromental impacts from anticipated climate change, are targeted & associated species re: DEIR (December 2019, State Clearing House No. 2019039136) going to be monitored every 3-5 years?
5. Please add me to your contact list of DCP Stakeholders.

Thank you very much.

Roberto Valdez, Solano County Resident.

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From: [Bill Washburn](#)
To: [DWR Delta Conveyance Scoping](#)
Subject: How to Solve California's Water Shortage Dilemma
Date: Thursday, April 16, 2020 7:28:41 PM

Please quit focusing on the tunnels and get with the real solution to the water shortage dilemma. What is needed are more reservoirs to catch the water that comes from the precipitation. Had that been done, we wouldn't even be talking about tunnels.

Sincerely,

Bill Washburn

From: [Jacklyn Shaw](mailto:Jacklyn.Shaw)
To: DWR.Delta.Conveyance.Scoping.Wid.Anders.Christenson.mngr:cwinn@sjgov.org
Cc: belliot@sjgov.org; Representative.Jerry.McNerney.Bruce.Blodgett:kensvogel@yahoo.com; Corky.Kuykendall:Amber.McDowell
Subject: Fwd: Reminder: Delta Conveyance Project Scoping Period Ends on April 17th at 5:00 p.m.
Date: Monday, April 13, 2020 1:07:51 PM

on 4.13.2020 from jacklyn.el.shaw@icloud.com

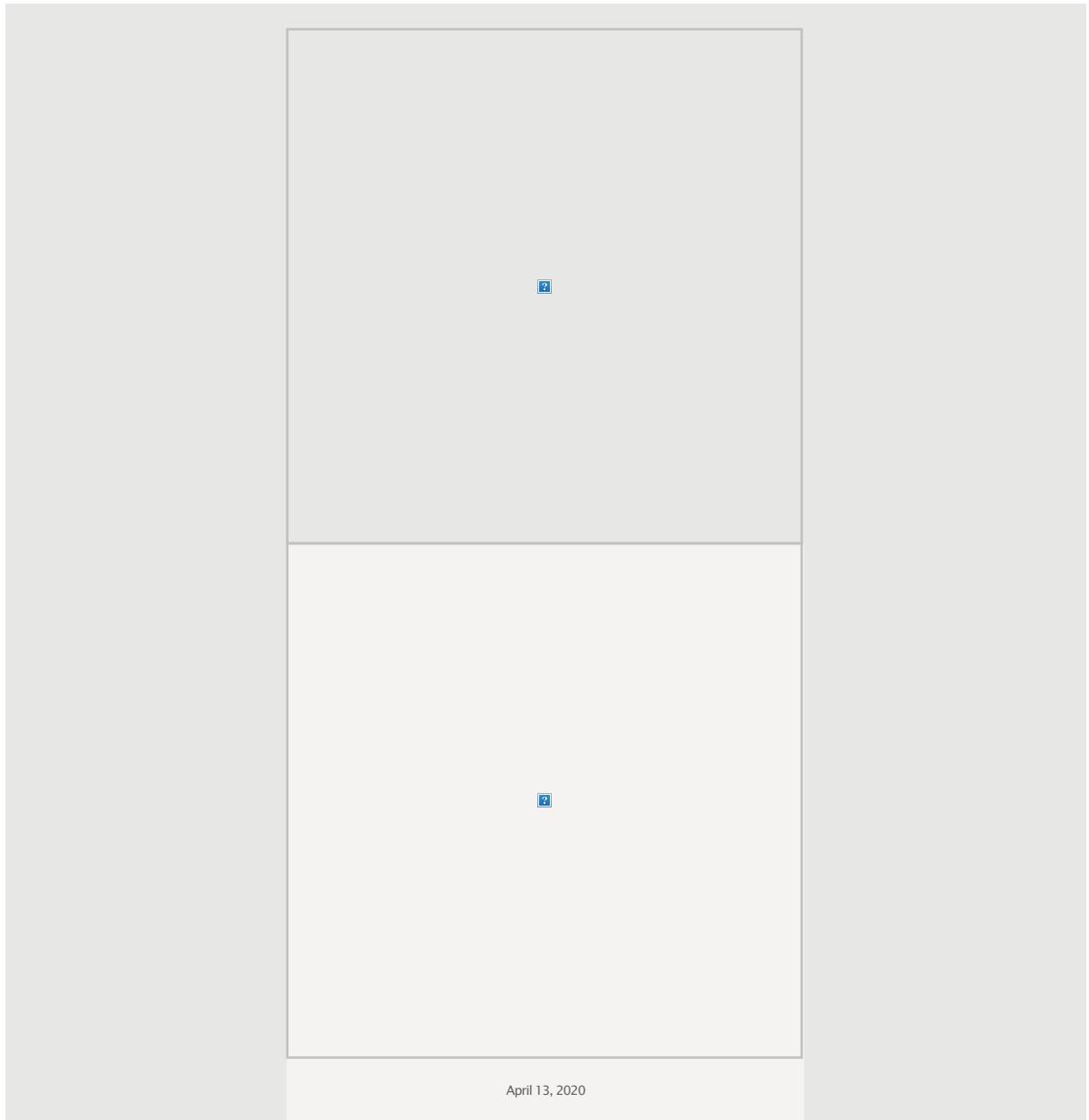
Where is AVAILABILITY of Conveyance map/ options to public news? Residents, rural and urban, are not aware of the DELTA MAP PLANS? Why not? Where are photos of all the communities, towns, etc. in East of Delta River? The elected Supervisors Coalition of Five Delta Counties wrote that any tunnel (or 'funnel') would be DEVASTATING to the Delta. Avoid Terminous with Tower Park and community recreation at large with aquatic sports. Originally, it was part of the Delta Heritage Act. IF ANY "FUNNEL/ CONVEYANCE, 60 feet wide for 400 miles away, it needs to BE ON WEST SIDE of the DELTA RIVER. When do we see a map plan with options, on website of DWR with water.ca.gov ?

Sincere N.I.M.B.Y.
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Lodi, CA 95242
(562) 233-7300

*We need COUNTY RESPONSIBILITIES in SoCal or South Central Valley (of 28 counties). Born and raised 7-12 miles from projected "funnel" conveyance option near Terminous, in February, Lodi had the worst drought in its history. Since Pardee Dam 1929, water exports have gone towards Port of Oakland. (Woodbridge/WID vs East Bay/EBMUD, Jan.31, lodinews.com Also, lack is partly due to lack of restoring funds To USACE for DEEP PURE DREDGING, from Rio Vista towards Oakland. SAN FRANCISCO HAS A DESALINATION PLANT that needs to be used every day. Port of Oakland needs to implement such an option. (Maybe Fresno/Kern need to RECLAIM HETCH HETCHY Reservoir!) Lodi fog was three months, now a few weeks. We have a desalination plant. (How about Tracy River?) Drought makes more drought recycles, from NorCal to statewide. DOI, Bureau of Reclamation needs to make DESALINATION grants to California Coast, NorCal and SoCal. It was invented at UCB, with J. Leibovitz, 1977, and since used in 100 nations. Is water redistribution/socialism? Stop ignoring elected Supervisors of Five Delta Counties? Where are pictures of communities, impacted by HEALTH ISSUES. San Joaquin County has most fertile soil for FOOD CROPS. But itchy peat dirt and Delta breeze of 20-40-90 miles an hour, makes for a Dust Bowl, east of Delta River. If any "funnel" of water export, then where is a map with the option of Delta River West tunnel?

Begin forwarded message:

From: Department of Water Resources <deltaconveyance@water.ca.gov>
Subject: Reminder: Delta Conveyance Project Scoping Period Ends on April 17th at 5:00 p.m.
Date: April 13, 2020 at 11:40:12 AM PDT
To: <jjishaw@verizon.net>
Reply-To: Department of Water Resources <deltaconveyance@water.ca.gov>



Reminder: Delta Conveyance Project Scoping Period Ends on April 17th at 5:00 p.m.

This coming Friday, April 17, 2020 is the close of the Delta Conveyance Project [scoping comment period](#). The start of the scoping period was January 15, 2020, and the original deadline was extended from March 20 to allow additional time in response to the COVID-19 situation. As a reminder, scoping provides an opportunity for the public and agencies to provide input on the scope and content of environmental review. The Notice of Preparation and related availability and informational materials can be viewed [here](#).

To help broaden public access, DWR has added the option of commenting via its multi-lingual toll-free number. Some members of the public may find this verbal method easier. The toll-free number will record the comments, which will then be transcribed and entered into the record.

Toll-free public comment phone number: 1-866-924-9955

This number has a five-minute limit for voicemail recordings. Callers should feel free to call back in if they would like to make a comment longer than five minutes.

The other existing methods available for public comment include:

- **Email:** DeltaConveyanceScoping@water.ca.gov (by 5:00 p.m. on 4/17/20)
- **Mail:** Department of Water Resources, Attn: Renee Rodriguez, P.O. Box 942836, Sacramento, CA 94236 (postmarked by 4/17/20)
- **Fillable online form:** [View form](#) (by 5:00 p.m. on 4/17/20)

For general questions about the Delta Conveyance Project, please email DeltaConveyance@water.ca.gov.

In Case You Missed It:

- There is an online *Introduction to CEQA* as it relates to Delta Conveyance. Watch the video [here](#).
- There is a digital article online that describes the Delta Conveyance design process. Read the article [here](#).
- The next DCA board meeting will be on Thursday, April 16 at 2:00 p.m. The meeting will be remote. Please find more information about the DCA meeting [here](#).
- The next SEC meeting will be on Wednesday, April 22 at 3:00 p.m. This meeting will also be remote. Please find more information about the SEC meeting [here](#).

Amid COVID-19, Essential Work Continues with Commitment to Public Engagement and Transparency

DWR has begun to utilize a number of practices to ensure that while the Department continues its work in the circumstances of today's new normal, it does so in ways that provide reasonable accommodations and hopefully even increase public participation. For more information, visit [here](#).

Importance of Modernizing Delta Conveyance

The proposed Delta Conveyance Project is intended to upgrade one of California's most critical public infrastructure assets to protect and preserve a vital state water supply for 27 million Californians and nearly a million acres of farmland by guarding against potential disruptions caused by sea level rise, the hydrologic effects of climate change and seismic threats. Please find more information about the proposed Delta Conveyance Project [here](#).



From: [Andrew McHugh](#)
To: [DWR Delta Conveyance Scoping](#)
Subject: EIR
Date: Friday, April 17, 2020 4:09:11 PM
Attachments: [image003.png](#)

Dear Department of Water Resources,

As steward of the largest fresh water estuary of the entire western hemisphere you have much responsibility to protect OUR Bay and Delta for future generations. I would like to see more transparency by you, and a plan that will actually work and take into consideration the current science and fragile state of California's water supplies. Please promote your role in sidestepping existing protections to advance the agenda of a few powerful agriculture and real estate developers in the Southern part of our State. I would like you to advertise and notify all Californians of your work here. Instead of creating less dependence upon the Sacramento River you have been rubber stamping legislation that will roll back the Endangered Species Act and allow the ill-advised and reckless boondoggle and corporate welfare known as the Delta Tunnel / Tunnels to proceed without so much as a word of promotion notifying Californians of your neglect to the facts of both the environmental impact and return on investments reports. Please notify all Californians how much money you have received from Westlands Water District, Kern County, Stewart and Lydia Resnick, and or George Marcus and their assorted companies, non-profits, and Super-PACs over your tenure. Do they own you like they owned Governor Jerry Brown and the currently under investigation Interior Secretary David Bernhardt? It was in the 1980's when we as Californians voted down the peripheral canals, and here nearly 40 years later you are trying to do effectively the same thing without the consent or knowledge of all Californians. Please do not hide in the shadows regarding this most important issue. Where are water efficiencies, recycling, reclamation, storage, desalinization, and rain storage on your priorities? If they can have a desalinization plant in Cabo San Lucas, Mexico, why couldn't we do the same here? If Israel, which is located in a desert, has achieved complete water independence, why can't we? Why can't we monitor ground water use like we do in almost every other State? We are Californians, and we have many talented and courageous people in the Science and Tech Fields who can work on this problem to solve completely and for hundreds of years. Why are you trying to force the wrong solution on us to benefit the fewest amounts of people and for a short term? Why do you prefer agriculture which is based in mercury laden desert lands that mostly export their goods (Almonds) to China, over prime agriculture lands in moderate climates that produce a variety of produce for our local consumption? Why do you think taking 9000 CUBIC FEET PER SECOND, or whatever your anticipated heist of water is, out of the Sacramento River will help the quality, the salinity, and the viability of the Delta and the San Francisco Bay while the Oceans continue to rise and our snow packs continue to decline? Is the extinction of Salmon while on your watch something that concerns you? Your plan does not create one drop of new water! Quite simply what is more important to you, Salmon, all the fisheries, Crab, all the migratory birds, the sea mammals, the health and real estate values of the San Francisco Bay, or the profits of a few powerful friends of yours? Please tell us. I would like you to admit your role in trying to destroy OUR Sacramento River, Delta, and San Francisco Bay. I would like for you to admit to all of Californians, including all of our family and friends who live on or by the Bay, Delta, and Sacramento River Basin; that your decision for a short sighted and short term fix is good for all Californians, and our collective futures? Please clearly explain to us the investment WE will be taking is worth the risk to all the animals, mammals, birds, Salmon, Crab, and our future generations. Also,

while you explain OUR investments here, it would be nice for you to throw in the actual complete price tag along with an accurate return on investment report. Oops, you do not have the former and the later has come back NOT anywhere near your favor. Please admit that you have no concerns for the science behind Global Warming and for the property values of all who inhabit the Bay Area. Instead, I feel you would like this to quietly go away and move on. I would like to see your leadership on this issue and that begins with you publicly notifying ALL Californians what you are doing for our best interests. It is my hope that you accept my challenge to open the doors to all Californians for them to see exactly what you are doing in regards to this issue, and that as you go through this process you have a change of heart and actually begin to protect and save the largest fresh water estuary on the Western Hemisphere, OUR Sacramento River, OUR Delta, and OUR San Francisco Bay. I look forward to seeing and hearing your reply to all of California.

Sincerely,

Andrew McHugh

Father of 3 and Small Business Owner

Andrew McHugh

Co-Founder

PACIFIC KID

p: 415-747-0026 f: 925-937-5815

w: www.pacifickid.net



Dimensional Felt Manipulatives for SLPs and Early Educators

From: [Jan Hagen](#)
To: [DWR Delta Conveyance Scoping](#)
Subject: Environmental Impact report response
Date: Friday, April 17, 2020 11:20:54 AM

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

First, 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.

Second, 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.

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

Finally, 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.

Please do not move forward with this plan.

**Thank you,
Jan Hagen**

JHAGEN ENTERPRISES

Jan Hagen

4333 MONTEREY COURT
DISCOVERY BAY, CA 94505-9272

Cell: 1-925-890-3202

Fax: 1-925-634-9749

JWHAGEN@HAGENENT.COM

From: [Clark, Patricia@DWR](mailto:Clark.Patricia@DWR)
To: [DWR Delta Conveyance Scoping](#)
Cc: [David Guy; DWR Delta Conveyance](#)
Subject: Fw: Comments - Delta Conveyance
Date: Friday, April 17, 2020 12:47:58 PM
Attachments: [image001.jpg](#)
[DWRDeltaConveyance.apr2020.pdf](#)

Hi David,
Forwarding to the "scoping" email address for you.
Thanks,
Pat

Patricia A. Clark
CA Department of Water Resources
Delta Conveyance Office
901 P Street #411-B
Sacramento CA 95814
(916) 651-0739
Patricia.Clark@water.ca.gov

From: David Guy <dguy@norcalwater.org>
Sent: Friday, April 17, 2020 12:39 PM
To: DWR Delta Conveyance <deltaconveyance@water.ca.gov>
Subject: Comments - Delta Conveyance



David J. Guy
President
Northern California Water Association
(916) 442-8333



*To advance the economic, social and environmental sustainability of Northern California
by enhancing and preserving the water rights, supplies and water quality.*

April 17, 2020

Via Email (DeltaConveyanceScoping@water.ca.gov)

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

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

Dear Ms. Rodriguez:

The Northern California Water Association (NCWA) provides the following comments on the Notice of Preparation of Environmental Impact Report for the Delta Conveyance Project issued by the Department of Water Resources (DWR). NCWA and its members throughout the Sacramento River Basin work collaboratively to deliver vital water supply and water quality for millions of Sacramento Valley residents, farms and businesses, while at the same time stewarding ecosystems to benefit fish and wildlife.

NCWA recognize the importance to California's future of a healthy Bay-Delta and providing high quality and reliable water supplies for all beneficial uses. NCWA, the North State Water Alliance, and Sacramento Valley Water Users (SVWU) have all been active participants in previous planning and projects regarding conveyance in the Bay-Delta and we look forward to continuing a productive dialogue on DWR's proposal for a new Delta Conveyance Project.

Sacramento River Basin water resources managers encourage the Administration and project proponents to collaborate with them on a solution for modern Delta conveyance that does not redirect impacts (water supply, environmental and financial) to the Sacramento River Basin, thus avoiding impacts to the region's special mosaic of farms, cities and rural communities, fish, birds, and recreation. To achieve these objectives, it will be essential to demonstrate how the Central Valley Project and State Water Project can be operated to support modern Delta conveyance, the co-equal goals, and protecting the Delta as a place--while continuing to serve multiple beneficial uses in the Sacramento River Basin and promote regional water sustainability for all of these beneficial purposes.

As DWR embarks on its environmental review and planning for the Delta Conveyance Project, it should carefully develop criteria for operation of the proposed diversion facility that fully protects water supplies in Northern California, the supporting water rights and contracts, and area of origin protections firmly founded in California law. In addition, the Delta Reform Act of 2009 states that water rights shall not be impaired or diminished as a result of its provisions, including projects such as the Delta Conveyance Project. To adequately inform the public and decision-makers about the environmental impacts of the proposed project, the draft EIR should provide sufficient information about operations to demonstrate that the proposed project will not impact water rights or contracts, and will not reduce available water supplies, both surface and groundwater, for the economy and environment in the Sacramento River Basin. In addition, the draft EIR must demonstrate that the Delta Conveyance Project can avoid significant impacts to salmonids, pelagic fish, and birds in the Sacramento Valley.

NCWA and water resources managers throughout the Sacramento River Basin are prepared to fully engage with DWR and proponents of the Delta Conveyance Project as they develop operational criteria to ensure that operation of the proposed Delta Conveyance Project does not re-direct impacts to this region. We look forward to the opportunity to review the draft EIR and its proposed operations criteria.

NCWA appreciates your attention to these comments as DWR prepares the draft EIR for the proposed project.

Sincerely yours,

A handwritten signature in black ink, appearing to read "David J. Guy". The signature is fluid and cursive, with a large initial "D" and "G".

David J. Guy
President

From: [Clark, Patricia@DWR](mailto:Clark.Patricia@DWR)
To: [DWR Delta Conveyance Scoping](#)
Cc: [DWR Delta Conveyance](#); [Mitchell, Terrie](#)
Subject: Fw: Comments on the Delta Conveyance NOP
Date: Friday, April 17, 2020 9:13:05 AM
Attachments: [image001.jpg](#)
[image002.png](#)
[Regional San Comments on NOP for Delta Conveyance EIR Final 2020-04-17.pdf](#)

Hi Ms. Mitchell,

Forwarding your scoping letter to the email address established to receive scoping comments: deltaconveyancescoping@water.ca.gov.

Thank you,

Pat

Patricia A. Clark
CA Department of Water Resources
Delta Conveyance Office
901 P Street #411-B
Sacramento CA 95814
(916) 651-0739
Patricia.Clark@water.ca.gov

From: Mitchell, Terrie <mitchellt@sacsewer.com>
Sent: Friday, April 17, 2020 8:20 AM
To: DWR Delta Conveyance <deltaconveyance@water.ca.gov>
Subject: Comments on the Delta Conveyance NOP

Attached is Regional San's comment letter on the Delta Conveyance NOP.

Regards,

Terrie Mitchell

Manager, Legislative & Regulatory Affairs
Sacramento Regional County Sanitation District (Regional San)
Sacramento Area Sewer District (SASD)
10060 Goethe Road
Sacramento, CA 95827
Phone: 916-876-6092
Cell: 916-599-2219
mitchellt@sacsewer.com

SRCSDMainLogoColor



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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

DELIVERED VIA ELECTRONIC MAIL:
(DELTA CONVEYANCE SCOPING@WATER.CA.GOV)

Re: Comments on Notice of Preparation for Environmental Impact
Report – Delta Conveyance Project

Dear Ms. Rodriguez:

The Sacramento Regional County Sanitation District (Regional San) submits the following comments 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).

Background

Regional San provides wastewater conveyance, treatment, and reclamation services for approximately 1.4 million people in the urbanized area of Sacramento County and the City of West Sacramento in Yolo County. The Sacramento Regional Wastewater Treatment Plant (SRWTP) facility, owned and operated by Regional San, is one of the largest wastewater treatment plants in the State of California, employing over 400 people, operating 24 hours a day, seven days per week. Since the 1970s, Regional San has been safely conveying, treating and discharging treated wastewater to the Sacramento River at Freeport. Over the last decade, its discharge averages of 133 million gallons per day. Regional San's discharge from the SRWTP is authorized and regulated under a National Pollutant Discharge Elimination System (NPDES) permit issued by the California Regional Water Quality Control Board (RWQCB), Central Valley Region. Regional San is also in the process of constructing its EchoWater project, a nearly \$2 billion investment that will produce disinfected tertiary treated water suitable for recycling and reuse for a broad range of beneficial uses.

The Delta Conveyance Project is proposed to construct and operate two intakes to be selected from three potential intake sites downstream of the SRWTP's treated wastewater discharge location, and about one mile downstream of the edge of the existing harmonic mean flow-based human health mixing zone provided in the SRWTP NPDES permit. The NPDES permit requires SRWTP treated effluent to be diverted to emergency storage basins, rather than being discharged, when the river-to-effluent ratio is below 14:1. These types of diversions typically occur when the Sacramento River flows are low and the tide is high; under this combination of factors, the Sacramento River flow at Freeport can reverse direction and temporarily flow upstream.

Main Office

10060 Goethe Road
Sacramento, CA 95827-3553
Tel: 916.876.6000
Fax: 916.876.6160

Treatment Plant

8521 Laguna Station Road
Elk Grove, CA 95758-9550
Tel: 916.875.9000
Fax: 916.875.9068

Board of Directors

Representing:

County of Sacramento

County of Yolo

City of Citrus Heights

City of Elk Grove

City of Folsom

City of Rancho Cordova

City of Sacramento

City of West Sacramento

Prabhakar Somavarapu

District Engineer

Ruben Robles

Director of Operations

Christoph Dobson

Director of Policy & Planning

David O'Toole

Director of Internal Services

Joseph Maestretti

Chief Financial Officer

Nicole Coleman

Public Affairs Manager

www.regionalsan.com

The NOP provides no information on proposed Delta Conveyance Project operations, but does state that diversions could range from 3,000 cfs up to 7,500 cfs. The location and operation of the Project intakes presents the potential for significant adverse impacts to Regional San's operations and facilities from reverse flow events in the Sacramento River, as well as significant water quality impacts in the Sacramento River and Sacramento-San Joaquin River Delta. Based on the information presented in the NOP, the proposed Delta Conveyance Project appears to be very similar to the discontinued California WaterFix project, with the exception that it may have one less intake and somewhat reduced diversion capacity.

Issues to Address in Draft EIR

I. Comments Related to Project Objectives

The Delta Conveyance Project objectives (NOP, p. 2.) are too narrowly defined, focusing only on benefits to State Water Project operations and south of Delta water deliveries. The objectives reference providing “operational flexibility to improve aquatic conditions in the Delta”, yet the Project does not commit to improving aquatic conditions, nor does it include any objectives that would protect water quality in the Delta from degradation. Framing Delta Conveyance Project objectives so narrowly could discourage consideration of alternatives to the Project that would protect and restore the Delta environment. This approach is not only inconsistent with CEQA, but it is also inconsistent with the Delta Reform Act's *coequal* goals of improving water supply reliability *and* protecting, restoring, and enhancing the Delta ecosystem. Regional San believes the Delta Conveyance Project objectives should be expanded to include prevention of water quality degradation in the Delta and avoidance of adverse impacts to Delta public facilities (which would include the SRWTP), which is consistent with the Delta Plan, as discussed further in section II.D, below.

II. Comments on the Scope and Methodology of Impact Analyses

A. The EIR Must Use a Baseline that Accurately Depicts Impacts Throughout the Life of the Project

Impact analyses that depend on the Sacramento and San Joaquin River and Delta hydrologic conditions (including impacts to water quality, water supply and public facilities that discharge into or divert water from 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 Delta water quality and Regional San's operations will occur immediately upon commencement of Project diversions and near-term impacts may be substantially different from those impacts occurring farther in the future, when background hydrologic conditions will be considerably different due to the effects of climate change.

B. The EIR Must Evaluate and Mitigate Impacts From Increased Frequency and Duration of Sacramento River Reverse Flow Events

In comments on the WaterFix EIR/EIS and draft Supplemental EIR/EIS and in testimony submitted in the WaterFix water rights change petition proceeding, Regional San raised concerns about the potential for the WaterFix project to adversely affect operations of the SRWTP through changes in water quality and the frequency and duration of reverse flow events. Due to the similarity of the

Delta Conveyance Project to WaterFix, Regional San's specific concerns and evidence regarding the potential impacts of WaterFix on SRWTP operations are also applicable to the Delta Conveyance Project and must be addressed in the EIR using appropriate methodology, assumptions and analysis. These concerns include changes in water quality and the number and duration of low-flow and reverse flow periods in the Sacramento River.

Impacts to Regional San's diversion operations are driven by hourly river flow rates at Freeport. Based on evidence submitted by Regional San and available to DWR in connection with the WaterFix, it is reasonable to assume that Delta Conveyance Project operations will alter the conditions of the Sacramento River at Freeport, such that Regional San will need to divert effluent to emergency storage basins for longer durations and in larger quantities than under existing conditions. Essentially, every time the Delta Conveyance Project causes river conditions that necessitate a diversion greater than would occur in the baseline condition, Regional San will be forced to commit its facilities to correcting conditions created by the Project in order to meet its NPDES permit obligations, thereby reducing Regional San's operational flexibility and creating unknown risks to Regional San's operations. By consuming emergency storage basin capacity that otherwise would be available for SRWTP operations, the Delta Conveyance Project has the potential to result in significant environmental impacts by necessitating construction of additional storage facilities. The Delta Reform Act requires that a new Delta conveyance project fully mitigate impacts. Therefore, the EIR must not only evaluate and disclose these impacts, but it must also identify the measures that commit DWR to fully mitigate these impacts.

In evaluating impacts to Regional San's operations and facilities, the EIR must employ the appropriate methodology. DWR's evaluation of the WaterFix effects on SRWTP effluent diversions to emergency storage basins was incorrectly based on treatment plant inflows. An accurate assessment of the frequency and duration of Regional San's effluent diversion must properly account for discharges of effluent. Effluent flows are the flows regulated by the 14:1 river-to-effluent requirement, not inflows. Any simulations based only on inflows would not provide meaningful, relevant information, because they would fail to account for the discharge of treated effluent previously diverted to ESBs.

Further, the 14:1 river flow threshold at which effluent must be diverted to ESBs is continuously changing since SRWTP flow rates continuously change – both seasonally and over the course of a day. Therefore, SRWTP diversions (and impacts to diversions) must be simulated on a continuous, hour-by-hour basis using hourly flow rates in the Sacramento River at Freeport and hourly SRWTP operations up to the maximum authorized discharge rate of 181 mgd.

In addition, DWR must not repeat the error made with WaterFix in assuming, without evidence or analysis, that an undefined operational protocol for the Delta Conveyance Project intakes will be capable of mitigating Delta Conveyance Project impacts. As it prepares the draft EIR, DWR should consult with Regional San on both the appropriate methodology for impact assessment and to determine whether there are feasible means of avoiding impacts to SRWTP operations.

C. The EIR Must Evaluate Impacts From Locating Intakes Downstream of SRWTP Discharge

The WaterFix diversion structures were characterized by DWR and the SWRCB as “drinking water intakes.” If such a characterization were applied to the Delta Conveyance Project and accepted by the RWQCB, it could result in substantial additional capital costs and NPDES permit compliance challenges.¹ Notably, it could lead to the loss of the SRWTP human health mixing zone for the calculation of trihalomethane (THM) effluent limitations. Human health criteria are generally based on long term exposure, and the RWQCB evaluates if the mixing zone meets the requirements of the State Implementation Plan and the Basin Plan requirements to ensure protection of beneficial uses.²

Due to the location of diversion structures within or near the edge of the current mixing zone, the RWQCB may disallow the mixing zone, requiring Regional San to meet end of pipe THM effluent limitations. This is a very important issue to the successful operation of the SRWTP. Regional San is engaged in a massive effort to design and construct facilities required to comply with its existing permit conditions through its EchoWater project. These new facilities will cost Regional San’s rate payers an estimated \$2 billion. If the current dilution credit for THMs were eliminated due to concerns regarding the short distance between the edge of the mixing zone and the diversion structures, Regional San could not reliably meet the resulting effluent limitations and would be compelled to cease operation of its new EchoWater project chlorine disinfection facilities. In lieu of chlorine disinfection, Regional San would be forced to construct an alternative disinfection system to meet the THM effluent limitations and Title 22 equivalent requirements in its NPDES permit, leading to additional significant environmental impacts from constructing that system. The EIR Project description should include a commitment that DWR and the State Water Project contractors will not characterize the intakes as “drinking water intakes,” and also evaluate the potential adverse impacts to Regional San’s operations if the RWQCB were to adopt such a characterization.

D. 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 Delta Conveyance 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.,

¹ Project proponents and users of water exported from the Delta have a history of commenting on the NPDES permit and wastewater facility EIR documents prepared by Regional San and other Central Valley publicly owned treatment works (POTWs). They have consistently asked for increasing levels of treatment by Regional San and by other municipalities in the Central Valley (e.g. Stockton, Modesto, Turlock, etc.). State Water Contractors and numerous other export water users submitted comments on the EchoWater project EIR. In those comments, they advocated for additional removal of nutrients and salinity, above and beyond the capability of the EchoWater project. Thus, it is entirely foreseeable that placing the Project diversion structures within the vicinity of the SRWTP discharge to the Sacramento River will result in intensification of such requests by Project proponents and others.

² Order R5-2016-0020-01 NPDES No. CA0077682 Waste Discharge Requirements for the Sacramento Regional County Sanitation District Sacramento Regional Wastewater Treatment Plant Sacramento County, accessible at https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/sacramento/r5-2016-0020-01.pdf.

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.)

Regional San has worked with the Delta Stewardship Council since 2009 in the development of the Delta Plan, Delta Science Plan, and Delta Science Program and Delta Independent Science Board work products. Regional San is very committed to the health of the Delta ecosystem and has invested substantial resources to help produce a Delta Plan that serves the coequal goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. Project impacts to Regional San’s treatment facilities and operations, described above, would present a substantial obstacle to Regional San’s ongoing efforts to further the coequal goals and are inconsistent with specific Delta Plan policies and the coequal goals themselves.

Specifically, DWR’s decision to locate the Delta Conveyance Project diversion structures directly downstream of the SRWTP 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. The potential for increased regulatory requirements and substantial physical modifications to Regional San’s facilities and operations create direct conflicts with the existing SRWTP use, and thus the Delta Conveyance Project as described in the NOP is inconsistent with DP P2. The Delta Conveyance 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 the SWRTP.

III. The Significant Impacts to the SRWTP and Its Operations Require Analysis of Alternatives to the Project, Including Alternative Intake Locations

CEQA requires that DWR consider alternatives to the Delta Conveyance Project capable of avoiding or substantially lessening its significant impacts. 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 for the Draft EIR.

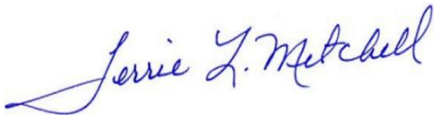
Information in the WaterFix EIR Appendix 3F, Intake Location Analyses (pp. 3.F.6 - 3.F.8), relying on the Fish Facilities Technical Team (FFTT) report, indicates that there are suitable intake locations farther downstream below Steamboat Slough (identified as intakes 6 and 7), which would reduce the potential for conflicts with and significant impacts to SRWTP operations and have the benefit of being better for salmon. 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 water quality impacts in the Delta due to the reduction in freshwater flows, and Delta Reform Act mandates, the EIR should also fully evaluate both a non-structural alternative that includes water reclamation, localized desalination and increased capture and storage of localized rainfall in lieu of continued or increased Delta exports.

Conclusion

The Delta Conveyance Project is likely to have significant adverse impacts to Regional San's facilities and operations, as well as impacts to water quality. In addition, the Project could create other impacts by necessitating construction of new public facilities at the SRWTP site that would be required as a result of the Delta Conveyance Project. These conflicts with the SRWTP also make the Project described in the NOP inconsistent with the Delta Plan. Regional San encourages DWR to move the proposed intake locations to an area that would not adversely impact SRWTP operations and to coordinate closely with Regional San as it develops the draft EIR to ensure that impacts to the SRWTP facility operations are accurately and adequately evaluated and mitigated. Please contact Terrie Mitchell at 916-876-6092 or at mitchellt@sacsewer.com if you need additional information or would like to discuss these comments.

Sincerely,



Terrie L. Mitchell,
Manager, Legislative & Regulatory Affairs

Cc: Prabhakar Somavarapu, Regional San District Engineer
Christoph Dobson, Regional San Director of Policy & Planning
Kelley Taber, Somach, Simmons and Dunn

From: [DOUG CARPENTER](#)
To: [DWR Delta Conveyance Scoping](#)
Subject: Desalinization plant justification
Date: Tuesday, April 14, 2020 1:11:26 PM

Since global change has drastically altered the coastlines we really need to build more desalinization plants and bring more water onshore in a controlled way. Doing this we will lower the amount of real estate under water and lower the amount of insurance claims instead of increasing claims. We can recharge the frail ground water surplus and put water back into our rivers and lakes. We can increase food production by having more water available for crops and we will need more water to wash our hands to stop the next pandemic that occurs.

Life begins with water and to have an abundance of water is far better than having cutbacks. Our farmers need help to grow and they are ready to do so. So please think about desalinization first before you go of voting for some lame water distribution bill that adds up to nothing. We have the ability to create more water for us, our children, and the future of our planet.

From: mccormac@citlink.net
To: [DWR Delta Conveyance Scoping](#)
Subject: EIR Comments
Date: Friday, April 17, 2020 4:51:03 PM
Attachments: [JeffMcCdwrEIRtunnelFriApr1712020420pm.docx](#)

Please see attached letter.

Thank you!

Jeff McCormack, President
Bus. 916-776-1837
Fax 916-776-1309
mccormac@citlink.net
JT McCormack, Inc.

JT McCormack, Inc.
P.O. Box 381
Walnut Grove, CA 95690

Ms. Carolyn Buckman
Environmental Planning Manager
Calif. Dept. Water Resources
P.O. Box 942836
Sacramento, CA 94236
VIA email: DeltaConveyanceScoping@water.ca.gov

April 17, 2020

Dear Ms. Buckman,

This letter pertains to the Delta Conveyance Authority's proposed 40-mile tunnel under the Sacramento-San Joaquin Delta, for your environmental impact report (EIR).

Jeff McCormack Co. has a cherry orchard on Andrus Island, on the main Sacramento River, just downstream from Walnut Grove. We co-manage other ranches between Courtland and Isleton as well.

The proposed tunnel would have environmental impacts devastating to all the ranches downriver from the intake points between Courtland and Hood.

For instance, water needed for ranches at Sutter Slough, Steamboat Slough, and the main Sacramento River would all be impacted, for competing in the coming drought cycle, for remaining water diverted to Los Angeles and San Joaquin River farmers.

Your EIR should include a discussion of the impacts of water rights pre-existing those acquired by other groups, the impacts of litigation over those rights delaying construction of the pipeline into the drought cycle looming, and scale the impact projections according to the remaining water volumes expected in the river.

Although the long-term forecast is for more variability in the flood-drought cycle, and more extreme droughts and extreme floods, this week's reports claim that we have been entering a "mega-drought" not seen in 400 years. Therefore, your EIR should include impact projections of what will happen to the Sacramento River Delta under the conditions forced by that scenario.

Because we know that the conditions are cyclic, and the alternating extremes are expected to be closer together, flood years will be more extreme as well, and their intensity and timing should be investigated, and levee investments promoted as mitigation for the impacts created by water diversions out of the Sacramento River.

The Law of Unforeseen Consequences should also be considered in regard to the so-called mitigation projects, labelled "habitat restoration projects," which would return our region to swamp. For instance, greater mosquito densities, already a problem with West Nile Virus, and increased spraying required to protect communities; and the subsequent impacts of pesticides on people living along rivers, creeks and marshes.

Expansion of marshlands might also impact on transportation routes, if large areas are flooded with marsh. The Delta Stewardship Council staff was already willing to close down Twin Cities Road altogether, to break down Lost Slough levee and flood north over John McCormack Co.'s Glannvale Ranch and others of Reclamation District 1002, to hook up with Stone Lakes Refuge. That would have diverted cross-State traffic through the Delta from the Bay Area to I-5 and 99 via Walnut Grove-Thornton Rd.

That traffic is already an environmental impact on our ranches on Andrus Island, and the whole length of Hwy. 160 from Antioch and Rio Vista's Hwy. 12, connecting Napa Valley, Lodi, and Sierra foothill counties.

Google Maps' optimization algorithm finding that Hwy. 160 to Twin Cities Rd. has increased both the volume and speed of traffic in both directions, creating highly hazardous conditions from speeding lines of traffic trying to reach distant cities, and not realizing the poor conditions of collapsing roadways. Volume of truck traffic has badly degraded the road.

Similar problems on other levee roads are expected, and costs of accelerated decline should be attributed to this project, and funds included to mitigate road degradation.

Transportation impacts are part of the socioeconomic impact analysis, and are the economic impacts on interrupted farming operations, as well as accidents projections, for farmworkers trying to get back onto the levee when highspeed cars are coming around corners.

Increased highway patrols by both the CHP and Sacramento County sheriff, and any other traffic control barriers or monitoring systems should also be costs attributed to the decline in the environment of our region as a result of this mega-project.

Do not shrug off these costs onto other agencies' budgets. They all will have other competing demands, such as infrastructure to deal with sea level rise, flooding, pandemic, etc.

Increased costs due to this project should not be paid for by the taxpayers of the state who are not benefitting from L.A.'s unmitigated growth in demand for water.

Water profits from re-sale to other districts by L.A. Metropolitan Water District should be capped, like a public utility, to reduce the incentive for them to do a water grab from Northern California, like they did in the Owens Valley. Their willingness to cover the costs that Westlands refused to risk, saying that they would just sell it back to them later at a higher price, reveals that they are in it for the profits.

Their investing in other projects to get water to re-sell at a profit for them creates environmental impacts all over the state from lost water use locally in those districts. Those impacts should be included as part of this EIR.

Enablement of their behavior by channeling more water to them, at a pipe and tunnel sizing that would enable scaling beyond the 3,000 acre-feet, to as much as 7,000 a-f indicates that they are contemplating expanded removals after the initial permit is obtained at a smaller volume. We do not intend to be exploited and destroyed by their greed.

At a minimum volume, the alignment of this project should be moved to the Western corridor proposed by Congressman John Garamendi. The engineering costs of building new roads out West might not be as much as all the road building, rail siding construction, conveyor systems, cranes, tunnels, etc. that is required by the Eastern or Central alignment.

A surface pipeline would make more sense, as it would cost far less. It would just lay on the ground or be above ground like an oil or gas pipeline to let animals move under it, with jacks to raise or lower it for subsidence, and flex joints to adapt to earthquakes. It would still employ people in the construction process for economic development benefits. It would go through the habitat restoration project areas East of Rio Vista, making dual use zones, adding to the economic justification of those.

However, any removal of water during drought years in this water allocation regime which is already 5 times over the capacity of the river, would have unacceptable environmental, social and economic impacts on our ranches and communities.

Thank you for including us in this process.

Sincerely,

Jeff McCormack, President
JT McCormack, Inc.

JM:mc

Cc:
See List

From: [marsha armstrong](#)
To: [DWR Delta Conveyance Scoping](#)
Cc: [marsha f armstrong](#)
Subject: Environmental Impacts of Proposed Tunnel Project
Date: Wednesday, April 15, 2020 2:28:52 PM

I ask that a "NO TUNNEL" alternative be included and recommended in your proposed Environmental Impact Report.

I believe that it would be wasted effort for me to recapitulate the excellent analyses and recommendations made by the Sierra Club in support of sustainable, nondestructive approaches to improving the San Francisco Bay Area and Sacramento/San Joaquin River Delta ecosystems while also improving Westlands Water District water quality and supply. Please recognize the multidisciplinary expertise that went into the Sierra Club recommendations.

Westlands Water District and the Metropolitan Water District have long histories of, to be kind, "poor" environmental stewardship in the pursuit of financial gain. They should not be allowed to drive this environmentally disastrous, (and very costly to our state) project.

Marsha F. Armstrong, M.D.

Very Truly Yours

From: [Chris Lish](#)
To: [DWR Delta Conveyance Scoping](#)
Subject: Fully analyze alternatives that are less environmentally harmful, including an alternative proposing no tunnel -- Delta Conveyance Project Scoping Comment
Date: Thursday, April 16, 2020 5:40:45 PM

Thursday, April 16, 2020

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

Subject: Fully analyze alternatives that are less environmentally harmful, including an alternative proposing no tunnel -- Delta Conveyance Project Scoping Comment

To Governor Gavin Newsom and California Department of Water Resources Karla Nemeth:

I am writing to strongly urge the Department of Water Resources to fully include and consider a “no tunnel” alternative in the environmental impact report (EIR) of the Delta Conveyance Project.

“Our duty to the whole, including to the unborn generations, bids us to restrain an unprincipled present-day minority from wasting the heritage of these unborn generations. The movement for the conservation of wildlife and the larger movement for the conservation of all our natural resources are essentially democratic in spirit, purpose and method.”
-- Theodore Roosevelt

For years, the Bay-Delta ecosystem has been severely depleted of freshwater flows that has led to the loss of natural habitat for species and reduced the livelihood of residents in Delta communities. This project will further hasten the decline of the Delta.

“It is horrifying that we have to fight our own government to save the environment.”
-- Ansel Adams

The EIR should analyze alternatives that increase Delta outflow and reduce exports as compared to current conditions in the Delta. Specifically, the EIR should examine a “no tunnel” alternative that analyzes the use and investment in water conservation, efficiency, and additional demand reduction measures that are less environmentally harmful than the tunnel and achieve the same water supply reliability goals and targets.

“Every man who appreciates the majesty and beauty of the wilderness and of wild life, should strike hands with the farsighted men who wish to preserve our material resources, in the effort to keep our forests and our game beasts, game-birds, and

game-fish—indeed, all the living creatures of prairie and woodland and seashore —from wanton destruction. Above all, we should realize that the effort toward this end is essentially a democratic movement.”

-- Theodore Roosevelt

California needs a water management system that is in accordance with the Delta Reform Act's policy of reducing reliance on the Delta and provides benefits and protections for California's native fish, wildlife species, and communities.

“A thing is right when it tends to preserve the integrity, stability, and beauty of the biotic community. It is wrong when it tends otherwise.”

-- Aldo Leopold

Thank you for your consideration of my comments. Please do NOT add my name to your mailing list. I will learn about future developments on this issue from other sources.

Sincerely,
Christopher Lish
San Rafael, CA

From: [Antal Kalik](#)
To: [DWR Delta Conveyance Scoping](#)
Subject: Delta tunnels
Date: Wednesday, April 15, 2020 8:17:29 AM

Hello,

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

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

Thank you,

Antal

From: [Greg Sallee](#)
To: [DWR Delta Conveyance Scoping](#)
Subject: Delta tunnels
Date: Thursday, April 16, 2020 9:33:11 PM

Hello,

I just don't see the Northern California cost benefit to any tunnel that takes away water from our prestigious estuary the California Delta. By pumping water away it's going to severely impact the water levels on this area and bring even more salt water into the system. To the point where it's unsafe to boat or fish in even more areas. Two weeks ago I hit a submerged rock pile south of Mandeville island that was in pretty much the middle of the slough that wasn't visible at all. Lowering water levels even more will make these areas become even more dangerous. Luckily for me I wasn't ejected from my boat and I was able to be towed in and pay the over 10k dollars because of my boat insurance.

Now you've looked and proposed to move the tunnels even closer to where I live in discovery bay with little to no public comment. Again no tunnels would be the best. Figure out how to pump water west from the central United States during the rain and flood seasons vs taking the little water we have now away. If we can pump oil from Alaska we should be able to get sufficient water from flood areas and help reduce floods across the US.

Sincerely

Greg

Sent from my iPhone

From: [Gail Lorimer](#)
To: [DWR Delta Conveyance Scoping](#)
Subject: Discovery Bay Resident - Reconsideration of Current Scope
Date: Wednesday, April 15, 2020 1:38:14 PM
Attachments: [DeltaConveyance Letter.docx](#)

Please read my attached letter and ask that the project manager reconsider the current scope (including change in scope without community knowledge)!

Gail Lorimer
glorimer@pachell.net

DeltaConveyanceScoping@water.ca.gov

I've been to several of the meetings with those involved in reviewing and proposal of the Delta One Tunnel effort. I've lived in Discovery Bay over 30 years and in complete despair at the possibility the tunnel(s) could actually be something that would happen to ONLY provide yet more water to Southern California. There are other options that have been reviewed yet we still are dealing with the tunnels coming right through our natural resources only to give more water to Southern California. I've lived in Pasadena for over 5 years and I can tell you LA people are not conscience of conserving water. Yet without any natural resource the big buck water company want to fight for more from the Sacramento Delta. This community is in complete despair of the idea this all could be destroyed by the selfishness of the southern part of the great state.

I as I have in the past - I plead with the Dela Conveyance group to reconsider not destroying the natural resources here in the Delta and mandate Southern California look better options (and you know there are) ...

There have been plenty of meetings and speeches that call out all the wrong reasons to go down the current plan - please review all the content provided to save the beautiful land/water resource.

Seems this policy below conflicts with all this group has been attempting to do. See 'RESPECT LOCAL LAND and USE'

DP P2. Respect Local Land Use When Siting Water or Flood Facilities or Restoring Habitats

(a) Water management facilities, ecosystem restoration, and flood management infrastructure must be sited to avoid or reduce conflicts with existing uses or those uses described or depicted in city and county general plans for their jurisdictions or spheres of influence when feasible, considering comments from local agencies and the Delta Protection Commission. Plans for ecosystem restoration must consider sites on existing public lands, when feasible and consistent with a project's purpose, before privately owned sites are purchased. Measures to mitigate conflicts with adjacent uses may include, but are not limited to, buffers to prevent adverse effects on adjacent farmland.

Regards,
Gail Lorimer
Discovery Bay Resident 30+ years

From: mccormac@citlink.net
To: [DWR Delta Conveyance Scoping](#)
Subject: EIR Comments
Date: Friday, April 17, 2020 4:49:58 PM
Attachments: [RD1002DWRDCAEIR04162020430pm.docx](#)

Please see attached letter.

Thank you!

Jeff McCormack, Trustee
Bus. 916-776-1837
Fax 916-776-1309
mccormac@citlink.net
RD - 1002

Reclamation District #1002

c/o Jeff McCormack, Trustee
P.O. Box 527
Walnut Grove, CA 95690
(916) 776-1837

April 16, 2020

Ms. Carolyn Buckman
Environmental Planning Manager
c/o Renee Rodriguez
Calif. Dept. of Water Resources
P.O. Box 942836
West Sacramento, CA 94236

Dear Ms. Buckman,

This letter contains our recommendations on what to include in your environmental impact report (EIR) required under the California Environmental Quality Act (CEQA) with respect to the proposed Delta Conveyance, led by the Delta Conveyance Design & Construction Authority.

Reclamation District 1002 covers the area from Lambert Road in the North to Lost Slough in the South (south of Twin Cities Rd.), and from Snodgrass Slough in the West across I-5 to the Central Pacific Railroad (CPRR) levee in the East. It consists of approximately 6,500 acres and has about 52 landowners.

Reclamation districts are federally chartered entities and have legal duties to protect their members from flooding.

RD 1002 includes most of the area on your satellite photo maps labelled "Lambert Maintenance Shaft" and "Glanville Tract Launch Shaft Site."

(2 "n"s in Glannville, named after Peter Glann, original owner.) (Also, on left margin, midway down, "Granville" with that "r" instead of "l" is wrong.)

The Glannville Tract Launch Shaft map label, "McCormack Williamson Tract" is for the tract off the bottom of that map, whose North edge barely shows on the photo, on the south side of Lost Slough. An arrow pointing to that sliver south of the levee should be inserted.

In contrast, John McCormack Co.'s "Glannvale" Ranch orchards are on the North side of Lost Slough under your label reading, "Williamson." More specifically, they are under the "R" in McCormack.

Likewise, the Thomas McCormack Co.'s vineyards are under the "mack" part of the label, and under the label, "CR-13 – Twin Cities Rd."

Mello Brothers' orchards, also on the North side of Lost Slough, is above the proposed tunnel, east of the poplar tree road, where the road heading South from Twin Cities Rd. goes South.

This distinction is important because the McCormack-Williamson Tract (MWT) is co-owned by DWR and The Nature Conservancy (TNC). It is a different reclamation district.

Second, the proposed activities of the DCA are contrary to the Delta Stewardship Council's Co-Equal Goals of water conveyance and environmental with Agriculture, and related residential use. Agriculture relies on transportation infrastructure to get food as a national security resource to markets nationwide, and internationally.

The East-West roads throughout Reclamation District 1002 connect the San Francisco Bay Area markets, ports and airports with 2 of California's major North-South freeways, Interstate-5 and Hwy. 99. Those carry travelers between the Bay Area, and Sacramento, Stockton and Los Angeles, as well as Oregon and Washington, Mexico & Canada. Past floods here in 1986 closed I-5 for weeks, requiring re-routing of truck traffic nationwide.

Likewise, in 2017, storms on the Cosumnes River near Elk Grove caused railroad derailment on the south edge, requiring re-routing of rail traffic. Climate change forecasts predict that this will happen more frequently in the future, both as to frequency and extremity, so your potential disruption of I-5 will be on top of that future environmental scenario going forward. Therefore, your EIR should include that baseline, and your engineers should design around that scenario.

Part of your engineering design should look beyond the direct impacts of a preferred baseline scenario to a changed environmental baseline sea level rise, as well as more frequent flooding and spikes of even more extreme events on top of those other 2 factors.

Therefore, if ever approved, your facilities should have ring levees around them as 2nd line of defense, after strengthening of reclamation district levees as your 1st line of defense.

Another environmental impact will be that ring levees will displace waters that would otherwise have been dispersed over more area, drying out more quickly than would now occur. Therefore this project will cause floodwaters to remain longer. That will have an economic impact in the reclamation district, by interfering with pruning and spraying.

The 400 acres of staging area for your Main Launch Shaft, and related area across I-5 north of Twin Cities Rd. might have perimeter boundaries of 3-4 linear miles. Ring levees to protect all that will likely be more than just the calculation of a compact footprint, as roads will need to be protected as well, or risk access problems for weeks at a time.

A second site across I-5 would increase both the surface area and the perimeter around the new site.

The EIR should calculate what that would be, where the fill would come from, what that fill would contain in terms of potential contaminants that might run off into surface waters used for agriculture, and the effects of displacing water onto adjacent landowners and their residences.

Adjacent landowners affected by flooding will probably include those in Point Pleasant, near Franklin Field and Cosumnes Prison. Past floods have required evacuations from there.

Modelling of past flood flow patterns should be conducted, under both past topographic drainage patterns and projected future patterns. Those patterns should include the proposed actions of both regional and nearby landowners that would contribute to disproportionately extreme flooding as a result of their development of absorptive soils up-watershed in Sacramento County under their Comprehensive Plan amendments, by City of Elk Grove, and by agencies and non-profits in “habitat restoration” that is reported to have an avowed purpose of “re-activating the state’s floodplains.”

Specifically, “up-watershed” is meant here as the Sacramento County plans for developing large tracts of land to the NE of Elk Grove, already moving South from Rancho Cordova, toward a diagonal line to direct development toward Folsom, affecting Morrison Creek, and the Cosumnes River.

Morrison Creek feeds into the upper end of Snodgrass Slough, and the increase in development projects up-watershed has resulted in many more square miles of impervious surfaces like rooftops, roads and parking lots over the top of formerly absorptive soils, resulting in increased runoff that had been absorbed through rough cobbles from glacial till pushed out of the Sierras to the West.

Those development projects are supposed to have county or municipal permit terms that specify mitigative measures like retention basins to hold the water longer, until groundwater aquifers can absorb it.

It is unknown now whether existing standards for calculating the size of required retention basins will be sufficient for projected torrential downpours from warmer climate air masses carrying more water in atmospheric rivers and superstorms.

Likewise, Sierra snows are predicted to become more water-laden and melt earlier in the season, for faster and more extreme runoff pulses, followed by longer dry seasons.

Mitigation of those projected impacts should also be assessed by DWR, and a plan for delaying those flows for metering more slowly through the growing season, and to prevent flooding.

Therefore, your EIR should include modelling that will be structured to take these projected patterns into account.

The modelling should be funded at a level that will enable gathering of data from the responsible municipalities and state & federal agencies, including conservancies, using the latest technologies, and link those models together to show the expected rates of runoff under various regime scenarios.

The Sierra Conservancy should therefore be synchronized (“sync’d) with the Foothill Conservancy and Delta Conservancy, and the responsible federal and state agencies should be funded at a scale that can do this work properly.

We have been requesting this for years. Your proposed project could justify funding for the forecasting and engineering design work, and reclamation district levee expansion could become your first line of defense. That would also protect the rest of the district for remaining acreage in Agriculture and residential.

Thirdly, the mitigation projects of habitat restoration should be re-directed to other areas. Surely habitat acreage is needed in less productive districts, west of the Delta, or in the Sierras, or closer to population centers, so that they do not create such impacts on Agriculture.

Past proposals by habitat organizations have threatened that they want to actively flood this reclamation district. Currently the schedule has been adjusted, but that could change with a change in administrations, and we think the Delta Stewardship Council and Legislature should recognize this project as part of their Agriculture-preservation mandate, to justify pushing that initiative away from here altogether.

Sincerely,

Jeff McCormack,
Manager
RD 1002

From: mccormac@citlink.net
To: [DWR Delta Conveyance Scoping](#)
Subject: EIR Comments
Date: Friday, April 17, 2020 4:48:48 PM
Attachments: [JMCCoDWRdcaLtrEIR425pm.docx](#)

Please see attached.

Thank you!

Jeff McCormack
Bus. 916-776-1837
Fax 916-776-1309
mccormac@citlink.net
John McCormack Company, Inc.

John McCormack Co.
Jeff McCormack, Mgr.
P.O. Box 527
Walnut Grove, CA 95690
(916) 776-1837

April 16, 2020

Ms. Carolyn Buckman
Environmental Planning Manager
c/o Renee Rodriguez
Calif. Dept. of Water Resources
P.O. Box 942836
Sacramento, CA 94236

Via Email to: DeltaConveyanceScoping@water.ca.gov

Dear Ms. Buckman,

These comments pertain to the environmental impact report (EIR) for the proposed Delta Conveyance Design & Construction Authority's 40-mile tunnel launch shaft and related staging areas and roads through our water supply, affecting the canal that drains our entire reclamation district. That district, RD#1002, has sent a separate letter on larger geographic scope issues affecting flooding and federal duties to protect it.

John McCormack Co.'s Glannvale Ranch consists of the pear orchards South of Twin Cities Rd. from Snodgrass Slough in the West to the Mello Farms access road on the East end of the poplar tree road shown in aerial photos, less the front wheat field, and vineyards fronting on Twin Cities Rd.

Our orchards, barns and homes are supported by a combination of wells and river pumping from Lost Slough, on our Southern boundary. Wells receive groundwater flow from up-valley to the North. Lost Slough is the northern boundary of DWR's and The Nature Conservancy's "McCormack-Williamson Tract," (MWT).

John McCormack Co.'s Glannvale Ranch would be affected by the 20 years of construction activity upstream on the headwaters of our reclamation district, which all flows into the canal that drains through our property into Lost Slough.

Our main access road off Twin Cities Rd. is along that canal. You propose your main central access road to the Launch Shaft site on the northward extension of that road along that canal. So all your trucks will be turning North at the same crossroads off Twin Cities Rd. that we will be turning onto and off of Twin Cities Rd.

The 20 years of construction activity from Lambert Road down to Dierssen Rd. to Twin Cities Rd. would require upgrading of all roads in the reclamation district, as well as traffic that would interfere with operations, including our harvest delivery to market.

Dust and fumes from construction and electricity generating plants should be projected, including impacts and health effects adjacent residences. Our property would decline in value as a result of the construction, so that should be included as a socioeconomic impact in your cost-benefit analysis. Land taken out of production should be counted as well.

Pollution of upstream water sources as the result of spoils tailing piles, called RTMs, ("Recycled Tunneling Materials") should be characterized according to their geologic origins, including potential radon, radioactive soil, that might have been pushed down out of the Sierras and lying latent, hidden 100-200 feet down. Stacking in piles will expose the piles to potential rainfall runoff, getting into water supplies, where it could be uptaken by plants and grasses, into animal feed.

We are also concerned about the potential for diversion of Subvention Program funds that we rely on to maintain levees, as members of the reclamation district. We pay assessments toward maintaining those levees, and your facilities would benefit from the protection afforded by those levees. Yet the funding is always at risk of being cut, even in years as flush as this, when the State is running a \$24 Billion surplus. Our fees should be reduced, to reflect the increased difficulty and costs incurred as the result of interference with our pre-existing operations.

Environmental impacts from mitigation projects due to your construction project should also be included. Increased flooding from "habitat restoration" projects in the Cosumnes River floodplain that overflow further than planned, into our property should be documented as potential impacts, and prevention funding with improved levees designed in to project costs as mitigation.

Therefore, the environmental impact report should document these complexities, and propose re-design of any project to reduce impacts of environmental projects on existing landowners and residents who are not landowners per se. e.g. Displacement of renters to higher-priced urban quarters, reducing their standard of living.

There also could be reduced drinking water quality as the result of fuel spillage into surface waters, and sinking into the watertable, flowing through soils into wells.

The interplay of surface water and groundwater should be examined, and the impacts of SGMA and prioritization of over-allocation of water rights, as to socioeconomic impacts on farms.

Finally, we also have ranches on islands along the main Sacramento River. Reductions in water availability for those, and competition for remaining supplies in the coming drought periods could put us out of business, along with the jobs we create for people in local communities.

Sincerely,

Jeff McCormack, Manager
John McCormack Co.

JM:mc

Cc:

Scott McCormack & Board

Cc List (cont'd)

Don Nattoli, Sacramento County Supervisor

Oscar Villegas, Yolo County Supervisor on Delta Stewardship Council

Susan Tatayon, Chair, Delta Stewardship Council

John Garamendi, Congressman, Walnut Grove

Diane Feinstein, US Senator

Gavin Newsom, Governor

Wade Crowfoot, Sec. of Natural Resources Agency

Delta Plan Implementation Committee of state and federal agencies

President Donald Trump

Secretary of Interior

Secretary of Transportation Elaine Chao

Eric Vink, Exec. Dir., Delta Protection Commission

Justin Van Loben Sels, DPC

Mark Pruner & North Delta CARES

Jim Wallace, Delta Legacy Communities

Dave Stirling, DLC, Walnut Grove

From: [Mark Goble](#)
To: [DWR Delta Conveyance Scoping](#)
Subject: Delta Tunnel Scoping Commentary
Date: Friday, April 17, 2020 2:46:24 PM

Mark A. Goble
365 Breed Ave.
San Leandro, CA 94577
April 17, 2020

California Department of Water Resources
Delta Conveyance Scoping Comments
c/o
DeltaConveyanceScoping@water.ca.gov

To Each and Every Decision Maker at the D.W.R.,

This is my second comment letter. The comment I am sharing today I am sure will not be heard, answered, or go further than the first person in charge of sorting emails. But I must say this again.

This is an unprecedented time we are in. I can think of no other time in history, except possibly World War Two, when this country as a whole, and its citizens as individuals, have had their entire lives disrupted so rapidly and completely as we are experiencing at this very moment with the CoronaVirus.

This virus has taken down the economy of the free world in a matter of weeks. We are in a completely different world than we were in just a month ago. Our Governor has issued a “Shelter in Place” order. I have never, in my lifetime, experienced any thing similar to what we as a State, and as a Country are experiencing with the Corona Virus Pandemic.

It is therefore unreasonable for you to expect Public Commentary to be made on the Tunnel Project. In fact, it is beyond unreasonable, and makes one believe another “fast one” is being pulled off by the “water people” again.

IT is mighty tempting to speed this lil Tunnel project on through, I’m sure, especially with Ol Don Trump out in Washington cutting up E.P.A. regulations like they were a T’Bone on a platter. If I were Metropolitan Water District, or the rest of you guys that want this Tunnel, that’s exactly how I would be thinking.

I would caution you folks to tread lightly. The voters in 1982 got pretty riled up, and if NorCal citizens actually caught wind of this, what you are doing and how Metropolitan is playing their game, I’d bet another vote would soon follow.

Sliding it through isn’t going to work, and sneaking it by is not an option.

It’s obvious, too obvious, and you need to extend the Commentary period to until the Virus threat has passed.

Sincerely,
Mark Goble

From: [Linda Snyder](#)
To: [DWR Delta Conveyance Scoping](#)
Subject: Delta Tunnels
Date: Thursday, April 16, 2020 12:32:45 PM

Do not build a tunnel anywhere but especially near our houses in Discovery Bay!!!

From: [Alexandra Perry](#)
To: [DWR Delta Conveyance Scoping](#)
Subject: Delta Tunnel Planning
Date: Friday, April 17, 2020 4:37:35 PM

Greetings,

I am respectfully requesting that the California Natural Resources Agency, Department of Water Resources, and Delta Stewardship Council suspend and cease all Delta Conveyance Project (DCP) activity that entails actions by state and federal agencies during the duration of the Novel Coronavirus Pandemic emergency. We also ask that any state action, or CEQA proceedings in respect to the Sites Reservoir, and other new large diversions also be put on hold. Public participation from communities that rely on subsistence fishing, access to clean water, and fishing related economic opportunities are critical to these processes. Not only are impacted communities scared and distracted during this crisis, many of them lack the resources to engage virtually or are first responders and government employees who are overwhelmed with essential duties that are critical to public safety during the pandemic.

Indigenous communities who are known for protecting nature are disproportionately at risk of serious health impacts and death from COVID-19 due to the serious health conditions caused by the lack of fish in native peoples' diets, such as diabetes and heart disease, and due to the lack of health resources in coastal and rural communities. Our communities are also heavily reliant on commercial fishing and recreational industries and therefore have economic interests that are directly related to California storage and diversions decisions. Commercial salmon fishermen were barely getting by before the pandemic due to poor water decisions and many have had to give up fishing all together due to poor water management. Up to 90% of California's salmon fishing fleet has been lost over the last twenty years due to dwindling returns. This has caused serious economic impacts to our communities, and loss of tax revenue to coastal communities and towns. Our request is not only based on our inability to access the public process, it is also about priorities. The majority of public comments made at the Delta Conveyance Project hearings were in opposition to the project. Over 200 people from at least seven Tribes testified against the Delta Conveyance during the Redding hearing. Many people from disadvantaged and rural communities that deal with illnesses caused by environmental conditions or that lack of clean water, testified at the Delta Tunnel hearings in Redding and Stockton. The Redding hearing was the only hearing held in the North State and therefore the majority of people located in the North State and on the source waters for the tunnels have been unable to engage in the process thus far.

There were seven public hearings in Central and Southern California.

Now the vast majority of the California public are focused on surviving and coping with the health and economic effects of the spread of COVID-19. We cannot keep our communities safe, and meaningfully engage in public processes related to our salmon returns and water supplies at the same time. As a matter of public priorities during the pandemic, actions such as approving new diversions and major infrastructure projects are non-essential and should therefore be curtailed.

I also reject the requests by California's most powerful and well connected water users to suspend environmental regulations and flow requirements to send more water from Northern California's rivers and reservoirs to the San Joaquin Valley to produce food during this crisis. Thus far, the state has refused our request to limit the expansion of permanent crops that cannot be followed in droughts, such as almonds, in areas that do not have reliable water supplies. These permanent crops are snack foods and are often exported out of the country. Some of the Valley's water use has been deemed unreasonable and a violation of the public trust. Water supplies for cities and clean water are essential, growing snack crops to export in a drought are not.

The stay at home orders and prioritization of essential and nonessential industries has demonstrated that fishing is an essential industry and that regional sustainability needs to be prioritized. If the North Coast and North State had healthy runs of fish we would have much more food, healthy communities and a better economy. Governor Newsom has made commitments to California's native and rural communities. It is time for California to live up to these commitments rather than limiting our ability to engage in the processes that impact us.

Our rivers and oceans provide a local, sustainable food source for Californians, and provide sustainability and incomes to coastal regions, rural areas and reservations. We have the right to be involved in the public processes.

From: [Katherine Fritz](#)
To: [DWR Delta Conveyance Scoping](#)
Subject: Delta Tunnel Project
Date: Tuesday, April 14, 2020 1:27:30 PM

Hi,

As a fourth generation Californian, with a family that has farmed in the Sacramento Delta since the 1850's I feel uniquely qualified to comment on California water, and the Delta.

Southern California is a Desert. For as long as I can remember the North/South water fight has dominated California politics. The City of Bakersfield has no water meters....Northern CA was rationing, while the South did not.

The Delta Tunnel Project is a massive mistake, and should not allowed to go forward.

It is an environmental catastrophe, and will harm the San Francisco Bay for years to come.

The Delta is a worldwide Waterfowl freeway. This project will also cause irreparable damage to fish, and other wild life.

Water rights in CA are ancient, and fundamentally broken.

We have demands from farming, industry , and residents. Each sector will need to compromise.

I realize it is a Herculean task, but this state needs to untangle and rework water rights statewide.

In this new metric, there needs to be consideration of natural climate.

Farmers should not be allowed to grow water intensive crops in deserts. I flew into the Imperial Valley once, and was gobsmacked at this desert with lush green crops. This in unsustainable.

Everyone and every industry in this state should have metered water, and have to conserve. Industry should reworks processes to use less water.

No to the Delta Tunnel Project.

Fix the real problems, protect our environment.

Katherine Fritz
5871 Tortuga Cmn
Livermore CA

Sent from my iPhone

From: [JULIO ROSALES](#)
To: [DWR Delta Conveyance Scoping](#)
Subject: Delta Tunnel
Date: Thursday, April 16, 2020 10:47:34 AM
Attachments: [Delta Conveyance Project Scoping Comment Form.pdf](#)

Sent from [Mail](#) for Windows 10

Delta Conveyance Project Scoping Comment Form

The public scoping period is January 15, 2020 through April 17, 2020. Please provide comments on the scope of issues to be considered in the Delta Conveyance Project Environmental Impact Report.

1. Name

2. Date



3. Organization

4. Email

5. Street Address

6. City

7. State

8. Zip Code

9. Comment

Submit

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From: [Jennifer Formoso](#)
To: [DWR Delta Conveyance Scoping](#)
Subject: Delta Tunnel
Date: Wednesday, April 15, 2020 9:46:41 PM

To Whom It May Concern,

Do not put in a tunnel to syphon water from the delta south. It will harm the ecosystem that the delta contains. It will cause the estuary the delta feeds to become overly salty which will decimate the ecosystem in the estuary. It will deplete water and damage levees. Do not build this tunnel. Do not drain the delta. Do not do this. It is wrong and especially slimy to push it through during this time when the focus is on other things (seems like you are taking lessons from Trump). Do not build the tunnel!

Sincerely,

Jennifer Formoso

From: [Mark Goble](#)
To: [DWR Delta Conveyance Scoping](#)
Subject: Delta Tunnel Conveyance Scoping Comments
Date: Saturday, April 11, 2020 3:36:10 AM
Attachments: [dwr letter final.docx](#)

Good morning!

Please see may attached comments.

Thank you,

Mark A. Goble

Native Californian

Mark A. Goble
365 Breed Ave.
San Leandro, CA 94577
April 11, 2020

California Department of Water Resources
Delta Conveyance Scoping Comments
c/o
DeltaConveyanceScoping@water.ca.gov

Fellow Californians at the D.W.R.,

My letter to you today is to comment on the scope and content of the CEQA review of the single delta tunnel project, including the potential environmental impacts of the project. Before I proceed with my comments, however, I feel I must express my disgust with this process so far.

The original Scoping “workshop” locations were limited to one Los Angeles meeting and a handful of Northern California meetings. Native Americans, who value this State’s salmon and rivers far more than most Californians, were completely ignored until public outcry convinced you folks to schedule a Redding meeting. The lack of thought and consideration was surprising, but it is nothing compared to the current actions of the D.W.R.

I am appalled by the D.W.R.’s decision not to suspend this process until the Corona Virus Pandemic has ended. Nothing in our lifetimes has happened that has affected not just our country, but the entire free world, in the manner that this virus has. Our society, our economy and our lifestyles have dramatically changed in a very short period of time. Californians are in shock, and scrambling to make ends meet, care for loved ones and avoid getting this virus.

Yet the Metropolitan Water District and their Southern California cronies are forging ahead, trying with all their might to slip this bizarre water scheme past preoccupied Northern Californians. Who knows, maybe they will succeed. It appears the D.W.R. will not try to hinder their efforts!

Shame on all of you! This project will affect the San Francisco Bay, the Delta, tap water quality for countless households, anyone that uses the Delta for recreation, fishing or boating, commercial fishermen and women, and many others, and these people should be allowed to know what is being proposed, and be given the opportunity to consider the proposal and give commentary. To expect real commentary in the current crisis is unrealistic and it shows the callous disregard and true colors of the project backers.

With that, I will continue with my comments about the project itself. The following is based upon the plan I saw at the Walnut Grove Scoping meeting in February, 2020.

Regarding The "Delta Tunnel Conveyance Project"

The Delta tunnel project has been presented as a 25-35 mile long tunnel, buried approximately 150 feet under the delta, beginning near Hood and ending near the Clifton Forebay. The final route it will take has yet to be determined.. This single tunnel, as presented, appears to be the essentially the same plan recently put forth and labelled the "California Waterfix", with the main difference being one large Tunnel with a smaller total capacity than the "Waterfix" two tunnel approach. The Delta Tunnel and the "Waterfix" projects also appear to be essentially the same plan envisioned decades ago and labelled the "Peripheral Canal", replacing the Canal with a pipe and burying it deep under the Delta..

The concept has not changed, the spirit and the goal of the original Peripheral Canal project are duplicated with "Waterfix" and again with this Delta Single Tunnel Conveyance

The commentary for the scope and content of this project has already been given, via an *ultimate* "scoping commentary process", one via State-wide ballot, where the voters of the entire State of California had the opportunity to decide if the project was agreeable. As we all remember, the voters of the great State of California overwhelmingly cast a "NO" vote on the "Peripheral Canal".

Changing the "Canal" into a pipe and burying it does not constitute a "new idea". It is my personal opinion that the furtherance of this project by the State is in direct conflict of the will and

decision of the People of the State of California. It is my opinion that the Will of the People was requested and given. Any furtherance of any project in defiance of that stated Will by any State official or Department should be an illegal act. This project concept should have been abandoned decades ago.

Sadly, the same project again arrives with special words and better advertising. My comments are driven by logic and frugality, both of which are painfully absent in the extravagant and poorly thought through project I saw in Walnut Grove.

1st Alternative To The “Delta Tunnel” Project

Simply put, why would this project need to be a Tunnel? Why buried? Please note, I do not agree in any way with this concept, but if it must happen, lets make it a pipeline instead, above ground. Utilize State owned land along Highway 5 as much as possible and put the pipe above ground.

Construction costs would be far less, real estate acquisition would be minimized and future repairs simplified exponentially. Leaks could be easily seen and repaired by workers with minimal skill sets.

Environmentally, a pipeline is by far a superior choice. It would not disturb current underwater ecosystems, and only minimally disturb habitats along its route, no waste or “re-useable material” would be created, enormous amounts of materials, fuels, equipment and manpower would be saved. The savings in construction are so obvious that this alternative must be considered. Operations and Maintenance costs would be a fraction of the proposed “Delta Tunnel”. Pumps, if needed will be fewer and smaller than what would be required with the current proposal. The list goes on and on.

Sure, it will not be hidden away, and it might be ugly, but a sustainable approach, sensible and economical is what future projects must embody. We owe this to future generations.

Easier, and less costly still, would be a Canal.

Environmental Impact of the “Delta Tunnel” Project

Although the details of construction of the “Delta Tunnel” were not provided at the meeting, it is assumed the process will be very similar to the process outlined in the California “Waterfix” project.

The twin tunnels of “Waterfix” were to be constructed with a Tunnel Boring Machine. An animated video once available on the Metropolitan Water District’s website, now removed, would require blade maintenance approximately every 4 miles. In order to accomplish this, the “Waterfix” project called for construction of underground “stations”, where a crater about 1 mile in diameter would be opened over the tunnel, and grouts injected to stabilize the stations. Every other “station” would become permanent.

IF this process were to happen, the destruction of areas over the tunnel would be extensive. Subsidence over the Tunnel route is inevitable. injecting “Grouts”, depending on their chemical makeup, will contaminate groundwater in the area to an unknown extent.

A major sales pitch for the Delta Tunnel has called this project “modernization” of the State’s water system, and a more “reliable” conveyance than current above ground levees in the event of “the big one”, referring to a large earthquake. Tunnels that go through rock are more or less reliable, however, the research is lacking on this “reliability” when the Tunnel is not going through rock. In fact, liquification of the ground surrounding the Tunnel during a seismic event will require significant “grout injection” to stabilize the ground surrounding the Tunnel. Unless it is bored through solid stone, there is not enough data at this time about large tunnels during seismic events to conclude a Tunnel would fare any better than a surface levee. In fact, even with substantial “grout injections” the “liquification” of surrounding soil around the Tunnel could cause cave in, or complete Tunnel failure in a smaller seismic event, especially considering the nearby earthquake faults..

If a levee were to fail, a number of people and companies nearby can be called upon to facilitate a rapid repair. If this Tunnel were to fail, not only would the damage be harder to pinpoint and repair, the odds of the specialized crew and equipment the repair would require being available and at hand

would be very low. It is unlikely the repairs could be quickly and safely made, causing long term water service interruptions.

Extensive amounts of material of unknown composition, a.k.a. "Muck" or "Reusable Tunnel Material" would be excavated and need to be disposed of. It is hoped the material could be reused, however until such material is actually excavated and examined, it must be considered "waste", and a plan for disposal must be investigated.

Adding to the above ground destruction would be acreage for: the two "forebays", the construction staging areas, and the new roads to accommodate the steady stream of semi-trucks and equipment, as current roads are inadequate. Waste removal diesel trucks, some of which it is rumored would be working 24/7/365 for over 10 years, will be spewing emissions constantly throughout this time. If barges are used, Delta bridges will be opening and closing many times more than they do now, increasing wear and maintenance requirements.

If this "Delta Tunnel" is built, the Delta landscape above and immediately surrounding the route will not only be altered, it will be destroyed. Subsidence and water leaking/flooding during construction must be factored.

Traffic, already congested in the area, will be slowed by the construction equipment and bridge openings for waste removing barges, causing significant adverse effects on air quality from emissions.

Construction noise and vibrations will destroy quality of life for nearby residents, and will adversely affect migrant bird, animal and marine life for a significant period of time.

Lastly, if the Tunnel were built and put into service, the water removed from the "mix" of waters from all sources, will affect the water quality to all points south of the diversion point. Effluent from Iodi, Stockton and other treatment plants will continue, the lesser quality water from the Mokolumne, and various other wastewaters that drain into the Delta will continue in AT LEAST the current amounts, with far less of the "clean" waters from the Sacramento to dilute them. The San Francisco Bay will become a

mix of saltwater and wastewater. Flushing waters from the Sacramento will slow and/or disappear entirely, causing residence time for Delta water to increase markedly, raising water temperatures and algae blooms will increase in frequency.

The current pumping levels have brought jellyfish to the Port of Stockton, harbor seals now inhabit areas further North than ever seen before. This Tunnel project will result in seawater reaching further inland than ever before, while providing no benefits to the Northern portion of the State.

Benefits to Southern portions of California do not justify the project. Only a small increase in water supply will be seen according to proponents of the project, and no new water source is being accessed. It is simply too extravagant, too large and too complicated to be considered a viable project. The environmental permitting process should, for the reasons I have outlined above, cease immediately and no further consideration of this project should be allowed.

2nd Alternative to the "Delta Tunnel" Project

This alternative is a no-project alternative, yet would, in my opinion, solve most if not all of the State's water problems. The answer is simple, and long overdue.

Remove the financial gain from water transactions. Although a reversal of the recent trends, yet this is something that must be done. Unregulated profits made from the buying and selling of water must end!

Groundwater must be quantified and extractions monitored. Heavy users must be held accountable. Water transfers, sales and usage in general must be documented and verified. Current Private and investor owned water companies are in business to make money yet their existence makes no sense. With making money from water sales as their objective, allowing their existence only increases the scarcity and cost of water. This cannot be allowed to continue.

Humans cannot exist without air, water and food. Air is not a topic for this letter, and food sources have been provided for via social programs. Water, according to the California State Constitution, is the property of all Californians. Decades (centuries?) of mismanagement, over-allocation and back-room dealings have made the mess we are in today, and the D.W.R. has its share of blame in these matters.

It is the duty of the D.W.R. to realize and uphold the Public Trust placed in it. The Department must look beyond its day to day duties and realize itself as a guardian of California's water and as a guardian of life, all life, plant, animal and marine itself. Without water, there is no life.

Water cannot continue to be bought and sold for personal gain, and if the ability to profit from water is removed, far less competition will exist for current supplies, and the need for the "Delta Tunnel" will disappear.

The Federal and State Water Projects were originally promoted as projects to assist small farmers, not the huge Agricultural Corporations we have today. The money and power of these organizations is staggering, yet the D.W.R. ultimately has control. It is your duty, your job, and further, I challenge you to stand against what you know in your heart is wrong, and instead provide for the future generations, and preserve the great State of California.

Subsidized water deliveries must end to those that do not deserve or need them. As an example, The Kern Water Bank Authority website, in its "FAQ" section, states the following :

"FAQ: How much did the water bank cost to develop?"

Answer: In 1996, the Kern Water Bank participants retired 45,000 acre-feet of State Water Project entitlement (now known as Table A water) in exchange for acquisition of the Kern Fan Element property. Table A water at the time was worth about \$1,000/acre-foot, or \$45 million. (By 2009 its' value had risen to about \$5,500/acre-foot, or nearly \$250 million.)"

It is my opinion that this water agency has set the value of water by this statement. Therefore, going forward, the agency should be charged this amount (\$5,500/AF) for each acre-foot delivered to it by the S.W.P. It is rumored the Kern Water Bank currently pays far less than \$5,500.00 per Acre Foot of subsidized water that it buys from the S.W.P. .

Any other S.W.P. contractor making similar statements should be charged accordingly. A failure to act upon this fact I am bringing to your attention would seem to be participation on the part of the D.W.R. in the flagrant profiteering this agency is engaged in, and unabashedly advertising on its website.

Water is governed in California by the policy of "Reasonable and Beneficial usage". Is it reasonable to plant permanent crops in areas where water rights do not allow for the crop to continue? Is it further reasonable, after the State has diverted its People's water to enable the crop, to then export those crops overseas, for the profit of an Agricultural conglomerate?

It is my sincere hope that the D.W.R. and the S.W.R.C.B. adopt this style of management in their dealings with the S.W.P. contractors.

As State officials, please remember, your duty is to the People of the State of California. Your job is less about deciding who to give how much water to, but more about preserving what makes this State the amazing place that it is.

Future projects must include desalinization research, with rising sea levels there is no more logical conclusion. S.W.P. contractors must pursue ways to decrease reliance on Delta water. This project in no way encourages this end, and in fact encourages further dependence on Delta water another reason to reject the project.

Conclusion

If a conveyance such as the "Delta Tunnel" is necessary, the D.W.R. must sell it as necessary, It cannot be the pet project of the Metropolitan Water District, or any other S.W.P. contractor, and it must be confined in the parameters of protecting the Public Trust.

If necessary, this project must be secondary to the maintenance and modernization of current S.W.P. assets. The subsidence around the Aquaduct, the leaking canals and the current electrical usage by the S.W.P. pumps must be addressed, and resolved utilizing renewable energy sources.

If indeed the D.W.R. finds the conveyance to be necessary, the size should be reduced, the source should be a mix of all water currently arriving into the Delta, no one portion of California, be it North or South should be favored. A new idea, a fresh perspective and a different project should be encouraged.

Thank you for your time in reading and your consideration of my comments on this project. I wish you good health, and encourage you to shelter in place!

Sincerely,

Mark A. Goble

(925)584-2017

From: terri.braly
To: [DWR Delta Conveyance Scoping](#)
Subject: Delta Tunnel Oppose
Date: Thursday, April 16, 2020 6:54:29 PM

--

Scott W. Braly
(916) 600-2210
bralywscott@gmail.com

Dept. of Water Works,

I am emailing to ask that you explore other options to the proposed Delta Tunnel Project. Most biological opinions on this project indicate that it would have a very negative effect on the ecosystems and communities of the Delta, very likely leading to the decline and possible extinction of species dependent on the delta, including Delta Smelt, Sacramento Split-Tail, and King Salmon. All of these species are tied to delta health, and King Salmon are a major economic driver for both sport and commercial fisheries, employing thousands of people and worth hundreds of millions of dollars per year.

The main beneficiaries of the project would be the large corporate industrial farms in the Southern Central Valley and the Petroleum fracking interests down south, and they will contribute very little to financing the project. The residents of Southern California, who would pay the majority of the costs for the project, will receive little benefit, and no new water for financing it.

The projected cost of the tunnel, from \$16-\$50, depending upon what source you consider, is a huge cost for little benefit, and a lot of environmental destruction. More benefit could be realized with other, less expensive options, such as better screens at the Delta Pumps, improved water conservation, desalinization, updating and improving existing southward conveyance systems, and new storage reservoirs. With all of these considerations, and more, I appose the proposed Delta Tunnel.

Sincerely,
Scott W. Braly
Rocklin, Ca



Virus-free. www.avg.com

From: [De Bord, Elisia](#)
To: [DWR Delta Conveyance Scoping](#)
Cc: [Drane \(Karl\), Natasha](#)
Subject: Delta Counties Coalition NOP of EIR for Conveyance Project
Date: Friday, April 17, 2020 11:20:06 AM
Attachments: [2020-04-17 DCC Tunnel NOP Comments to DWR.pdf](#)

Good morning,

Here is a comment letter on the Notice of Preparation of EIR for the Delta Conveyance Project from the Delta Counties Coalition and its attachment. (This is slightly different from the one sent this morning.)

Thank you,

Elisia De Bord, DCC Coordinator

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Delta Counties Coalition

Contra Costa County · Sacramento County · San Joaquin County · Solano County · Yolo County
"Working together on water and Delta issues"

April 17, 2020

SENT VIA EMAIL: DeltaConveyanceScoping@WATER.CA.GOV

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

**Re: Comments on Notice of Preparation of EIR for the
 Delta Conveyance Project**

Dear Ms. Rodriguez:

Thank you for the opportunity to comment on the Notice of Preparation ("NOP") for the development of an Environmental Impact Report ("EIR") for the Delta Conveyance Project ("Project"). This letter is submitted on behalf of the Delta Counties Coalition ("DCC"), a coalition of elected members from Contra Costa, Sacramento, San Joaquin, Solano, and Yolo counties.¹ As the majority of the Project footprint is within the lands and waters within the Delta, DCC members request to be duly informed of project developments and remind the Department of Water Resources ("DWR") of the counties' roles as responsible agencies. DCC has spent the past decade advocating for genuine Statewide water solutions that support all communities, and is correspondingly disheartened by DWR's decision to proceed with a Delta tunnel, instead of more cost-effective and environmentally-friendly alternatives.

DCC is disappointed that despite an indication in early 2019 that the State would be taking a fresh look at the issue of water exports from the Delta, a project nearly identical to the California WaterFix project is being proposed. In fact, a comparison of the Project and WaterFix project maps show that the current Project is largely the same in terms of intake locations, tunnel corridors, and pumping plant, forebay, and conveyance locations. (See Exhibit 1.) Thus, the Project is likely to have most of the same significant and unavoidable environmental and other impacts as its predecessors. DWR must scrupulously follow the mandates of CEQA to ensure that the Project's impacts are clearly disclosed and adequately mitigated, and all feasible alternatives are carefully considered.

¹ The counties have separately provided comments to the Department of Water Resources ("DWR") regarding their status as responsible agencies pursuant to the California Environmental Quality Act ("CEQA") (Pub. Resources Code, § 21000, et seq.) with respect to the project described in the NOP.

Renee Rodriguez
April 17, 2020
Page 2

This comment letter: (1) explains how the NOP does not meet minimum CEQA requirements; (2) requests that a Water Availability Analysis be completed to demonstrate the availability of water for the Project; and (3) suggests alternatives to reduce the significant effects of the Project that must be considered in the Draft EIR.

1. The NOP Does Not Meet Minimum CEQA Requirements

The NOP fails to provide the minimum information for the DCC and the public to understand the Project. A NOP must include: (A) Description of the project; (B) Location of the project “either by street address and cross street . . . or by attaching a specific map”; and (C) Probable environmental effects of the project. (CEQA Guidelines section 15082, subd. (a)(1).) In all three areas, the NOP falls short of providing the required information.

Project Description

The NOP fails to include an adequate Project description. This massive project spans multiple counties and yet the NOP merely lists major project components without ever describing them. To the extent any details are provided, they are expressed in ranges or are completely uncertain. The intake footprints, for instance, are described as a range from “75 to 150 acres” (NOP, p. 5), a 100 percent difference. Moreover, the NOP even qualifies that range with the word “could”. Three intake locations are identified with dots on the map, and the NOP states two of them will be selected. Two potential tunnel corridors are shown in wide swaths without any exact location. These approximations fail to provide a description of all Project components to which the public can respond.

Inclusion of the “Central Tunnel Corridor” option in the NOP is also questionable, as it was deemed infeasible by the Independent Technical Review (“ITR”) Committee, an independent panel of expert tunnel engineers convened by the Delta Conveyance Design and Construction Authority (“DCA”), in December 2019. The Panel found that “the Central Corridor is logistically impractical,” hindered by numerous waterways and only having access via farm roads to transfer materials and labor, in addition to safety and costing concerns.² The DCC concurs with the ITR that the unique geography of the Delta and the massive disturbance necessary to construct this Project option are incompatible. The ITR Panel’s recommendations should not be discounted.

The NOP’s description of proposed project facilities is also too vague to determine whether the Project would advance the identified Project objectives. For example, the Project seeks to address “anticipated rising sea levels” as well as to provide “operational flexibility to improve aquatic conditions.” (NOP, p. 2.) Yet the ensuing description never mentions either objective or explains how the proposed facilities would help achieve them. With respect to the objective associated with protecting water deliveries from the impacts of a major earthquake, the DCA’s ITR Panel noted that no active fault crossings exist along the Delta Conveyance alignment. This conclusion indicates that a tunnel may not be needed to “minimize[e] the potential for public health and safety impacts ... resulting from a major earthquake.” (NOP, p. 2.) The ITR’s

² See <https://www.dcdca.org/pdf/2020-02-20DCABoardPkgV2.pdf>, ITR report, p. 6.

Renee Rodriguez
April 17, 2020
Page 3

observation that no active fault crossings exist along the Delta Conveyance alignment undermines the oft-repeated rationale that construction of a tunnel in the Delta is necessary to prevent water supply disruptions from earthquakes.³

In addition, the NOP fails to provide any information regarding the proposed operation of the Project. Without a description of proposed Project operations, it is not possible to provide input on the analysis of Project operations. Based on the prior environmental review of the WaterFix, the DCC is concerned that the draft EIR for the Project will similarly defer proposed operations to later regulatory processes and rely on model runs that continually change. Clear operational proposals in various water conditions (e.g., wet, above average, average, below average and dry years) would be necessary to conduct a complete environmental analysis of the Project. This should include how triggers will be set to establish the applicable operations in each foreseeable hydrologic condition. The governance approach to operations should also be defined, in order to analyze reasonably foreseeable impacts on local water supplies, water quality and other resources.

Project Location

A street address or a specific map of the Project location is required. (CEQA Guidelines, § 15082, subd. (a)(1)(B).) The NOP vastly falls short in this regard, providing neither addresses for intakes, corridors or any of the associated facilities.

The map provided with the NOP as “Figure 1” is not “specific” and the identified areas are described as still “under consideration.” (NOP, p. 3.) Figure 1 states that “Only Two [of three] Sites will be Selected,” however, two entirely different sites other than the three depicted could be chosen for the intakes. Figure 1 also identified two different tunnel corridors, which would impact different land and water areas. No support facilities, such as batch plants, fueling stations and construction staging areas are identified by address or by map.

The NOP also fails to define the Project area in a meaningful way, generally listing upstream of the Delta, the Delta and south of Delta service areas. The NOP defers identification of the study areas for each resource, stating that “The study areas will be specifically defined for each resource area evaluated in the EIR.” (NOP, p. 6.) As a Project with statewide implications, the study areas should be clearly defined at the outset so the public can understand the intended approach to analysis in the Draft EIR.

From the NOP, it is also unclear within which Delta counties DWR proposes to conduct Project activities. If activities are planned in DCC counties, discretionary county zoning code approvals and permits may be necessary. Construction in conflict with prevailing land uses in

³ In any case, Contra Costa Water District and others have pointed out that any salinity intrusion from levee failures would last at most a few months, even in a critically dry year because winter flows flush out salts. In any case, water export agencies already must diversify their water supplies and maintain some water in storage to use if necessary when water cannot be exported from the Delta or there are other disruptions.

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Project areas would require conditional use permits, special development permits, variances, rezones, code text amendments and/or master plan amendments. Counties also have approval authority over geotechnical exploratory drilling, boring and construction of wells, road and highway encroachment permits, building permits, and other local permits. The NOP should be revised to reflect these areas of jurisdictional authority.

In short, the scope of the Project is massive and would have significant environmental impacts in all of the Delta counties. Much more location detail is necessary for any county or agency to make a meaningful response and analyze the potential significant impacts to areas within their jurisdictions.

Probable Environmental Effects of the Project

The NOP also lists “Water Supply” as a probable effect category but for “changes in water deliveries.” (NOP, p. 9.) The tunnel Project proposes changes to the hydrology of the Delta that will affect water availability and water quality throughout the Delta. Prior iterations of environmental review for Delta conveyance projects relegated impacts on local water supplies to other resource chapters of the EIR, making it necessary to review multiple chapters for impacts to local water supplies. On the other hand, impacts to export water supplies were conveniently organized in one chapter. The Draft EIR should analyze the changes in water supplies for all water users, both in and out of the Delta, using a readily understandable analytical approach.

2. No Water Availability Analysis Supports the Operability of a Tunnel in the North Delta without Injuring Other Water Uses and Users

The development of a proposed Project and analysis in the Draft EIR should be preceded by a quantitative analysis to inform the sizing of the Delta tunnel and the volume of water it is intended to convey. As the DCC explained in its comments on the January 2020 Draft Water Resiliency Portfolio (“WRP”), Executive Order N-10-19 requires that the three WRP working group agencies “shall first inventory and assess” . . . “[e]xisting demand for water on a statewide and regional basis and available water supply to address this demand.” (EO N-10-19, section 2(a).)

The NOP notes that DWR has previously studied a similar project through the Bay Delta Conservation Plan (“BDCP”) and California WaterFix efforts. However, the NOP states that the proposed Project is a new project and “not supplemental to these past efforts or tiered from previous environmental compliance documents.” (NOP, p. 10.) Thus, DCC expects that the Draft EIR Project description and alternatives will be informed by a *new* quantitative assessment of our state’s *contemporary* water supplies and demands.

The technology is available today to better understand and predict river flows and related water data including dam operation efficiency. This information is crucial in calculating how much water is available for consumptive uses. Without quantifying the water needs of people and fish, along with relevant climate change information such as the future loss of snowpack,

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projections of how much water the system can export and separate from the Delta estuary in the locations proposed by the Project are unsupported and erroneous.

3. Alternatives to Reduce the Significant Effects of the Project Must be Included in the Draft EIR

Feasible alternatives to a tunnel that would meet the identified project objectives must be considered in the Draft EIR. (CEQA Guidelines section 15126.6, subd. (a).) The truncated and incomplete approach to project alternatives in the prior BDCP and California WaterFix environmental review processes must not be repeated. At a minimum, the following alternatives must be evaluated and included in the Draft EIR.

Through Delta Conveyance Alternative

A feasible alternative that improves the existing through Delta conveyance system to meet the state's water supply needs must be included in the Draft EIR. While the EIR for the California WaterFix project did include a through Delta alternative, that Alternative included components that would have significant effects on Delta Legacy towns that were unacceptable. The DCC is available to assist DWR in developing the various components of a more acceptable through Delta alternative in the draft EIR. Such an alternative would include levee improvements to ensure protection of the state's water supply infrastructure, along with other local and state infrastructure.

The Draft EIR should also recognize that under *any* alternative, the Delta levees must continue to be upgraded and maintained. Use of the existing Delta levee system as water conveyance channels for the delivery of water to the pumping plants will require a plan for funding their maintenance if the Delta agriculture, infrastructure and ecology are to be protected.⁴ In addition, the Project must be designed to protect, and preferably improve, flood protections levels in the Delta.

Preparing the existing South Delta facilities for sea level rise and increased salinity should also be considered. The existing pumps in the South Delta are protected by levees, appear to already accommodate all but the highest sea level rise model projections for 100 years, and can be raised as necessary.⁵ In addition, brackish water desalination could be a potential adaptation to

⁴ The DCC and its local flood control partners have spent millions of dollars rehabilitating and maintaining the levees that provide their livelihood and protect their property. In addition, they understand the levees provide protection to many other beneficiaries and the environment. There are a significant number of public and private beneficiaries of the Delta levee system that are not funding the levee repair, operations and management. Those beneficiaries rely on the local flood control agencies, but only indirectly support them through the state bonding for the prior Propositions.

⁵ The elevations of the levees and other structures around the existing pumps are around 24-28 feet. (See 2018 Conceptual Engineering Report, Table 4-5, p. 4-13, available at: https://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/exhibits/docs/petitioners_exhibit/dwr/part2_rebuttal/dwr_1304.pdf; see also 2015 Conceptual

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increased salinity in the South Delta under various sea level rise scenarios. Brackish water treatment is far less costly than desalination of ocean water.⁶

SWP and CVP implementation of the reasonable and prudent alternatives (“RPAs”) in the 2008 Biological Opinion for the Coordinated Operations of the Central Valley Project and State Water Project (“BiOps”) could be an important component of a through Delta Alternative. These RPAs were readopted in the 2019 BiOps. (See 2019 BiOps, p. 168 [Action 4, which applies to Delta Smelt and Critical Habitat, not modified].) Specific actions contemplated under both the 2008 and 2019 BiOps include modifying the Delta Cross Channel gate operations to reduce diversions of protected fish from the Sacramento River, as well as improving fish screening and salvage operations to reduce mortality from entrainment and salvage from existing facilities. (2008 BiOps, p. 630 (Actions 4.1 and 4.4).) RPAs such as Actions 4.1 and 4.4 would meet Project objectives such as keeping water deliveries consistent with the federal Endangered Species Act.

Studies carried out to implement Actions 4.1 and 4.4 concluded that a bubble curtain “could be used to successfully guide Chinook salmon away from Georgiana Slough, or a similar structure could be installed in other river junctions to move fish towards low-risk migration corridors.”⁷ Thus, non-physical barriers should be considered as a means to reduce the entry of fish into the South Delta, in combination with other “through Delta” conveyance improvements. An effective non-physical barrier using sound, air bubble curtain, and strobe light components, for instance, could be deployed at the confluence of the Georgiana Slough and the Sacramento River to deter fish from entering the Georgiana Slough. This would make fish less susceptible to entrainment in the South Delta. Improving fish population size through use of non-physical barriers could ultimately provide some of the “flexibility to improve aquatic conditions” that the Project seeks to achieve.

In addition, the installation of fish screens operable at low flows at the existing Clifton Court Forebay facilities is a potential action that could reduce fish salvage and predation losses, leading to reduced mortality of sensitive species and increasing water supply reliability. Installation of Clifton Court Forebay fish screens was identified as a potential Early Action in SB7x-1 (Water Code, § 85085, subd. (c).) In 2010, Contra Costa Water District and others suggested that DWR consider screens that would operate at low-flow (diversions < 2,000 cfs) to

Engineering Report, pp. 4-2, 4-13, available at:

https://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterf/x/exhibits/docs/petitioners_exhibit/dwr/dwr_212.pdf.

⁶ The efficiency of creating drinking water from seawater is typically in the 35% range while brackish water is typically from 1% to 10% of the concentration of seawater. (See <https://www.wwdmag.com/desalination/desalination-seawater-and-brackish-water>; <https://www.sciencedirect.com/topics/earth-and-planetary-sciences/brackish-water-desalination>, <http://www.caldesal.org/groundwater.php>.)

⁷ See 2014 Georgiana Slough Floating Fish Guidance Structure Performance Evaluation Project Report, available at:

https://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterf/x/exhibits/docs/petitioners_exhibit/dwr/part2_rebuttal/dwr_1390.pdf.

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reduce fish mortality at the existing Clifton Court Forebay. However, the feasibility studies for this action were never completed, ostensibly in favor of work on the twin tunnels project.

Alternative Intake Locations

From information developed in the California WaterFix CEQA process, it is clear that the currently proposed intake locations would have significant impacts to the environment, including impacts to cultural resources as well as surface water, groundwater supplies and agriculture, among other impacts. The Draft EIR should evaluate alternative intake locations that could lessen these significant impacts.

While it has been claimed that the Fish Facilities Technical Team (“FFTT”) recommended the three intakes shown in the NOP, that is incorrect. In 2011, the FFTT made a series of recommendations for siting new diversion intakes along the Sacramento River that provided specified siting parameters that “could allow intakes along much of the river.” (2011 FFTT Recommendations 1-5, p. 6.) In other words, the FFTT did not previously provide recommendations for specific diversion locations, but gave overall recommendations that could be applied to review additional potential diversion locations.

Options should also be considered that allow natural flows to pass through as much of the Delta as possible before surplus water is extracted. In this way, the conveyance system could be self-regulating and assure protection of water rights priorities because water could only be exported downstream of other users and likely when salinity levels are low, i.e. “during high flow events.” (NOP, p. 3.) Such a location would help restore a more natural pattern of flows through the Delta, consistent with the DWR objective to “improve aquatic conditions” and the Delta Reform Act’s “coequal goals” of “providing a reliable water supply for the State while restoring the Delta’s ecosystem.” Surplus water could then be stored in expanded or newly constructed storage south-of-Delta. Western Delta locations owned by the state or water contractors would also be more suitable for use than privately owned property in the northern Delta.

Improving Existing Facilities with a Smaller Conveyance System

Though the size and cost of the currently proposed Project is massive, it does not create any new water nor provide for protection of the Delta environment. DWR could approach building a smaller conveyance system paired with other system improvements in various ways. An alternative could combine repair and improvement of Delta levees to improve “through Delta” conveyance, with strategic use of new and expanded existing storage facilities. A much smaller conveyance system could potentially be paired with these improvements to deliver some minimal amount of Sacramento River water needed for public health and safety.

Accurate Evaluation of the No Project Alternative

In addition, DWR must fully consider and evaluate a realistic No Project Alternative, including the compliance of the SWP and CVP with all existing permit conditions and regulatory requirements. This would include the RPAs relating to reduction of take at the existing facilities

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as well as creation of required habitat to meet the SWP and CVP Endangered Species Act permit conditions. While implementation of these requirements has been inexplicably delayed, the No Project Alternative in the Draft EIR must assume that all legally required protections will be pursued and met. In addition, the no Project Alternative should include compliance with all adopted Water Quality Control Plan requirements.

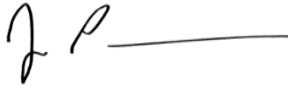
4. Conclusion

The DCC is disappointed that despite the potential for a better path forward, the NOP's superficially described Project is not significantly different than the previously abandoned California WaterFix project in terms of impacts on the Delta environment and its communities. As DWR contemplates options and alternatives to improve the state's water system, DCC expresses its sincere hope that a better alternative that does not harm Delta communities will ultimately be developed, analyzed and adopted. Should DWR proceed with analyses of the Project described in the NOP, that analysis must be robust and complete in order to adequately inform the public, as required by CEQA. The DCC and is available to work with DWR on implementing the suggestions in this comment letter to advance real improvements to the state's water supply system that also protect the Delta environment and the communities that reside there.

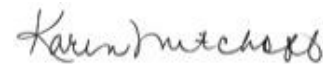
Sincerely,



Patrick Kennedy
 Supervisor, Sacramento County



Jim Provenza
 Supervisor, Yolo County



Karen Mitchoff
 Supervisor, Contra Costa County



Skip Thomson
 Supervisor, Solano County



Chuck Winn
 Supervisor, San Joaquin
 County

cc: Secretary Wade Crowfoot, Natural Resources Agency

From: [Marlene Willmes](#)
To: [DWR Delta Conveyance Scoping](#)
Subject: Delta Tunnel
Date: Wednesday, April 15, 2020 8:35:25 PM

PLEASE STOP the tunnels.
Marlene Willmes

Sent from my iPhone

From: [Deborah Dueñas](#)
To: [DWR Delta Conveyance Scoping](#)
Subject: Delta scoping project
Date: Tuesday, April 14, 2020 4:16:19 PM

To Who it Concerns,

I am a person who regularly recreates in the waters of the Sacramento Delta and know many people who live in the Delta area. I am writing to respectfully request that all "public processes" for the Delta (Tunnel) Conveyance project planning be put on hold during the COVID19 pandemic.

The Delta community cannot focus on how one of California's largest infrastructure projects will impact their community, water supply, and environment while we deal with job loss, fears of the deadly virus, "homeschooling" our children while working from home, and many other disruptions in our lives. We asked for a stay of all Delta Conveyance Project public processes until 45 days after the COVID19 pandemic subsides to safe levels.

Thank you,

Deborah Duenas

From: [Yu, Edmund@DeltaCouncil](mailto:Yu,Edmund@DeltaCouncil)
To: [DWR Delta Conveyance Scoping](#); Nemeth, Karla@DWR
Cc: [Delta Council ISB](#)
Subject: Delta Independent Science Board Comments on the Notice of Preparation for the Delta Conveyance Project
Date: Friday, April 17, 2020 3:09:00 PM
Attachments: [2020-04-17 ISB Letter DeltaConveyanceNOP COMMENTS.pdf](#)
[2020-04-17 ISB Letter ATTACHMENT.pdf](#)

To whom it may concern,

On behalf of the Delta Independent Science Board, I am transmitting a comment letter from the Board, along with an attachment of the Board's review of the final California WaterFix Environmental Impact Report/Statement, to help inform the preparation of the Environmental Impact Report for the Delta Conveyance Project.

If you have any questions, please e-mail disb@deltacouncil.ca.gov.

Thank you!

Edmund Yu

Staff Support, Delta Independent Science Board
916-445-0637



Delta Independent Science Board

980 NINTH STREET, SUITE 1500
SACRAMENTO, CALIFORNIA 95814
WWW.DELTACOUNCIL.CA.GOV
(916) 445-5511

June 16, 2017

To: Randy Fiorini, Chair
Delta Stewardship Council

Charlton Bonham, Director
California Department of Fish and Wildlife

Cc: Cindy Messer, Chief Deputy Director
California Department of Water Resources

From: Delta Independent Science Board

Subject: Review of the Final Environmental Impact Report/Environmental Impact Statement for California WaterFix

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Stephen Brandt, Ph.D.

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Past Chair
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John Wiens, Ph.D.
Joy Zedler, Ph.D.

SUMMARY

The Delta Reform Act of 2009 directs the Delta Independent Science Board to review environmental impact assessments of the Bay Delta Conservation Plan (now California WaterFix). Here, in our fifth such review, we focus on the adequacy of the scientific information presented in the final Environmental Impact Report (EIR)/Environmental Impact Statement (EIS) for the California WaterFix by revisiting the six main concerns we raised in our September 2015 review of the Recirculated Draft EIR/Supplemental EIS. We discuss improvements and shortcomings. We also comment on the need to improve impact assessments for scientific evaluation and effective stakeholder engagement.

The Final EIR/EIS contains a wealth of detail and considerable insight. This version improves on its predecessors but retains some persistent shortcomings. Improved content on adaptive management is still short on detail about how adaptive management would be implemented under changing and uncertain conditions. Summaries and comparisons, more abundant than before, lack insightful syntheses and graphics that ease comprehension of the vast amount of material presented. Expanded discussion of Delta levees stops short of evaluating interactions with water supply reliability and neglects changing views of earthquake hazards. Long-term effects are better addressed in several ways, but with insufficient attention to uncertainties in defining the No Action Alternative and to the interplay between California groundwater sustainability and Delta water supplies. Other content missing includes evaluation of environmental effects of water use south of the Delta. Evaluation of ecosystem impacts, though extensive, retains gaps on using restoration as mitigation.

The completion of our reviews of the Final EIR/EIS and its predecessors prompt us to reflect more broadly on the use and communication of science in the Delta and more specifically on the false tradeoff between thoroughness and intelligibility that has become common in environmental impact assessments. Overwhelming readers with content that addresses the many scientific issues related to a proposed project and its alternatives, while neglecting the thoughtful presentation and synthesis of insights and performance tradeoffs among alternatives, diminishes the value of this important document as a comparative guide to the expected environmental effects of the alternatives considered.

Delta Independent Science Board Review of the Final EIR/EIS for California WaterFix

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INTRODUCTION

The Delta Reform Act of 2009, in section 85320(c), directs the Delta Independent Science Board (Delta ISB) to review the environmental impact report of the Bay Delta Conservation Plan (BDCP) and to provide the review to the Delta Stewardship Council and the California Department of Fish and Wildlife. We provided brief reviews of the Administrative Draft EIR/EIS (Delta ISB, 2012, 2013), a fuller review of the Public Draft EIR/EIS (Delta ISB, 2014), and further comments on the Recirculated Draft EIR/Supplemental Draft EIS (RDEIR/SDEIS, Delta ISB, 2015). Here we provide a further review that has been occasioned by the Final EIR/EIS, which like the RDEIR/SDEIS identified the preferred alternative as California WaterFix.

Most of this review focuses on the adequacy of the scientific information presented in the Final EIR/EIS. We ask how well this document provides a scientific basis for evaluation of California WaterFix and its alternatives. Revisiting the six main concerns that we raised in reviewing the RDEIR/SDEIS (Delta ISB, 2015), we find welcome improvements, but persistent shortcomings in the Final EIR/EIS.

Our review concludes with broader commentary on the EIR/EIS process. Our concerns emphasize the challenge of producing environmental impact assessments that are both scientifically thorough and readily comprehended.

IMPROVEMENTS AND SHORTCOMINGS IN THE FINAL EIR/EIS

Adaptive management

Summary of Delta ISB comments on the RDEIR/SDEIS

Although the RDEIR/SDEIS clearly recognized the importance of adaptive management as a way to deal with uncertainties and adjust water-management practices as necessary, it did little to improve on the superficial treatment of adaptive management in the BDCP. As before, the adaptive

management process was envisioned as something that would be developed during the course of project construction and operation, rather than being incorporated into the proposed project plan. Potential impediments to implementing adaptive management were not acknowledged. No details on how adaptive management might be integrated into habitat restoration or flow management were provided. The focus was more on how adaptive management and monitoring might be organized in collaborative science programs (e.g., with the Delta Collaborative Science and Adaptive Management Program, CSAMP) than on how it might actually be done.

Adaptive management in the Final EIR/EIS

The Final EIR/EIS includes a new section 3.6.4.4 dealing specifically with adaptive management and monitoring. It proposes a framework for adaptive management based on the Comprehensive Everglades Restoration Plan. Drawing from similar experiences in another large, complex ecosystem is a good idea (Ebberts, et al, in press), although the shortcomings noted by Doremus et al. (2011) should be considered.

Section 3.6.4.4 describes the kinds of adaptive changes that might be made and goes through what will be done in the major phases of adaptive management. The emphasis is on the role of adaptive management in bounding uncertainties and enabling flexibility in decision-making (pages 3-287 to 3-288). For example, “[T]he Adaptive Management Program will evaluate the effects of water operations and habitat restoration on the delta smelt population, including adjustments as appropriate to improve water supply reliability” (p. 11-1201). The description of how adaptive management might be used in addressing uncertainty in the effectiveness of physical and nonphysical barriers in controlling predaceous fish (p. 3-207, 11-2117) is another good example. Adaptive management is referenced throughout as a way to assess the effectiveness of Mitigation Measures.

Explicit consideration is given to establishing thresholds that might trigger the decision-making process and to the use of decision trees, pilot studies, and research to address critical unknowns (e.g., for delta and longfin smelt, pages 11-1418, 11-3208). The Final version, like those before it, proposes an Adaptive Management and Monitoring Team that would oversee a comprehensive program, building on the model of CSAMP. Few details are offered about how this team would be formed, how its responsibilities would mesh with those of multiple agencies working in the Delta, or how it would function, although it would be responsible for developing monitoring protocols (p. 3-226) and would oversee funding (p. 3-204).

Overall, the Final version provides a satisfactory explanation of why adaptive management is important and how it will be used, but not details of how it will actually be done.

Remaining Delta ISB concerns

Although the treatment of adaptive management and monitoring in the Final version is improved over earlier drafts, it remains weak on details, particularly in relation to the extensive and detailed coverage of other topics in the Final version. We are assured that an adaptive management and monitoring plan will be developed “during early years of project implementation” (Responses to comments on Draft EIR/EIS 2546-79). As we have noted previously, developing such a plan at the outset is essential if adaptive-management is to be used effectively. A plan and structure for adaptive management and monitoring should be in place *before* actions are initiated. A compelling case of adaptive management implementation to mitigate environmental impacts of the projects over the long term is lacking.

There also remains no mention of potential impediments or constraints on conducting adaptive management; many of these can be anticipated (as discussed in the Delta Plan and the Delta ISB review

Delta ISB's Final EIR/EIS Review for California WaterFix
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of adaptive management, Delta ISB, 2016).

The organization and use of adaptive management as proposed is closely tied to the Biological Opinions (BiOps) required under the Endangered Species Act (ESA). Given the regulatory context of an EIR/EIS, this is understandable; management of the Delta and its waters is constrained to operate within relevant laws and regulations. Designing the adaptive management and monitoring program more broadly, to consider actions, decisions, and their consequences for the Delta and its inhabitants would be far more valuable. That said, the Final version does describe (briefly) a procedure for considering the application of adaptive management to management changes falling outside the purview of the BiOps and ESA authorizations (section ES.3.2.3, page 3-287).

Informative summaries and comparisons

Summary of Delta ISB comments on the RDEIR/SDEIS

“Environmental impact statements shall be written in plain language and may use appropriate graphics so that decision-makers and the public can readily understand them” (Code of Federal Regulations, 40 CFR 1502.8). This guidance for project proponents applies all the more to a project of the scope, complexity, and importance of California WaterFix. Far-reaching decisions should not hinge on environmental documents that few can grasp. Decisions about California WaterFix should be guided by comparisons among alternatives in integrated tables, graphics, and text. Summaries of impacts should state underlying assumptions clearly and highlight major uncertainties. The presentation of alternatives should include, in addition, explicit comparisons of water supply deliveries and reliabilities as well as environmental and local and regional economic performance.

We stated these concerns in our first reviews of the Administrative Draft EIR/EIS of BCDP (Delta ISB, 2012, 2013). We elaborated on them in our review of the Public Draft (Delta ISB, 2014) and again in our review of the RDEIR/SDEIS (Delta ISB, 2015). We repeatedly emphasized the need for informative summaries—in words, tables, and graphs—that compare the proposed alternatives and their principal environmental and economic impacts in each resource area. We specifically requested such summaries and comparisons in each of our prior reviews (Delta ISB, 2012, 2013, 2014, 2015). In 2014, for instance, we noted that the Public Draft provided text-only summaries for just the two longest of its resource chapters (Chapters 11 and 12) and that a fragmentary comparison of alternatives was buried in section 31.3. We asked that each resource chapter begin with an informative, analytical summary of how the alternatives compare and how underlying assumptions and uncertainties play out. We also called for graphics that offer informative summaries at a glance.

Clear, thoughtful text in the successive iterations of the EIR/EIS showed that the preparers were fully capable of providing cogent summaries, clear comparisons, and informative graphics. There was ample time to build these essential components into the Public Draft and the Recirculated Draft. On August 14, 2015, representatives of California WaterFix assured us that resource chapter summaries would appear in the Final EIR/EIS.

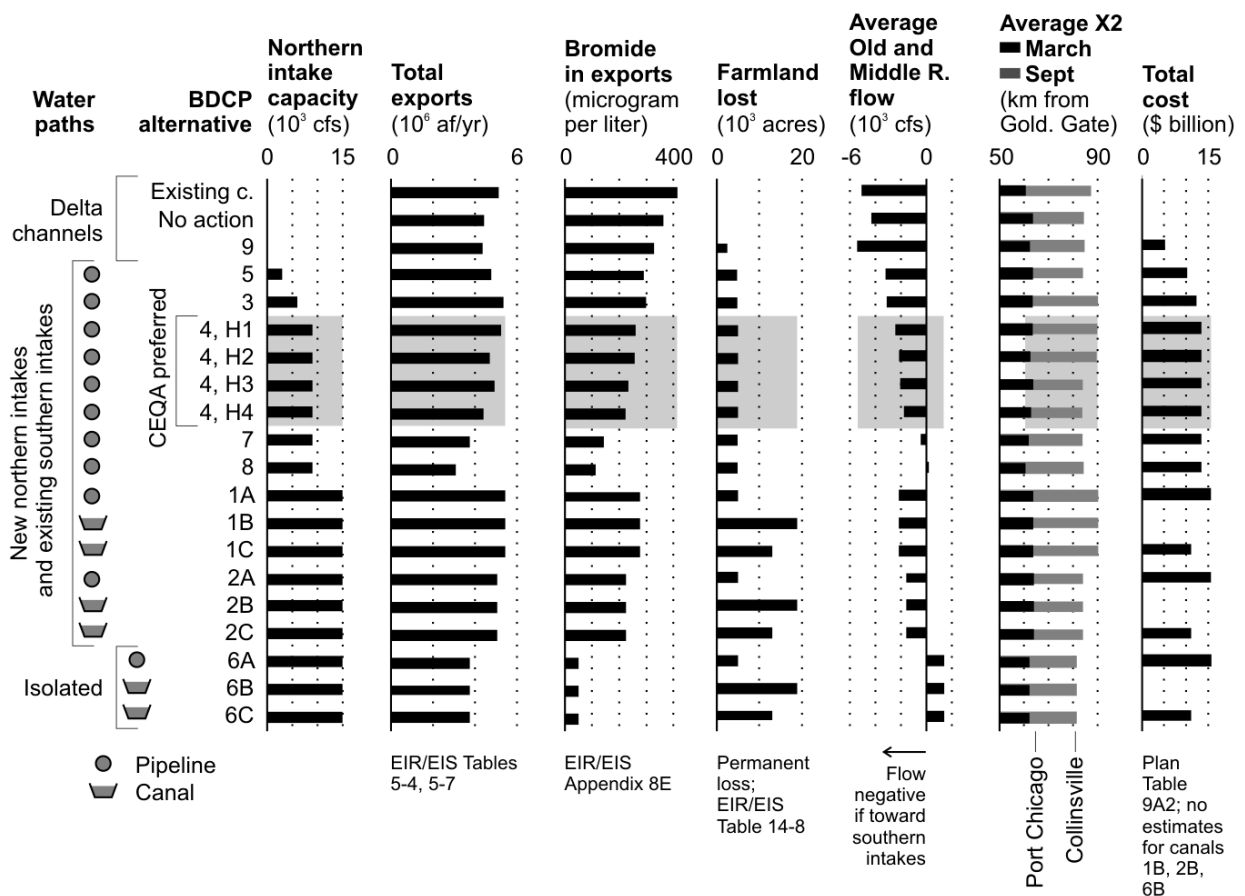
Related changes in the Final EIR/EIS

The Final EIR/EIS takes some steps in this direction. A summary text, supported by a color-coded table that compares alternatives, begins each resource chapter in the Final EIR/EIS. The Executive Summary brings these additions together.

Remaining Delta ISB concerns

Despite these additions, the Final EIR/EIS resembles its predecessors in failing to communicate clearly the principal findings and uncertainties of an enormous report. Two examples:

1. Most decision-makers and members of the public will struggle with jargon in the tabular summaries. These encode each of the alternatives with cryptic names, instead of providing the reader-friendly handles used in section 29.3.2.
2. The Final EIR/EIS, in its responses to comments, downplays the need for improved graphical communication of California WaterFix alternatives and their impact. Reproduced below is an example we provided of the kind of graphic that could provide informative summaries at a glance for comparing alternatives on some major performance objectives (Delta ISB, 2014, 2015). In response, the Final EIR/EIS states that the graphic “does not raise any additional issues related to the environmental analysis in the 2015 RDEIR/SDEIS or the 2013 Draft EIR/EIS that are not already addressed in the Final EIR/EIS.”¹ This response, like the Final EIR/EIS itself, completely misses the point about using diagrams, integrated with text, to make the report readily understood by decision-makers and the public.



Levee risk

Summary of Delta ISB comments on the RDEIR/SDEIS

We found the RDEIR/SDEIS incomplete in its evaluation of how California WaterFix would affect Delta levees. We saw Delta levees as important enough for impacts on them to be evaluated

¹ Response to comment number 88, Recirculated Draft letter 2546, in Final EIR/EIS Volume II, part 2-2, Table 2-2, at http://baydeltaconservationplan.com/FinalEIREIS/FinalEIR-EIS_ResponseToComments.aspx.

systematically in a “resource chapter” much like the chapters on water supply, fish and aquatic resources, agriculture, socioeconomics, and so on (chapters 5–30).

We further suggested that this evaluation include potential effects on State priorities in levee investments. The criteria in setting these priorities, the Board noted, include the role of a given levee in protecting water supplies (letter 2546, comment 71).

Related changes in the Final EIR/EIS

The Final EIR/EIS takes a step toward providing a resource chapter on Delta levees by adding Appendix 6A, “Coordination with flood management requirements.” Its content includes a section headed, “Potential impacts of the California WaterFix” (section 6A.6). The appendix states up front (p. 6A-1):

“The proposed project does not include a commitment to improve the current levee system except where the project explicitly includes levees in the project construction. However, it would provide additional adaptability to catastrophic failure of Delta levees by providing an alternative mechanism to continue making water deliveries . . . even if the Delta were temporarily disrupted.”

“Levees are an important public safety resource and the proposed project would not change levee policy or replace ongoing programs and grant projects aimed at facilitating and supporting levee improvements in or outside the Delta.”

Section 6A.6 further states that the proposed project would be “required to be flood neutral as it relates to flood risk” from “construction and operations of the conveyance facilities and restoration actions” (p. 6A-26).

Appendix 6A is clearly written, and it is apparently new for the most part. It recycles parts of the longstanding Appendix 3E, “Potential seismic and climate change risks to SWP/CVP water supplies” (p. 6A-26 and 6A-27). However, it also contains informative summaries of policies and legislation about Delta flood risk (section 6A.2), the existing programs for funding levee maintenance (6A.3), response plans for emergencies that include disruption to water supply (6A.4), and threats from climate change, sea level rise, and earthquakes (6A.5). Appendix 6A goes beyond the Public Draft EIR/EIS, and the RDEIR/SDEIS as well, in bringing together these discussions of Delta levees.

Remaining Delta ISB concerns

Despite excellence in its Appendix 6A, the Final EIR/EIS still falls short in assessing impacts to Delta levees, and it has also become out of date on seismic threats to the levees.

1. Appendix 6A does not assess levee impacts systematically across the broad range of BDCP alternatives, nor among the three California WaterFix alternatives.
2. Absent as well is assessment of potential impacts of State priorities in levee investments. We did not notice any reference to the asset estimates included in the Delta Levees Investment Strategy (Ellis et al., 2016).
3. Estimates of seismic risk in Appendices 6A and 3E, and in Chapter 9 (“Geology”), rely mainly on findings that are a decade or more old. Recent advances neglected include the UCERF3 estimates of California fault-rupture probabilities (Field et al., 2013), lowered estimates of average slip on the Southern Midland fault (Unruh et al., 2016), and revised estimates of Delta ground motions (Fletcher and Boatwright, 2013; Eberhart-Phillips et al., 2014; Baltay and Boatwright, 2015; Erdem et al., 2016; Eberhart-Phillips, 2016; Fletcher et al., 2016).

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The Final EIR/EIS provides, in chapter 29, an example of how further assessment of potential impacts to levees could have been presented (concerns 1 and 2). Section 29.3.2 systematically analyzes an aspect of climate-change impacts on the California WaterFix options 4A, 2D, and 5A, and on the No Action Alternative.

Keeping the Final EIR/EIS current with respect to Delta seismology (concern 3) is more than a matter of citing incremental advances of purely academic interest. Evolving views of Delta seismic hazards are important because the EIR/EIS describes earthquake-induced failure of Delta levees as a justification for the proposed project (p. ES-1, 6A-1).

Long-term effects

Summary of Delta ISB comments on the RDEIR/SDEIS

Several potential long-term impacts of or on the proposed project no longer received attention in the RDEIR/SDEIS. These effects may not be problematic during the initial permit period, but some are likely to affect project benefits and impacts over the long operational life of the proposed conveyance facilities. The major areas identified included:

More detailed assessment is needed of the No Action Alternative baseline for evaluating impacts and benefits. Climate change, for example, is considered under the No Action Alternative in the Draft and Final EIR/EIS, as is sea-level rise. Failure to consider how climate change and sea-level rise could affect the outcomes of the proposed project is a concern that carries over from our 2014 review and is accentuated by the recent drought.

Groundwater regulation under the recently enacted Sustainable Groundwater Management Act (SGMA) will have long-term effects on the proposed project, which are not assessed. Ending one to two million acre-feet per year of overdraft in the southern Central Valley under the SGMA will likely increase demand for water exports from the Delta in the coming decades, despite limits from various Delta regulations. The implications of prolonged droughts and of the consequences of SGMA receive too little attention.

Consideration of these long-term effects should be part of the scientific foundation of the proposed project.

Related changes in the Final EIR/EIS

Some clarifications have been made on the inclusion of climate change in the No Action condition. As summarized in Chapter 3 Appendix 3D, p. 24, "The No Action Alternatives also include assumptions for climate change related to sea level rise and 3 changes in precipitation patterns, including changes in ratios between snow and rainfall." This is supported by profuse amounts of modeling in the many Appendix 5As. However, "The No Action Alternatives do not include future changes in facilities operations, land use, or policies by agencies in response to climate change." Chapter 29 and its appendices provide some useful information regarding climate change assumptions, modeling, and discussion, but do not provide particularly insightful or strategic discussions of how climate change issues may affect the relative performance of alternatives.

The Groundwater chapter (Chapter 7) briefly discusses the SGMA, but the Final EIR/EIS does not appear to have a systematic discussion of the interaction of these large and uncertain sources of water statewide, particularly as it affects long-term demands and management for the Delta.

Remaining Delta ISB concerns

Given the considerable uncertainty in the degree and timing of sea level rise and other aspects of climate change, it remains surprising that there is not a more targeted discussion and analysis of the

sensitivity of the relative long-term performance of alternatives with respect to various aspects of climate change. This is a critical omission.

Reductions in groundwater overdraft as part of the SGMA will likely increase demand for water from the Delta, the primary and historical source of supplemental water for the southern Central Valley, the state's primary overdraft area. Uncertainties in the interaction of SGMA implementation with Delta alternatives are likely to significantly affect the relative implementation, water supply, and environmental performance of alternatives.

Climate change: Even though Alternatives 4A, 2D, and 5A do not do not seek 50-year incidental take permits (p. 11), there will be long-term impacts and effects of climate change. "Too much uncertainty" about such effects is not a reason to ignore the topic.

Missing content: Impacts of San Joaquin Water Reliability

Summary of comments on the RDEIR/SDEIS

In our 2015 review, we noted that the RDEIR/SDEIS continued to neglect potential effects of changes in operations of the State Water Project (SWP) and Central Valley Project (CVP), or other changes in water availability, on agricultural practices in the San Joaquin Valley.

In our 2014 review on page 13, we pointed out in item 3 that the "effects of increased water reliability on crops planted, fertilizers and pesticides used, and the quality of agricultural runoff" was overlooked. The RDEIR/SDEIS considered how the project might affect groundwater levels south of the Delta (7.14 to 7.18), but continued to neglect the environmental effects of water use south of the Delta. Section 4.3.26.4 of the recirculated draft described how increased water-supply reliability could increase agricultural production, especially during dry years. A separate benefit-cost analysis by ICF and the Battle Group² estimated the economic benefits of increased water deliveries to agriculture in the Delta. The RDEIR/SDEIS did not fully consider the consequences of these assumptions, or of the projections that the project may enhance water-supply reliability but may or may not increase water deliveries to agriculture (depending on a host of factors, such as SGMA implementation). We were told that such possibilities are "too speculative" for an EIR/EIS. Yet such consequences nevertheless seem to bear directly on the feasibility and effectiveness of the project, and sufficient information is available to bracket a range of potential effects. Our concerns from 2014 remained.

Related changes in the Final EIR/EIS

A response to point 3 refers us to the response to 2546-66, which is:

"Please refer to Section 30.3.4.1, Agricultural Contractor Export Service Areas, Chapter 30, of this Final EIR/EIS. This section describes potential indirect *effects of reductions in SWP and CVP deliveries to Export Service Areas resulting from implementation of the project*, including increases in cost of water, using empirical evidence from past behavior of agricultural and M&I contractors to increases in cost of water.

The issue of crops and water use is beyond the scope of the proposed project. For more information please refer to the updated California Water Plan's strategy for agricultural water use efficiency, which describes the use and application of scientific processes to control agricultural water delivery and use." (*Italics added for emphasis*)

² Seemingly unavailable in full from WaterFix. Available at: <http://www.restorethedelta.org/wp-content/uploads/2016/09/CA-WaterFix-Economic-Analysis-Sunding.pdf>.

This response denies the relevance of the concern in point 3. We found nothing in the Final EIR/EIS that addressed point 3.

Remaining concerns of the Delta ISB

The response cited above directs us to section (30.3.4.1) which addresses the economic impacts of not having as much water as “before Delta environmental restrictions,” but never addresses the environmental benefits (if any) of not having water, i.e., the environmental costs of having more.

The next section (30.3.4.2) on municipal and industrial water use discusses how water agencies would adjust to lower supplies without the project in accordance with how they managed during the drought. The report does not address potential environmental benefits and costs arising from less urban water supplies.

The benefit-cost analysis finds economic benefits from the delivery of water that would not otherwise have been delivered due to Delta environmental constraints, while the EIR/EIS argues that there are no environmental impacts because this is water that would have been delivered anyway. The economic and environmental analyses are not using the same baseline.

More generally, the impacts, particularly of project construction, on Delta residents and visitors are substantively addressed, but not presented in a coherent and understandable way. Such impacts are often well discussed in detail, but are scattered across a variety of chapters and un-summarized for informing local Delta decision-makers and those concerned with Delta residents and visitors.

Restoration and mitigation

Summary of comments on the RDEIR/SDEIS

Our concerns included:

Long-term commitment—“...The missing details...include commitments and funding needed for science-based adaptive management and restoration to be developed and, more importantly, to be effective....”

Landscape context— “Restoration projects should not be planned and implemented as single, stand-alone projects but must be considered in a broader, landscape context.”

Wetland loss—Although wetland restoration is a key element of mitigation, “We noticed little attention to the sequencing that is required for assessing potential impacts to wetlands: first, avoid wetland loss; second, ...minimize; and third, ...compensate.”

Mitigation ratios— “In view of inevitable failures and time delays in wetland restorations, mitigation ratios should exceed 1:1 for restoration of existing wetlands. The ratios should be presented, rather than making vague commitments....” “Also...clarify...out-of-kind and...in-kind replacement of losses....and whether such areas will exist with future sea-level rise.”

Early action— “To reduce uncertainty about outcomes, allow for beneficial and economical adaptive management.... mitigation actions should be initiated as early as possible....potential for landowners to develop mitigation banks could be encouraged so restoration could begin immediately...”

Related changes in the Final EIR/EIS

Long-term commitment—In the final EIR/EIS, we saw no call for or strategy to fund restoration and mitigation in a holistic landscape approach. In chapter 11, funding of invasive plant control was mentioned on p. 186 and 332. Funding for steelhead monitoring was mentioned on p. 198. The word “funding” also appears on p. 176. That does not add up to a strategy.

Landscape context— Restoration is now set in the larger context of California EcoRestore. Chapter 11 explains how each construction component would affect each species and how each of several conservation measures will benefit affected species. The Executive Summary states “Mitigation measures have also been developed to reduce significant impacts of each action alternative. These measures are included in each EIR/EIS resource section and tabulated in Table ES-8 [90 pages]. The Mitigation Monitoring and Reporting Plan for the California WaterFix (MMRP) provides a detailed description of the mitigation measures applicable to Alternative 4A, the preferred alternative. The MMRP describes how the lead agencies will implement each measure, the parties responsible for implementing each measure, the location for implementation of each measure, the timing of each measure, and monitoring procedures. Finally, the MMRP indicates the reporting requirement for each measure.” The alternatives evaluated, including the preferred 4A, are not consistent with the science of restoration ecology, which indicates the need to restore historical hydroperiods to restore riparian vegetation and associated wildlife and fish. The field of ecohydrology is developing rapidly; we recommend obtaining and using the latest “understanding of complex interactions between vegetation, groundwater, river flows, channel morphology, and water quality to determine restoration outcome” (Moreno-Mateos and Palmer, 2017).

Wetland loss—There remains little attention to the sequencing that is required for assessing potential impacts to wetlands: In the Executive Summary (p. 16, l. 21), sequencing steps 1-2 are combined as avoidance and mitigation measures (AMMs), and instead of calling the third step “compensatory mitigation,” it is called mitigation. The word “mitigation” simply means to lessen impacts. Then, later, on p. 32: “Additionally, pertinent elements previously included as AMMs and the proposed Adaptive Management and Monitoring Program would be applied to the activities proposed under Alternative 4A. These AMMs, too, would serve a mitigation function under CEQA. All of these components would function as de facto CEQA and NEPA mitigation measures for the impacts of constructing and operating Alternative 4A. Chapter 3, Section 3.6.3 describes the Alternative 4A Environmental Commitments.” How would avoidance and minimization satisfy requirements for compensatory mitigation?

Mitigation ratios—The need to prepare for some mitigation actions not being fully effective is apparently not addressed. The term ‘mitigation ratio’ does not appear in the index. Statements are that impacts will be mitigated. Since ‘mitigation’ means avoid, minimize or compensate, and because “significant effect” and “not significant” are subject to interpretation, specific outcomes are difficult to ascertain.

Early action— This concern for early and adaptive restoration is somewhat satisfied. Restoration via California EcoRestore is mentioned and it says those experiences will inform later restoration. The term ‘mitigation bank’ is not listed in the index. The timing of projects is supposed to appear in Chapter 3.

Remaining concerns

We recommend field experimentation to restore wetlands, testing alternative methods in space and over time. An adaptive restoration approach can reduce uncertainty and explain why outcomes differ.

Chapter 11, p. 246 (of 4,191 pages) lists three reasons why detailed restoration plans are not available: (1) because the habitat restoration and enhancement would occur, if feasible, in areas with willing sellers, none of whom have been identified; (2) to maintain flexibility for adaptive management; and (3) because implementation has a long timeframe. So, for the EIR/EIS, the assessment of the effects for the habitat restoration and enhancement was programmatic and focused on restoration opportunity

areas (ROAs) identified in the BDCP. The ROAs are large land areas centered on Suisun Marsh, the West and South Delta areas, Cache Slough and the Cosumnes/Mokelumne area in the east Delta (Figure 3-1 in Chapter 3, Description of Alternatives). Individual project-level environmental review based on more detailed plans will be required for these actions before implementation.

Vegetation, particularly native vegetation, is under-represented in discussions of habitat restoration. The term “vegetation” nearly always occurs in reference to invasive plants (e.g., one heading is “Vegetation Removal”). On p. 218 of chapter 11, there is one short note about restoring vegetation: “Restoration would likely include pre-breach management of the restoration site to promote desirable vegetation and elevations within the restoration area and levee maintenance, improvement, or redesign.” There is great opportunity for experimentation and adaptive restoration of native vegetation, since restoration of “riparian habitat” is considered a mitigating factor for project impacts.

The literature is clear that restoration efforts have significant “recovery debts” even after a decade or more (Moreno-Mateos et al., 2017). Expectations for ecological impacts of construction and operations being temporary with rapid recovery seem overly optimistic.

REFLECTIONS: PARALYSIS BY ANALYSIS, AND AN OPPORTUNITY MISSED

Several overarching problems encumber the series of environmental documents that were prepared for the BDCP and California WaterFix. We note these problems below in commentary intended to offer perspectives on the use and communication of science in the Delta.

We live in a world where environmental documents often provide more eyestrain than insight. The National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA) were enacted nearly 50 years ago with the intent of developing a clear scientific basis for informing decision-makers and the public of the environmental impacts of projects and policy decisions relative to their net economic benefits. To that end, both Acts required analyses and documentation of environmental impacts, along with public hearings to facilitate citizen engagement. Soon after impact analyses were required, however, concerns were raised that adding steps to the decision-making process would delay or halt development—what was described as “paralysis by analysis.”³

Almost from the beginning, projects were delayed through legal challenges over the adequacy of the environmental analyses. Moreover, the Courts, by often favoring comprehensiveness perhaps at the expense of comprehension, have promoted increasingly detailed documentation. Environmental impact analyses have become longer and increasingly impenetrable, to the point where massive and opaque environmental impact statements deter public comprehension and engagement, scientific evaluation, and the participatory, intentions of both NEPA and CEQA. When the preparation of such lengthy documents is turned over to contractors, the responsible agencies and staff may fail to fully understand the underlying analyses. By becoming detached from the process, agencies may lose the opportunity to learn in ways that would lead to better informed decisions or improved science.

Balancing the need for information against the imperative to make timely decisions is always a challenge. Both extremes should be avoided—either assembling too much detailed information before reaching decisions, or making large, irreversible decisions based on inadequate information and analyses. There will always be uncertainty in environmental analyses. The purpose of environmental impact assessment is to assemble relevant information and conduct analyses to assess the anticipated

³ Example are: Langley, A. 1995. Between “Paralysis by Analysis” and “Extinction by Instinct”. *Sloan Management Review* 36(3)63-76. Lenz, R. T. and M.A. Lyles. 1985. Paralysis by Analysis: Is Your Planning System Becoming Too Rational? *Long Range Planning* 18(4)64-72. The concept dates back to the late 1960s and early 1970s.

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environmental effects of a proposed project so that an informed decision can be made (with public input) as to whether or not the project should proceed as proposed.

The challenge of balancing comprehensiveness with comprehension is evident in the EIR/EIS documents for BDCP and California WaterFix. These documents were prepared to support permitting needed to comply with various state and federal regulations and statutes as well as Court orders. The purpose was to identify potential environmental impacts and address how these impacts would be mitigated in accordance with the legal requirements of NEPA, CEQA, and Biological Opinions. We understand this. Yet, as members of the Delta ISB, we are charged to provide oversight of the scientific research, monitoring, and assessment programs that support adaptive management of the Delta and, ultimately, scientifically informed decision processes intended to enhance the Delta ecosystem and ensure water supply reliability while preserving the values of the Delta as an evolving place. These objectives go well beyond a narrow interpretation of the legal mandate of an EIR/EIS, but they are consistent with the underlying intent of these laws. We recommend a separate document be prepared for each project that lays out the critical issues for public and scientific review and presents information for public and scientific analysis in a clear and comprehensible way. This could be informative for the agencies themselves as well as for public engagement and scientific advancement.

In our reviews, we were asked to assess the scientific adequacy of over 50,000 pages of BDCP and California WaterFix draft and final reports. We repeatedly requested intelligible summaries of chapters and summary evaluation tables to help us—as well as decision-makers and stakeholders—better understand how the information might support thoughtful evaluation of proposed actions and decisions. Most chapter summaries were deferred to the Final California WaterFix EIR/EIS, and most of those provided fall short, as elaborated in persistent concerns above. The absence of coherent and useful summaries in such massive documents, diminishes the value, and perhaps of this important document as a comparative guide to the expected environmental effects of the alternatives considered

We also expressed concern that important recent scientific work was not included in the massive compilations. In an instance regarding climate-change science, we were told that the information used in the EIR/EIS was current enough, and that an EIR/EIS kept up to date would “never get finished.”⁴

When we asked about information we considered important for rational decision-making, we were frequently told that the law does not require such information and that lead agencies “*avoid speculation.*” Reasoned speculation, however, can be an important part of science and public policy discussions. This is especially important in a system as complex and dynamic as the Delta, where one meets uncertainty at every turn. Preparation for contingencies emerges from speculations about what might follow from an action; they are the essence of adaptive management. Rather than avoiding speculations, we contend that an impact assessment should clearly identify major contingencies, describe the ideas or observations behind them, and frame them as testable hypotheses as part of the adaptive management process. This is an important tool for establishing reasonable expectations, limiting surprises, and preparing for possible futures. The field of risk analysis offers ample guidance for such problems. Carefully reasoned speculation is a legitimate part of the “best available science” that informs decision-making.

These comments should not be taken as criticism of those who have assembled the information, carried out the analyses, and prepared the BDCP and California WaterFix environmental documents. They faced enormous challenges from such a large and complex system. Yet the Delta's problems are so important that project proponents should go far beyond the norm when providing and synthesizing

⁴ Response to comment number 88, Recirculated Draft letter 2546, in Final EIR/EIS Volume II, part 2-2, Table 2-2, at http://baydeltaconservationplan.com/FinalEIREIS/FinalEIR-EIS_ResponseToComments.aspx.

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scientific information. Making this material readily comprehensible is fundamental to rational evaluation of potential environmental impacts by policy-makers and the public. Environmental impact assessments for BDCP and California WaterFix have missed opportunities to increase understanding of the Delta as an ecosystem, a water supply, and as a place where people live and work.

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April 17, 2020

Delta Conveyance Scoping Comments
 Attention: Karla Nemeth, Director
 Department of Water Resources
 P.O. Box 942836
 Sacramento, CA 94236

Sent via e-mail to DeltaConveyanceScoping@water.ca.gov
Karla.Nemeth@water.ca.gov

Subject: Notice of Preparation for the Delta Conveyance Project

Dear Director Nemeth,

The California Department of Water Resources (DWR) will soon initiate preparation of an Environmental Impact Report (EIR) for the Delta Conveyance Project in the Sacramento-San Joaquin Delta, California. In accordance with our responsibilities to provide scientific oversight of programs that support adaptive management, as specified in the Delta Reform Act of 2009, the Delta Independent Science Board (Delta ISB) plans to review the EIR documents for the Delta Conveyance Project, as we did with previous Delta conveyance EIRs, and looks forward to discussing the process and expected timeline with DWR.

On behalf of the Delta ISB, we write with two goals: (1) to invite a DWR representative to attend a future meeting of the Delta ISB to discuss the process and timeline for our review of the EIR documents for the Delta Conveyance Project and (2) to share some insights and expectations based on our previous review of EIR documents for the Bay Delta Conservation Plan (BDGP) and California WaterFix projects.

The Delta ISB leadership sees tremendous opportunity in having the Delta Conveyance Project leadership attend one of our meetings early in the development of the EIR documents, so we can discuss the best approaches for providing scientific review of the EIR documents for the Delta Conveyance Project, as required by the 2009 Delta legislation. Because several members of the Delta ISB will be rotating off the Delta ISB at the end of August 2020, it would be advantageous for representatives from DWR to attend a Delta ISB meeting either in August when both existing and new members of the Delta ISB will be meeting or during fall 2020 after new Delta ISB members have begun their terms.

Although we recognize that the Delta Conveyance Project is a new project that will use new processes and involve a new team, we see an opportunity to learn from previous processes so that this effort can advance in a way that will lend itself to the best scientific review and public and regulatory evaluation. Practices that lend themselves to the best scientific review will also support effective and transparent communication of this information to the public and decision makers. For this reason, we recommend that Delta Conveyance Project managers

Chair

Elizabeth Canuel, Ph.D.

Chair Elect

Jay Lund, Ph.D.

Past Chair

Stephen Brandt, Ph.D.

Members

Tracy Collier, Ph.D.

Harindra Fernando, Ph.D.

Thomas Holzer, Ph.D.

Richard Norgaard, Ph.D.

Vincent Resh, Ph.D.

John Wiens, Ph.D.

Joy Zedler, Ph.D.

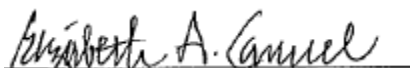
review the comments we provided in our June 16, 2017, memo, "Delta ISB's Final EIR/EIS Review for California WaterFix." This memo is provided as an attachment to this letter for your consideration, and an accessible version of the memo can be found at <https://deltacouncil.ca.gov/pdf/isb/products/2017-06-16-isb-waterfix-review.pdf>.

We highlight a few areas noted in our June 2017 comments that are pertinent to the upcoming EIR process for the Delta Conveyance Project:

- **Adaptive management** – The Delta ISB recommends that adaptive management be considered in all phases of the Delta Conveyance Project, including early phases of project planning. We would be happy to discuss some approaches for doing this.
- **Scientific information** – We recommend that EIR documents incorporate new findings from recent scientific work throughout the process. Findings from climate-change science, for example, will be evolving throughout the Delta Conveyance Project and it will be critical to stay abreast of new research findings and incorporate these findings as they develop.
- **Communication** – We recommend clear communication of the principal findings, alternatives, and uncertainties throughout the EIR documents. The Delta ISB recommends use of graphics and informative summaries to ensure that information is understandable to decision-makers and the public. These approaches will increase the readability and credibility of the EIR documents and increase transparency.
- **Long-term effects** – The EIR documents should consider future uncertainties such as the degree and timing of sea level rise and other aspects of climate change in the analysis of the long-term performance of alternatives. Long-term interactions of California's groundwater and Delta problems also seem important. Because the Delta is a complex and dynamic system, the EIR documents should discuss contingencies when possible. Risk analysis should be included in the process.
- **Summary of project impacts on Delta residents and visitors** – The impacts of project construction on Delta residents and visitors should be summarized and presented in a coherent and understandable way. This information will be informative to the agencies involved and will facilitate public engagement and scientific advancement.

In summary, the Delta ISB is committed to providing a rigorous scientific review of the EIR documents for the Delta Conveyance Project and looks forward to working with DWR throughout this process. We hope that DWR representatives will attend a future meeting of the Delta ISB in the late summer/fall, so that we have an opportunity to discuss the review process and timeline in more detail. If representatives would like to attend a future meeting or discuss comments in this letter, please e-mail us at disb@deltacouncil.ca.gov.

Sincerely,



Elizabeth A. Canuel
Delta ISB Chair



Jay R. Lund
Delta ISB Chair Elect



Stephen Brandt
Delta ISB Past Chair

Attachment: Delta ISB's Final EIR/EIS Review for California WaterFix (2017)

From: [Gosselin, Paul](#)
To: [DWR Delta Conveyance Scoping](#)
Cc: [BOS](#)
Subject: Delta Conveyance Scoping Comments_Butte County
Date: Friday, April 17, 2020 8:18:20 AM
Attachments: [Butte County DCP Scoping Comments.pdf](#)

Delta Conveyance Project Team

Attached are Butte County's comments on the scope of the environmental review for the Delta Conveyance Project. If you have any questions please contact me.

Regards,

Paul Gosselin, Director
Butte County Department of Water and Resource Conservation



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April 16, 2020

Delta Conveyance Scoping Comments

Attn: Renee Rodriquez

Department of Water Resources

P.O. Box 942836

Sacramento, CA 94236

Dear Ms. Rodriquez,

The Butte County Board of Supervisors understands the critical importance of achieving the co-equal goals of improving water supply reliability and restoring the Delta ecosystem for the entire State of California. Butte County and the northern Sacramento Valley region have an interest in the overall health and stewardship of the Delta. The northern Sacramento Valley region is the area of origin for much of the water that flows through the Delta, and the region is a major source for California's overall water supply. Local surface water resources include Lake Oroville, as well as a network of creeks and rivers that are tributary to the Sacramento River which feeds into the Delta. The resources in the region are more than just the water supply for the Delta and the State, they provide the life blood for the local agricultural-based communities, economy and environment. Much of the local water supply comes from various groundwater basins throughout the region that are recharged through these creeks and rivers. Therefore, Butte County has a vested interest that the Delta Conveyance Project (DCP) will not adversely affect the local economy, communities and environment.

Butte County hopes that the DCP will not follow the failed attempts of the Bay Delta Conservation Plan (BDCP) and California WaterFix. Butte County actively engaged in the BDCP and WaterFix processes and offered constructive recommendations over the course of its development. The Butte County Board of Supervisors submitted comments on the BDCP Scoping Document (May 14, 2009), requested the formation of a Local Issues Group (March 30, 2010) and commented on the BDCP Public Release Draft (December 14, 2010). On July 25, 2012, the state and federal agencies released documents describing their preferred plan for BDCP. The preferred plan did not address the concerns previously submitted by Butte County. On August 14, 2012, the Butte County Board of Supervisors adopted a Resolution in Opposition to the BDCP. Butte County's list of concerns with the BDCP/WaterFix is more than legal technicalities; the failures would have led to actions that would have ultimately damaged the region's economy, environment and communities. Unfortunately, the previous Administration ignored every suggestion offered by Butte County and intended to move forward with little regard to legal requirements or mitigating impacts. We applaud Governor Newsom for putting an end to the WaterFix project. As the Department of Water Resources (DWR) begins the new Delta Conveyance Project process, we implore DWR to avoid the flawed path of the BDCP/WaterFix. The following summarizes the failings of the BDCP/WaterFix and the recommendations for the DCP.

First, contrary to stated commitments of state and federal agencies, implementation of BDCP/WaterFix would have redirected impacts and imposed obligations on communities, water users and the environment in the northern Sacramento Valley. These impacts and obligations would have occurred despite the fact that the northern Sacramento Valley region was not a party to, or a direct beneficiary of, BDCP/WaterFix. As proposed, the BDCP/WaterFix ignored fundamental state water policies, disregards area of origin water rights, violated the water right priority system and redirects impacts to the northern Sacramento Valley without fully assessing or mitigating those impacts. The DCP must honor the water right priority system, area of origin water rights and not redirect impacts to northern Sacramento Valley.

One of California's fundamental water policies mandates that "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" (Water Code, § 85021). Additionally, the Sustainable Groundwater Management Act of 2014 (SGMA) emphasizes the principle of regional self-reliance by requiring local agencies enact long-term plans to sustain their groundwater basins. Most of the beneficiaries of the DCP are in basins subject to SGMA and the policy of regional self-reliance. The BDCP/WaterFix ignored the cumulative impacts from implementation of SGMA by various groundwater sustainability agencies without any documentation or data. The DCP must account for SGMA and, again, avoid redirecting impacts to the northern Sacramento Valley.

The BDCP/WaterFix would have jeopardized the regional self-reliance of the northern Sacramento Valley. The health, vitality and sustainability of northern Sacramento Valley depends upon the exercise of water rights and honoring area-of-origin rights. The Legislature expressly recognized that water rights and area-of-origin rights shall not be impaired or diminished as a result of any program or project in the Bay-Delta (Water Code, § 85031). Specifically, the BDCP/WaterFix called for extracting more water from the northern Sacramento Valley. The BDCP/WaterFix would deplete and, in some instances, draw down upstream reservoirs to dead pool conditions. The result would have created conditions that prevent other water users from obtaining supplies that they are entitled to under contract or water rights. In doing so, the BDCP/WaterFix would have violated long-standing principles of California water law by causing upstream senior diverters to forego diversions, thereby allowing the continued export of water by junior appropriators. The approach to subvert the area-of-origin statutes is a clear violation of those statutes intended to protect areas of origin, including the protection of northern Sacramento Valley water supplies from injury by export projects.

A more direct impact from the BDCP/WaterFix came from the disclosure that there is an expected increase in groundwater use in the Sacramento Valley to make up for any shortfalls in surface water supply of Central Valley Project (CVP) contractors. The EIR/EIS discussed the potential for the BDCP to result in "minor decreases in water supply availability to CVP water users in the Sacramento Valley" (See *Analysis of Groundwater Conditions in Areas that Use SWP/CVP Water Supplies*, EIR/EIS, p. 7-32, lines 30-40). The estimated decrease in supply is 50,000 acre-feet/year. The section concludes, "[a] 2% increase in groundwater use in the Sacramento Valley to make up for any shortfalls in surface water supply is not anticipated to substantially impact the groundwater resources as long as the additional pumping is not concentrated in a particular area of the valley". No information is provided as to where additional pumping will take place, whether it will interfere with existing water supplies, or whether it will exacerbate existing groundwater overdraft or cause groundwater overdraft in locations where that condition does not presently exist. Despite the acknowledgement that the BDCP/WaterFix would affect Sacramento Valley groundwater, analysis of the impact to the region's groundwater was specifically eliminated. In the EIR/EIS, Chapter 7, *Groundwater* states that for the "purposes of this analysis, the groundwater study area (the area in which impacts may occur) consists of the Delta Region, ... the Upstream of the Delta Region and ...". On page 7-13 the description of the Sacramento Valley points out that portions of the region are showing early signs of declining groundwater elevations. On page 7-37 the EIR/EIS states, "The CVHM domain was reduced by eliminating most of the Sacramento Valley and San Joaquin Valley from the domain when developing CVHM-D. This modification allowed for greater

precision in model output in the Delta Region.” The decision to eliminate the Sacramento Valley from hydrologic modeling demonstrated the disregard of the region and creates an inconsistency within the EIS/EIR. The sensitivity of groundwater basins in the region necessitates that the DCP fully disclose and assess groundwater impacts upstream of the Delta.

The BDCP/WaterFix included a goal of facilitating groundwater substitution transfer programs which is a blatant attempt to redirect impacts. The EIR/EIS Section 5C.10 *Potential Sources of Upstream-of-Delta Water Transfers and Potential Impact* indicated that the BDCP expected additional water from upstream of the Delta without identifying the source of the water. The EIR/EIS ignored any environmental consequence from groundwater substitution programs and failed to acknowledge that groundwater substitution programs must comply with applicable County ordinances. In Butte County, groundwater substitution transfer programs are governed by the Groundwater Conservation Ordinance (Chapter 33 of the Butte County Code). The DCP must fully disclose, assess and mitigate the impacts of the plans to incorporate north of Delta groundwater basins into the state water project.

The DCP should not expect additional water from the northern Sacramento Valley. It must consider that some of the water supplies currently being exported may not be available in the future due to increased demand in the areas in which the water currently being exported originates. California law expressly recognizes the prior right of communities in those areas to water currently being exported, to the extent that water will be needed to adequately supply the beneficial needs of those areas (Water Code, §§ 10505, 10505.5, 11460, 11463 and 11128; also *id.*, §§ 12200-12220). That demand for water and the need to sustain groundwater basins, as required through the implementation of the SGMA, will increase in the Delta and areas north as population grows. The likelihood that less water will be available for export uses is reasonably foreseeable and must be evaluated in the EIR/EIS. The DCP must follow the principle of regional self-reliance.

The DCP and the EIR must fully describe the project’s socioeconomic impacts in every impacted area. The BDCP/WaterFix limited the analysis of socioeconomic impacts to Delta counties (Sacramento, San Joaquin, Yolo, Solano, and Contra Costa Counties). However, as noted elsewhere in the EIR/EIS, the BDCP/WaterFix would have impacted a much larger area. For example, the operational changes to Lake Oroville that were acknowledged in the BDCP/WaterFix. Appendix 5.C (page 5C 1.1) of the BDCP document states that *“No substantial changes in reservoir operations are expected as a result of the BDCP, with the potential exception of Lake Oroville, where the BDCP could shift substantial releases from summer months to spring months under high outflow scenario to contribute to spring outflow criteria”*. Actions through the BDCP/WaterFix would have further eroded the region’s economic, recreation and ecosystem benefit. For example, the BDCP document, Chapter 1 (page 1-21) stated,

*“Because the SWP and CVP water infrastructure is operated as an integrated system, the effects of implementing the BDCP may extend to aquatic systems beyond the Delta, both **upstream** and downstream, and will implicate water operations parameters as well as species and their habitats located in those areas. As such, the BDCP effects analysis (Chapter 5, Effects Analysis) takes into account these upstream and downstream aquatic effects, both positive and negative, and describes, analyzes, and addresses the overall effects of the BDCP. **Areas potentially affected by the implementation of the BDCP located outside of the Plan Area, have been included in the analysis of effects to ensure that all of the potential effects within the action area (all areas to be affected directly or indirectly by the federal action and not merely the immediate area involved in the action), as defined by Section 7 of the ESA, have been adequately assessed.**”*

Although the BDCP made this statement, the EIS/EIR failed to assess the direct and indirect impacts from the BDCP outside of the Delta. The DCP must assess the impacts to the region north of the Delta consistent with State and Federal law. The DCP must analyze the socioeconomic impacts of the entire affected environmental setting of the proposed project and alternatives.

As part of the alternatives evaluation, DWR should consider non-conveyance alternatives. Many of the proposed DCP objectives could be met through actions other than a new Delta conveyance. The alternatives analysis of the DCP EIR should not be limited to alternative conveyance options. For example, the proposed Improvement of levees and establishing setback levees could meet the objectives of the DCP. The objective to protect water supply reliability can be met through actions other than a through Delta conveyance. As previously stated, south of Delta water exporters must follow state policy by reducing their reliance on the Delta and manage the water available. The intended objective to provide operational flexibility to improve aquatic conditions has previously been shown to result in more harm to aquatic species that provide protection. An objective and robust cost/benefit analysis in the DCP EIR should be conducted.

The impacts from climate change must be fully addressed in the DCP EIR. Specifically, the DCP EIR must consider the most recent version of the California Climate Assessment. As noted in the March 5, 2020 comments from Restore the Delta, DWR has failed to incorporate the latest scientific findings from the Forth California Climate Assessment. Avoiding the reality of water supply reliability from climate change will negate a credible EIR. We call upon DWR to fully evaluate the water supply reliability and other implications from climate change.

Finally, the DCP must clearly identify funding sources that are not based on speculation or assumptions. The funding of the DCP must clearly identify the increased cost to ratepayers. The DCP cannot assume that State Water Project Contractors have committed to providing funds for the construction and operation of new water facilities, as well as for mitigation necessary to address impacts to terrestrial and aquatic impacts associated with construction and operation. The State Water Project Contractors are continuing negotiations with the Department of Water Resources on financing of the DCP. Despite the extensive negotiations agreement remains out of reach. As a State Water Project Contractor, Butte County would derive no benefit from the DCP and has gone on record opposing any financial obligation. Additionally, if the DCP assumes that other funding sources (e.g., federal government, state bond funds) would provide funding commitments for the DCP, those funding sources must be substantiated.

In closing, DWR must avoid the flaws, inconsistency and violations of state and federal law of the BDCP/WaterFix. The EIR for the DCP must comply with State water law and fully assess the environmental and socioeconomic impacts, including those in the northern Sacramento Valley. Further, if the actions of the DCP would result in damage to the region's economy, environment and communities, the Butte County Board of Supervisors would vehemently opposed the DCP and will consider taking appropriate measures to protect the County's economy, environment and communities. However, we remain hopeful that the DCP represents a new approach to address water supply reliability and ecosystem restoration in the Delta.

Sincerely,



Steve Lambert, Chair
Butte County Board of Supervisors

Attachments:

Board of Supervisors comment letter, May 14, 2009
Board of Supervisors comment letter, March 30, 2010
Board of Supervisors comment letter, December 14, 2010
Board of Supervisors Resolution adopted August 14, 2012

cc: Butte County Board of Supervisors
Karla Nemeth, Director, DWR
Senator Jim Nielsen
Assemblymember James Gallagher
Assemblymember Megan Dahle
Paul Yoder, Yoder, Shaw, Antwih
Paul Gosselin, Butte County, Director – Water and Resource Conservation

From: [Ray Baca](#)
To: [DWR Delta Conveyance Scoping](#)
Subject: Delta Conveyance; ECA Comment Letter
Date: Wednesday, April 15, 2020 1:20:57 PM
Attachments: [image001.jpg](#)
[DWR Letter 4-15-20.pdf](#)

Dear Ms. Rodriguez,

Please find attached a letter from the Engineering Contractors Association regarding input on the scoping process for the Delta Conveyance Project.

Sincerely,

Ray M. Baca
Executive Director
Engineering Contractors' Association
2390 E. Orangewood Avenue, Suite 585
Anaheim, CA 92806
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ENGINEERING CONTRACTORS' ASSOCIATION

Sent Via Email: DeltaConveyanceScoping@water.ca.gov

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April 15, 2020

Ms. Renee Rodriguez
California Department of Water Resources
Post Office Box 942836
Sacramento, California 94236

RE: Delta Conveyance Scoping Comments – Support

Dear Ms. Rodriguez:

On behalf of Engineering Contractors' Association (ECA) Board of Directors, I am pleased to provide input for the scoping process of the single-tunnel Delta conveyance project being advanced by the California Department of Water Resources. We appreciate Governor Newsom's leadership to help ensure, safe, affordable and reliable water supplies to much of California.

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

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

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

Sincerely,

Ray M. Baca,
Executive Director

From: [Melanie Barna](#)
To: [DWR Delta Conveyance Scoping](#)
Subject: Delta Conveyance Tunnel
Date: Tuesday, April 14, 2020 5:07:08 PM

To Whom It Concerns,

I do not approve construction of a water conveyance tunnel as means to provide water to Southern California.

The EIR should analyze the economic costs and benefits of the single tunnel project, as well as those of a “no tunnel” alternative and investment in water conservation and efficiency improvements to meet water supply needs.

With Gratitude
Melanie Barna