



## **Frequently Asked Questions Related to the Delta Conveyance Project**

*Update July 2020*

### **OVERVIEW**

#### **1. What is “Delta Conveyance”?**

Delta conveyance refers to State Water Project (SWP) infrastructure in the vast network of waterways comprising the Sacramento-San Joaquin Delta (Delta) that collects and moves fresh affordable water to homes, farms and businesses throughout major regions of the state from the Bay Area to southern California. The Department of Water Resources (DWR) is the owner and operator of the SWP and is responsible for all associated upgrades and maintenance, including the proposed Delta Conveyance Project that will modernize SWP conveyance.

#### **2. Why is Delta conveyance important for the SWP?**

The Delta is the hub for much of the state’s water supply. Two-thirds of California’s water originates in the Sierra Nevada Mountains as snowpack, eventually flowing through the Delta, where, consistent with water rights, including applicable water quality requirements, it is delivered to more than 27 million Californians and 750,000 acres of farmland. The infrastructure that enables conveyance for California’s primary water supply is critical to the health of local communities and the success of our state’s economy.

#### **3. What makes California’s hydrology unique? What are the challenges?**

In California, most precipitation falls in the north, but the majority of demand is in the south. Additionally, California faces extreme variability in precipitation, which will only worsen with climate change. For example, rain and snow fall in the winter and spring, but the greatest demand (and need) is in the summer and fall. Combining a large and geographically diverse population and extreme variability of annual precipitation make water management in California a challenging task. The SWP was constructed to help remedy these challenges by moving and storing water from where it originates to where it is needed.

#### **4. What is the State Water Project? Who benefits from it?**

The State Water Project was originally constructed in the 1960s both for flood control and to store and move water. Approximately 27 million people, or 3 of 5 Californians, including 6 million people in disadvantaged communities, receive clean affordable water that flows through the SWP

infrastructure in the Delta. It is also a vital water supply for 750,000 acres of farmland. Water supplied by the SWP benefits the entire state and has led California to become the 5th largest economy in the world.

## **NEED TO MODERNIZE CALIFORNIA'S WATER INFRASTRUCTURE**

### **5. Why is this project needed?**

Because the SWP relies on the Delta's natural channels to convey water, it is vulnerable to earthquake and sea level rise. According to the United States Geological Survey, there's a 72% chance of a 6.7 or greater magnitude earthquake occurring in the Bay Area by 2043 that could cause levees in the Delta to fail, crippling the state's ability to deliver fresh water. As sea levels continue to rise, the Delta will be faced with increasing saltwater intrusion, which threatens fresh water supplies flowing through the Delta. Climate change is also expected to affect the type and timing of precipitation. Certain pumping restrictions in the south Delta can prevent the SWP from reliably capturing water when it is available, especially from storm events. The project would add new diversions in the north Delta to promote a more resilient and flexible SWP in the face of unstable future conditions.

The best available science demonstrates that these are real, serious threats to California's primary water supply. We need to take action now to upgrade Delta infrastructure, recognizing that this process will take years to complete improvements. Recent events have also underscored the need to protect public health and safety by taking the appropriate steps now before it's too late.

### **6. What is the impact of climate change on Delta-conveyed water supplies?**

Climate change has increased the risk to this important water supply. Sea level rise, reduced snowpack, significant operations changes to maintain Delta water quality due to salinity intrusion and likely reduced Delta exports, especially in droughts will lead to a less reliable and more expensive water supply. These effects of climate change on Delta-conveyed water supplies can be addressed by efficiently capturing, moving and storing water when it is available.

### **7. Why doesn't the state just invest more in local projects like recycling and desalination instead of pursuing the Delta Conveyance Project?**

The state must protect the state's largest supply of water as well as invest in local projects. Under Governor Newsom's leadership, California has proposed a broad new portfolio approach that prioritizes conservation, recycling, groundwater management and much more, which will build the resilience of local water systems across the state. At the same time,

the SWP provides a critical water supply for much of the state and a foundation for these important local water supply and resiliency programs. Planning a future for California while not protecting the SWP from growing risks is not feasible and would be dangerous to California's water supply and economy.

Additionally, public water agencies throughout California are already pursuing local supply resiliency projects such as recycling, groundwater recharge, storage and conservation to reduce reliance on the Delta to meet future needs. Continued SWP stability helps agencies develop and maintain these important programs and provides a high-quality source for blending with local sources to meet or exceed approved drinking water standards before delivery to their customers.

**8. Why is Delta conveyance important for disadvantaged communities in the state?**

The SWP provides one of the most affordable supplies of high-quality drinking water available in the SWP's extensive service area. Many communities served by the SWP have populations that are economically disadvantaged, including 6 million people in Southern California communities. Public water agencies must maintain affordable water rates for these families.

**PROPOSED PROJECT**

**9. What are the specifics of the proposed project?**

The proposed Delta Conveyance Project includes constructing and operating new conveyance facilities in the Delta that would add to the existing SWP infrastructure. Two new intake facilities, each with 3,000 cubic feet per second (cfs) capacity for a total 6,000 cfs, would be located in the north Delta to divert water. The new conveyance facilities would include a tunnel to convey water from the new intakes to the existing pumping plants in the south Delta. Proposed facilities in the southern Delta include a forebay at the end of the tunnel to facilitate conveyance to the existing SWP pumping facility and a pumping plant to move water from the tunnel to the new southern forebay. The proposed Delta Conveyance Project would be operated in coordination with the existing south Delta pumping facilities, resulting in a system known as "dual conveyance" because there would be two complementary methods to divert and convey water.

**10. Will this project change water rights?**

DWR is not seeking new water rights for additional water, rather it will seek a change in the point of diversion for its existing water rights to add the

ability to use the new intakes. By adding new points of diversion, the SWP will have greater flexibility to meet existing water quality standards, adapt to climate change, function in the event of a natural disaster and safely move water during high flow events where it is currently not possible due to south Delta restrictions. The Delta Conveyance Project is intended to help protect existing supplies consistent with existing water rights by operating the north and south diversion points in a dual manner, consistent with all water quality and aquatic resource requirements.

SWP supplies have become increasingly less reliable over recent decades. The Delta Conveyance Project is intended to restore as much of those supplies as it can, consistent with state and federal law. Without improvements to the conveyance system in the Delta, SWP deliveries will continue to decline in the future.

## **PLANNING PROCESS**

### **11. What is the current status of the environmental review process?**

The Notice of Preparation (NOP) for the development of an Environmental Impact Report (EIR) for the Delta Conveyance Project was released on January 15, 2020, initiating the environmental review process under the California Environmental Quality Act (CEQA). DWR held eight scoping meetings from Redding in the north to southern California, including five in or near the Delta. The scoping period concluded on April 17, 2020 after a 93-day comment period during which the public and agencies had an opportunity to provide input on the scope and content of the CEQA review, including the potential environmental impacts of a proposed single-tunnel conveyance project and range of alternatives that will be analyzed in the EIR.

DWR is in the process of reviewing all comments submitted during the scoping process and will publish a scoping report this summer that summarizes the information received during scoping. DWR will utilize the scoping comments to develop the range of alternatives to be evaluated in the Draft EIR and the scope of the environmental impact analysis.

### **12. What Alternatives will be Included in the Draft EIR?**

The EIR will analyze a reasonable range of potentially feasible alternatives that can achieve the project objectives and avoid or reduce potential significant environmental impacts. The NOP stated that the EIR will likely include alternatives with varying capacities and included two options for tunnel conveyance corridors. A “no project” alternative will also be included in the evaluation. DWR will identify the alternatives to be evaluated at a detailed level in the EIR following consideration of public

input received during the scoping process. DWR will publicize the alternatives it intends to include for detailed evaluation in the Draft EIR and will explain why other alternatives are not carried forward for detailed environmental review.

**13. Will there be new biological opinions related to the Delta Conveyance Project?**

Consistent with Section 7 of the federal Endangered Species Act (ESA), a biological assessment will be developed for the proposed Delta Conveyance Project to determine the effects the project may have on federally listed species and critical habitat. DWR expects to coordinate with a lead federal action agency to initiate formal consultation and receive biological opinions from both the National Marine Fisheries Service and United States Fish and Wildlife Service. In addition, DWR will work with the California Department of Fish and Wildlife to comply with the requirements of the California Endangered Species Act (CESA).

**14. What water quality standards will the proposed Delta Conveyance Project need to meet?**

The SWP complies with the water quality standards set by the State Water Quality Control Board (SWRCB). This is currently defined by the SWRCB in Decision-1641. However, they are currently working to update water quality standards in the Bay-Delta, and the project, being a part of the SWP, will comply with this update once it is finalized.

**15. Will an operations plan be made available?**

Final operational plans for the proposed Delta Conveyance Project will not be determined until after the other permitting processes are complete (including CEQA, ESA and CESA). However, preliminary operational assumptions will be included for analysis in the EIR to assist in the assessment of water quality, aquatic resources and hydrodynamic effects on non-project water users, etc.

**16. How does the Delta Conveyance Project relate to the Delta Reform Act?**

The 2009 Delta Reform Act established the state's goals for the Delta as achievement of the coequal goals of water supply reliability and ecosystem restoration in a manner that protects and enhances the unique cultural, recreational, natural resource and agricultural values of the Delta as an evolving place. The mandates of the Delta Reform Act, and subsequent Delta Plan, will continue to guide efforts for implementation of covered actions, including DWR's proposed Delta Conveyance Project. Consistent with the Delta Reform Act, the proposed Delta Conveyance Project's objectives are to provide a more reliable

water supply and operational flexibility to improve aquatic conditions in the Delta.

Achievement of the coequal goals is a statewide responsibility attained, in part, through the implementation of the Delta Plan and not the responsibility of any individual covered action. However, separate from CEQA, DWR is required to certify that the Delta Conveyance Project, as a covered action under the Delta Reform Act, is consistent with all relevant policies of the Delta Plan. If that is not feasible, the covered action may still be consistent with the Delta Plan if it is, on whole, consistent with the coequal goals. DWR is coordinating with the Delta Stewardship Council and staff to make sure DWR is fully prepared to address the Reduced Reliance policy, as well as all other relevant Delta Plan policies, at the time the certification of consistency is submitted.

## **COST & FUNDING**

### **17. What will the project cost be?**

There will be a cost estimate, a benefit-cost analysis and a financial analysis developed during the planning process. However, this point in the environmental review process is focused on the relative environmental impacts rather than economic issues. Cost analyses will come later in the process, after a preferred alternative has been selected.

### **18. Who is paying for DWR's new planning effort?**

Modernization of Delta conveyance will be funded by the public water agencies that benefit from the conveyance infrastructure. Planning activities are not funded through the state's general fund or by California taxpayers.

## **PARTICIPATING ENTITIES**

### **19. Will the federal government have a role in this project?**

DWR will submitted an application to the U.S. Army Corps of Engineers (USACE) on June 15, 2020 pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act. USACE is expected to coordinate with other federal agencies to identify the appropriate lead agency to conduct environmental review under the National Environmental Policy Act (NEPA). The identified lead agency will then issue a Notice of Intent initiating preparation of an Environmental Impact Statement (EIS). This will begin another scoping period, providing an additional opportunity for agencies and the public to comment on the contents of both the permit application and the scope and content of the EIS. More information about the scoping period will be available at

that time. While the NOP issued on January 15, 2020 contemplated that the U.S. Bureau of Reclamation may have a role in the project, that agency has not yet expressed an interest.

Additionally, the federal fishery agencies have an important role to play in implementing oversight to ensure the project complies with the Endangered Species Act.

## **20. What is the Delta Conveyance Design and Construction Authority (DCA) and what is its role?**

The DCA is a joint powers authority created by the public water agencies to assist with the design and construction of a modernized Delta conveyance project. The DCA is currently focused on design and engineering needed to support environmental review and permitting. As a public agency, the DCA is subject to the Brown Act and the Public Records Act.

DWR is ultimately responsible for the planning effort and implementing environmental compliance activities. However, the DCA, at DWR's direction and oversight, will conduct conceptual engineering and design activities to support environmental planning and permitting.

A significant amount of engineering and field work are needed to support environmental planning and permitting. Examples include land surveys to help map alternatives, geotechnical work and coordination with local communities regarding construction and logistics. To support this work and consistent with Governor Newsom's commitment to a transparent and collaborative process with Delta stakeholders, the DCA established a Stakeholder Engagement Committee (SEC) in September 2019 to provide a forum for the exchange of information and ideas to carefully consider community concerns and the unique cultural and economic values of the Delta, avoid or minimize construction impacts and to look for creative ways to build in win-win solutions in construction and design. The SEC is comprised of Delta residents, business owners and other stakeholders and meets on a regular basis as the DCA explores engineering and design proposals.

## **21. What is the relationship between the DCA, DWR and the State Water Contractors?**

The DCA is conducting engineering and design work to inform the environmental review and planning process lead by DWR. The State Water Contractors, which consists of 29 public water agencies that deliver water across the state, provide technical expertise and collaborate with DWR and the DCA, as needed, to ensure planning and project

development meet the financial, policy, technical and long-term planning needs of their retailers, member agencies and ratepayers.

## **PUBLIC ENGAGEMENT**

### **22. How is the state ensuring meaningful public engagement and input?**

DWR is and will continue to host public engagement venues to gain public input on issues related to the Delta Conveyance Project. DWR provides background information on its website and is available to brief groups locally and statewide about the proposed project. DWR is also planning a series of technical workshops during development of the EIR and public meetings after the release of the Draft EIR. In addition to CEQA, there will be opportunities for public input on other permits or environmental review processes, including those with the U.S. Army Corps of Engineers, State Water Resources Control Board and the Delta Stewardship Council.

Participation and collaborative problem solving will be critical to our success. The Newsom administration will continue to engage with Delta communities, specifically, to hear their ideas and concerns. To that end, the SEC is continuing their work to understand and contribute to solutions that address local concerns related to construction impacts. Local voices, input and active engagement will be critical to ensuring a solution that protects water supply reliability in a way that minimizes impact and cost and maximizes overall benefit.