



## **Delta Conveyance Notice of Preparation and Public Scoping: Q&A**

January 2020

### **1. What is the purpose of the NOP?**

The Notice of Preparation (NOP) is for the development of an Environmental Impact Report (EIR) for modernized water infrastructure in the Sacramento-San Joaquin Delta, initiating the environmental review process under the California Environmental Quality Act (CEQA). The NOP signals the start of the scoping period, providing an opportunity for public and agency comment 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.

### **2. What is the importance of Delta Conveyance?**

The Delta is a primary thoroughfare for water that is conveyed through the State Water Project. Rain and snow from the Sierra Nevada mountains flow through the Delta, where, consistent with water right and state water quality requirements, it is delivered by state and federal agencies to more than 27 million Californians and 3 million acres of farmland. The infrastructure that enables the conveyance, or movement, of California's water supply is critical to the health of local communities and the success of our state's economy.

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

The existing water system, with intakes in the southern Delta only three feet above today's mean sea level, is not prepared for a future with climate change and rising sea levels. Pumping restrictions that are a result of diverting supplies at this location continue to prevent the State Water Project from reliably capturing water when it is available, especially from storm events. New diversions in the northern Delta will promote a more resilient and flexible State Water Project in the face of unfavorable future conditions.

### **4. How is the current environmental review process different than before?**

In February 2019, at his State of the State address, Governor Newsom announced that he did not "support WaterFix as currently configured" but does "support a single tunnel." Since then, DWR formally withdrew all WaterFix approvals and environmental compliance documents and initiated a new environmental process to study a single-tunnel proposal under CEQA that continues with the issuance of this Notice of Preparation.

As in previous iterations of Delta conveyance, requirements for environmental analysis, public review and comment will be adhered to as prescribed under CEQA and other permitting processes. The CEQA analysis of the Delta Conveyance Project will make use of previous documentation where it makes sense to do so, and will update data and information, or include new analysis, as appropriate.

**5. How does this new Delta Conveyance project differ from the previous California WaterFix project?**

The primary difference is that the Delta Conveyance Project is proposed with a single main tunnel, rather than two main tunnels that were included in WaterFix. The proposed project includes two options for tunnel corridors; one is similar to the WaterFix proposed project and the second corridor is closer to Interstate 5. The Delta Conveyance Projects is also smaller in pumping capacity than WaterFix, proposed to be sized to accommodate a total 6,000 cubic feet per second (with two intake facilities) rather than 9,000 (with three intake facilities). (The EIR will likely consider a range of alternative capacities within 3,000 to 7,500 cfs.) The objective of the proposed project is however largely the same as WaterFix: to restore and protect the reliability of water supplies that move through the Delta by adding flexibility with a new point of diversion and new infrastructure.

**6. Who will identify the preferred alternative in this environmental review process and make the final decision on size and alignment, the participating water agencies or the state?**

DWR is the owner and operator of the State Water Project, and proposed infrastructure upgrades are within the department's purview. DWR is the CEQA lead agency. It will be the State of California, through DWR, the California Natural Resources Agency, and the Governor's Office that will ultimately make final decisions on all aspects of the proposed Delta Conveyance Project.

**7. Will the WaterFix environmental analyses be considered in a new Delta conveyance environmental review process?**

The 10+ years of scientific study and analyses that supported previous Delta conveyance planning efforts will be considered during this phase of planning and, where appropriate, utilized in the evaluation of the proposed Delta Conveyance Project. DWR will build upon the work already done by utilizing previous analyses, data and methodologies to the extent they are still applicable. However, DWR will update all relevant data and information and include new analysis, as appropriate.

**8. Will DWR use the same footprint, assumptions, baseline conditions, environmental setting, alignments, etc.?**

Not necessarily. DWR will revisit all previous determinations to assess applicability. The scoping period is an opportunity to weigh in on these matters. Two possible alignment corridors for the proposed project have been identified in the NOP, as has a range for possible capacity alternatives.

**9. How many alternatives will be evaluated in the EIR?**

DWR will select a reasonable range of potentially feasible alternatives that meet project objectives and present opportunities to reduce impacts, consistent with the requirements of CEQA. The scoping period provides an opportunity for the public to comment on alternatives. Following scoping, DWR will publicize the alternatives it intends to include for detailed evaluation in the Draft EIR.

**10. Will the federal government have a role in this process?**

In the NOP, DWR states that the Delta Conveyance Project will also involve federal agencies that must comply with the National Environmental Policy Act (NEPA), likely requiring the preparation of an Environmental Impact Statement (EIS). Federal Agencies with roles in the project may include approvals or permits issued by the United States Bureau of Reclamation (Reclamation) and United States Army Corps of Engineers. To assist in the anticipated federal agencies' NEPA compliance, DWR will prepare an EIR that includes relevant NEPA information where appropriate. Once established, the federal lead agency will publish a Notice of Intent to formally initiate the NEPA process. DWR will coordinate with the federal Lead Agency for NEPA compliance and, if appropriate, will prepare a joint EIR/EIS with the federal Lead Agency.

**11. Which public water agencies are participating in the Delta Conveyance Project?**

DWR is conducting preliminary contract negotiations with State Water Project contractors to determine a methodology for cost allocation for a Delta Conveyance Project. The Delta Conveyance Project EIR will assess, as part of the proposed project, potential environmental impacts associated with reasonably foreseeable potential contract modifications that were discussed during the preliminary contract negotiations.

**12. Are water agencies looking for more water?**

The implementation of the proposed Delta Conveyance Project will not involve any new water rights. The goal of modernizing Delta conveyance is to more reliably capture water during and after storm events, and to protect existing supplies from the threats posed by climate change, sea level rise and earthquakes. Separately, public water agencies throughout California are pursuing local supply resiliency projects such as recycling, groundwater recharge, storage and conservation to reduce reliance on the Delta to meet future needs. The Delta Conveyance Project is intended to help protect existing supplies consistent with existing water right amounts.

**13. Is the state committed to meaningful public engagement and input?**

Absolutely. DWR will be hosting a number of public engagement venues to gain the input of the public on issues related to the Delta Conveyance Project. The primary immediate opportunity will be the public scoping process, as announced in the NOP, that focuses on the scope of the environmental review, including alternatives to the proposed project. DWR will also provide background information on its website and is available to brief groups locally and statewide about the proposed project. In addition, DWR is planning a series of technical workshops during development of the EIR and public meetings after the release of the Draft EIR. Also, Wade Crowfoot, Secretary of the California Natural Resources Agency, has formed the Secretary's Delta Water Roundtable to provide a forum for direct conversation with Delta leaders on conveyance as well as major issues facing the Delta including but not limited to levees, flood protection, water quality, farmland preservation and aquatic invasive species. For the Delta Conveyance Project specifically, in addition to CEQA, there will be opportunities for public input for other permits or environmental review

processes, including those with the State Water Resources Control Board and the Delta Stewardship Council.

**14. How was the proposed project capacity chosen?**

The NOP defines a proposed project capacity that ensures protection of the state's most vulnerable and importance source of water. It also takes into account: 1) cost effectiveness of the project to the public water agencies funding the project, and 2) permitting needs. There will likely be alternatives considered with a range of capacities within the range of 3,000 cfs to 7,500 cfs. This could allow evaluation of options that may include participation by Central Valley Project (CVP) water agencies.

**15. What is the schedule for environmental review?**

The environmental review and permitting process is planned to be a three-year endeavor.

**16. Will you include a non-structural alternative (e.g. "through-Delta")?**

The EIR will look at a reasonable range of potentially feasible alternatives that can achieve the project objectives and avoid or reduce potential significant environmental impacts. The NOP identifies that the EIR will likely include alternatives with varying capacities. The NOP includes two options for tunnel conveyance corridors and there will also be a "no project" alternative 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.

**17. Where will your intakes be located?**

Based on the proposed project capacity of 6,000 cfs, two intakes have been identified in the NOP at locations based on analysis conducted previously (between Freeport and the confluence with Sutter Slough). DWR believes these locations to meet both the objectives of the project and goal of minimizing fishery-related impacts.

**18. What will the project cost be?**

There will be a cost estimate, as well as both a Benefit-Cost Analysis and a Financial Analysis, developed during the planning process. At this point, the NOP is a start of the environmental review, which focuses on the relative environmental impacts rather than economic issues. Cost analyses will come later in the process, after a preferred alternative has been selected (which may or may not be similar to the "proposed" project defined in the NOP).

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

Consistent with Section 7 of the federal ESA, a biological assessment will be developed for the proposed Delta Conveyance Project to determine the adverse effects the project may have on federally listed species and critical habitat. We expect to coordinate with a lead federal action agency to initiate formal consultation and receive biological opinions from both National Marine Fisheries Service and US Fish and Wildlife Service. It is expected that the Section 7

process will yield new biological opinions on the Delta Conveyance Project issued by USFWS and NMFS. In addition, a new incidental take permit from the California Department of Fish and Wildlife will be sought by DWR consistent with the requirements of CESA.

**20. How can the public get engaged in Delta flow and water quality impacts? When will there be an operations plan made available?**

The State Water Resources Control Board is currently working on updating Water Quality Control Plan standards. DWR will comply with the results of those efforts. Final operational plans specifically for the proposed Delta Conveyance Project will not be determined until after the other permitting processes are complete (including CEQA, CESA, and the Change in Point of Diversion before the State Board). However, preliminary operational assumptions will be included for analysis in the EIR to assist in the assessment of water quality, aquatic resources, hydrodynamic effects on non-project water users, etc.

**21. Will this project change water rights? Will it take more water out of the system?**

As stated above, DWR is not seeking new water rights, simply a change in the point of diversion for its existing water right. By adding a new point of diversion, the system will have greater flexibility to adapt to climate change, manage rising sea levels, function in the event of a natural disaster, and safely move water during high flow events that are currently out of reach.