Frequently Asked Questions Related to the Proposed Delta Conveyance Project

Update November 2022

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 high-quality, clean, safe and 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 this water transport infrastructure in the Delta.

2. **Why is Delta conveyance important for the SWP?**
   The Delta is at the center of California's vital water distribution system. Two-thirds of California's water originates in the Sierra Nevada mountains. 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 about 750,000 acres of farmland. The infrastructure that enables conveyance of 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 northern and eastern parts of the state, but the majority of demand is in the central, west and 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 water demand (and need) is in the summer and fall. Together California's 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 millions of 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 about 750,000 acres of farmland. Water supplied by the SWP benefits Californians throughout the entire state and has led California to become the fifth largest economy in the world.

NEED TO MODERNIZE CALIFORNIA'S WATER INFRASTRUCURE

5. **Why is this project needed?**
   California faces a future of water instability, more rain, less snow, and more frequent extreme events like drought and flood. These changes will reduce the ability of the SWP's current infrastructure to capture water, especially because there will be less snow and snowmelt available.

   The proposed Delta Conveyance Project is an essential climate adaptation strategy. It protects against future water supply losses caused by climate change, sea level rise, and earthquakes. It also helps ensure that the SWP can capture, move and store water to make the most of big, but infrequent, storm events.

6. **What is the impact of climate change and sea level rise on Delta-conveyed water supplies creating the need for the proposed Delta Conveyance Project?**
   Climate change and sea level rise threaten to make future operations of the SWP less reliable. 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, specifically resulting in more rain but less snow. While the storm events may be wetter, they will be highly unpredictable. Therefore, climate change will likely lead to reduced Delta exports, especially in droughts.

   Adding new diversions in the north Delta is an essential climate adaptation strategy that would assist in addressing these effects of climate change on Delta-conveyed water supplies. The SWP with the proposed Delta Conveyance Project will efficiently capture, move and store water when it is available, especially from storm events. In fact, if the proposed project had been operational during the storm events at the end of 2021, the SWP could have captured about 236,000 acre-feet of water, enough water for over 2.5 million people, or nearly 850,000 households, for a full year.

The best available science demonstrates that climate change and sea level rise are real, serious threats to California's primary water supply. We need to act now to modernize Delta infrastructure before facing a water supply emergency.

7. **What are the seismic risks to the Delta that could affect the SWP?**
   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, resulting in significant amounts of saltwater being drawn into the Delta region, raising salinity levels and crippling the state's ability to deliver fresh water because of the location of SWP's only point of diversion in the southern Delta. Of the over 1,100 miles of Delta levees, many are not in a condition to withstand significant shaking. An earthquake could cause a possible outage in water supply delivery lasting anywhere from several months to several years to perform necessary levee repairs and restore salinity levels to where SWP could resume normal operations. Cessation of SWP operations of this magnitude would have catastrophic social and economic effects.

8. **Why doesn't the state just invest more in local projects like recycling and desalination instead of pursuing the Delta Conveyance Project?**
   The state and local water agencies are pursuing numerous local resiliency projects. The state must protect its largest supply of water as well as invest in local projects. While projects like recycling and desalination are important, as stand-alone projects, they are not to the scale necessary to protect the longevity and reliability of the SWP.

   Under Governor Newsom's leadership, California is pursuing a broad portfolio approach that prioritizes conservation, recycling, groundwater management and much more. This has led to an updated Water Supply Strategy to build the resilience of state and local water systems that will adapt to our hotter, drier climate. The SWP provides a foundation for these important local water supply and resiliency programs. Planning a future for California requires protecting the SWP from growing risks to protect California's water supply and its 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 water delivered through Delta conveyance to meet future needs. Continued SWP stability is necessary for local water agencies to develop and maintain these important programs. A stable SWP provides a reliable high-quality water source for blending with local sources to meet or exceed approved drinking water standards before delivery to their customers.

9. **Why is Delta conveyance important for disadvantaged communities in the state?**
   SWP public water agency service areas include millions of people who are economically disadvantaged. These public water agencies strive to maintain affordable water rates for these families. The proposed Delta Conveyance Project will help to ensure that the SWP can continue to provide an affordable and reliable supply of safe drinking water to disadvantaged communities within SWP public water agency service areas.

PROPOSED PROJECT

10. **What are the specifics of the proposed Delta Conveyance Project?**
    The proposed project, identified as the Bethany Reservoir Alternative in the Draft Environmental Impact Report (EIR), includes constructing and operating new conveyance facilities in the Delta that would add to the existing SWP infrastructure. Specifically, the proposed project includes two new intake facilities, each with state-of-the art fish screens and 3,000 cubic feet per second (cfs) capacity for a total 6,000 cfs, in the north Delta to divert water. The proposed new conveyance facilities would also include a single tunnel to move that water from the new intakes near Interstate 5 to new facilities in the south Delta. Proposed facilities in the southern Delta include a new pumping plant connecting the tunnel directly to the existing Bethany Reservoir at the start of the California Aqueduct. The proposed 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.

    Community input and conceptual engineering have led to a proposed project that has been downsized, refined, rerouted, and redesigned in an effort to avoid and reduce potential adverse effects.

11. **Will the proposed Delta Conveyance Project change water rights?**
    DWR is not seeking new water rights for the SWP and the water rights process necessary for the proposed project would not increase the amount of water the SWP can divert from the Delta. Rather DWR 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 affecting Delta levees, and safely move water during high flow events where it is currently not possible due to south Delta restrictions. The proposed Delta Conveyance Project is intended to help protect existing supplies consistent with existing water rights amounts 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 proposed 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

12. 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 proposed Delta Conveyance Project was released in early 2020, initiating the environmental review process under the California Environmental Quality Act (CEQA). Release of the NOP also started a 93-day scoping period where the public and agencies had an opportunity to provide input on the scope and content of the CEQA review.

Only July 27, 2022, DWR released the Draft EIR for the proposed Delta Conveyance Project for public review and comment until December 16, 2022. The Draft EIR evaluates a range of alternatives to the proposed project and discloses potential environmental effects of the proposed project and alternatives, and associated mitigation measures for potentially significant impacts. No decisions will be made until the conclusion of the environmental review process, after consideration of public comments submitted on the Draft EIR and issuing a Final EIR. At that time, DWR will determine whether to approve the proposed project, an alternative or no project.

13. What alternatives will be included in the Draft EIR?

The Draft EIR analyzes a reasonable range of potentially feasible alternatives that can achieve the project objectives and avoid or reduce potential significant environmental impacts. The alternatives ultimately selected for detailed analysis in the EIR include varying capacities and tunnel conveyance alignment options and were chosen after a multi-step screening selection process. A "no project" alternative is also included in the evaluation, describing likely conditions if the proposed project is not implemented, including reasonably foreseeable changes in existing conditions and potential alternate actions that may be taken absent the proposed project, such as increased conservation, recycling and desalination. The alternatives formulation process and detailed evaluation and analysis is documented in the Draft EIR.

14. Will there be new biological opinions related to the proposed 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 proposed project may have on federally listed species and critical habitat. DWR is coordinating with the U.S. Army Corps of Engineers (USACE) as the lead federal action agency and expects to receive biological opinions from both the National Marine Fisheries Service (NMFS) and United States Fish and Wildlife Service (USFWS). In addition, DWR will submit an application to the California Department of Fish and Wildlife to obtain an Incidental Take Permit in compliance with the California Endangered Species Act (CESA).

15. 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 Resources 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 proposed project, being a part of the SWP, will comply with this update once it is finalized.

16. How would the proposed Delta Conveyance Project operate?

As described in the Draft EIR, the proposed north Delta intakes would operate to divert water in high flow conditions to reduce effects to fish and water quality. The intakes would operate in conjunction with the existing SWP and potentially CVP intakes in the south Delta for the proposed project and alternatives.

The operations of the proposed north Delta intakes would remain consistent with all regulatory requirements. However, diversions at the proposed north Delta intakes would be governed by new operational criteria specific to these intakes, which would provide additional protections for fish species.

The proposed Delta Conveyance Project would not change operational criteria associated with upstream reservoirs. Upstream of Delta facilities would continue to be operated to meet regulatory, environmental and contractual obligations consistent with existing operations.

17. How does the proposed 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 that was implemented under the Delta Reform Act, will continue to guide efforts for implementation of covered actions, including DWR's proposed Delta Conveyance Project. The proposed Delta Conveyance Project's objectives are consistent with the Delta Reform Act.

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, if the proposed project is approved after the CEQA process, DWR is required to certify that the proposed Delta Conveyance Project, as a covered action under the Delta Reform Act, is consistent with all relevant policies of the Delta Plan.

COST & FUNDING

18. What will the proposed Delta Conveyance Project cost?

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, if a preferred alternative has been selected.

A preliminary cost assessment was prepared by the Delta Conveyance Design and Construction Authority (DCA) in August 2020 and will be refined over time as planning and environmental review proceed and more precise design and engineering become available.

19. Who is paying for the planning and environmental review for the proposed Delta conveyance project?

Planning and environmental review for the proposed Delta conveyance project is being funded on a voluntary basis by participating State Water Project Contractors, each of which is a party to a long-term water supply contract with DWR.

20. If a Delta conveyance project is approved by DWR, who will pay for its construction?

If, after completion of environmental review pursuant to CEQA, DWR approves a Delta conveyance project then construction, operation and maintenance of the facility would be paid for by participating State Water Project Contractors.

PARTICIPATING ENTITIES

21. Will the federal government have a role in the proposed Delta Conveyance Project?

While DWR currently does not have a federal partner that would participate in project implementation (if a project were approved), federal agencies will participate in a regulatory capacity in permitting decisions for the proposed project. DWR submitted an application to USACE in June 2020 pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act, formally engaging USACE as a permitting agency. That application was amended in July 2022. USACE initiated the National Environmental Policy Act process by publishing a Notice of Intent (NOI) for preparation of an Environmental Impact Statement (EIS) in August 2020. The NOI began 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. While DWR's NOP issued in January 2020 contemplated that the Bureau of Reclamation may have a role in the proposed project, that agency has not expressed an interest.

Additionally, the USFWS and NMFS have an important role to play in implementing oversight to ensure the proposed project complies with the Endangered Species Act.

22. What is the Delta Conveyance Design and Construction Authority and what is its role?

The DCA is a joint powers authority created by certain SWP public water agencies to assist with the design and possible construction of a modernized Delta conveyance project. As a public agency, the DCA is subject to the Brown Act and the Public Records Act.

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

A significant amount of engineering and field work are needed to support environmental planning and permitting, including geotechnical work and coordination with local communities regarding construction and logistics. To support their 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), which met on an ongoing basis from September 2019 – December 2021 as the DCA explored engineering and design proposals. The SEC was intended 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 was comprised of Delta residents, business owners and other stakeholders.

23. 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

24. How is the state ensuring meaningful public engagement and input?

DWR provides informational materials in varying formats to help the public access and understand technical information, including fact sheets, videos, web-based story mapping and digital articles. DWR also provides public engagement opportunities to share information and gain public input on issues related to the proposed Delta Conveyance Project. DWR held a series of technical informational webinars during development of the Draft EIR and public hearings to receive verbal comments on the document during the public review period, in addition to the other written and online commenting options. Aside from CEQA, there will also be opportunities for public input on other permits or environmental review processes, including those with USACE, SWRCB and the Delta Stewardship Council.

Participation and collaborative problem solving are critical to the proposed project's success. DWR has engaged with Delta communities, specifically, to hear their ideas and concerns through the SEC, an Environmental Justice community survey conducted in 2020, and extensive outreach leading up to the release of the Draft EIR. DWR looks forward to continuing to work with interested parties as the environmental planning work progresses.

25. How is DWR engaging with Tribal Communities?

DWR is conducting formal Tribal consultation as prescribed under CEQA's AB 52 requirements and DWR's Tribal Engagement Policy, as well as informal outreach and discussions, as requested by Tribes. DWR is also assisting USACE with Tribal outreach associated with the federal Section

106 process, as appropriate. Additionally, DWR will work to ensure Tribal input is reflected in all facets of project planning through appropriate engagement opportunities, including annual update meetings.

COMMUNITY BENEFITS

26. What is the purpose of the Community Benefits Program?

The Community Benefits Program will identify and implement commitments, if the proposed Delta Conveyance Project is approved, to help protect and enhance the cultural, recreational, natural resource, economic and agricultural values of the Delta. The program is an acknowledgment that while the benefits of the proposed Delta Conveyance Project are realized in other areas of the state, the construction impacts are local to the Delta. The commitments made through the Community Benefits Program would be separate from, and in addition to, mitigation measures identified in the EIR. The specifics of the program and how it is implemented will be guided by input from the community. Based on initial feedback from Delta community members, it could include education and jobs training programs, local hiring targets, funding for special local projects like parks and community facilities, and infrastructure like broadband internet and roads. Delta community members have an opportunity to harness this major capital works project to create lasting, tangible, and potentially significant economic and social benefits.

27. Why is the Community Benefits Program Framework included in the Draft EIR?

A Framework for the Community Benefits Program has been included as an appendix to the Draft EIR to demonstrate not only the importance of the program but also DWR's commitment to it. In addition, including the Community Benefit Program as part of the project description, at a conceptual level, enables disclosure of the potential types of environmental impacts at a programmatic level. If the EIR is certified and the proposed project is approved, the Community Benefits Program becomes a requirement once the project is ultimately implemented.

CEQA

28. Does the proposed Delta Conveyance Project Draft EIR predict significant impacts from the proposed project to endangered and threatened fish species?

The Draft EIR finds that the proposed Delta Conveyance Project would have limited effects to endangered or threatened fish. However, because of the at-risk status of the fish, the Draft EIR concludes those impacts are significant. Mitigation measures focus on habitat restoration to improve

conditions for fish in the Delta. With mitigation included, the Draft EIR finds the proposed project would result in less than significant impacts to fish. This is described in detail in Chapter 12: Fish and Aquatic Resources.

29. Does the proposed Delta Conveyance Project Draft EIR describe proposed operations? Does the proposed project include protective operational criteria?

The Draft EIR includes a detailed description of proposed operations and includes criteria that are protective for fish and water quality. An important aspect of proposed project operations is that the project is intended to capture and move available "surplus" water that is beyond what is required for fish, water quality or other beneficial uses. Most of the time, the existing south Delta facility will continue to operate. It is only when there are high flows that the new north Delta facility would be in use.

30. Is the proposed Delta Conveyance Project meant to improve conditions for salmon and smelt?

The purpose of the proposed Delta Conveyance Project is to protect water supply reliability of the State Water Project. The Draft EIR evaluates the effect of the proposed project on various runs of salmon, Delta smelt, and other fish species and concludes that with mitigation, the project impacts would be less than significant. The proposed Delta Conveyance Project is not proposed to improve conditions for salmon and smelt. However, it would be operated in a way that would not cause harm to these species.

31. What are the effects of the proposed project to Delta agriculture?

The proposed Delta Conveyance Project is expected to have a direct construction impact to agriculture through conversion of 2,340 acres of important farmland (of the 432,000 acres in the Delta). Mitigation would be implemented to preserve agricultural land at 1:1 acreage ratio by acquisition and dedication of agricultural land, or acquisition of development rights or conservation easements to permanently protect agricultural land, or in-lieu fee payments.

32. What efforts were made to avoid agricultural impacts?

The proposed project was designed in consideration of the importance of avoiding direct and indirect impacts to Delta agriculture. It consolidates the launch shafts, where the reusable tunnel material is removed and stored, to reduce the overall footprint. The proposed project's haul roads are designated away from the existing agricultural routes to avoid competition with harvest and other farm activities. Additionally, the

proposed project's construction traffic will not be allowed to use Highway 160 to avoid conflict with traffic from agricultural tourism.