



## Planning Process Road Map

The California Department of Water Resources (DWR) initiated the planning for the Delta Conveyance Project in early 2020 and is pursuing numerous environmental compliance and permitting processes that must be completed prior to construction and operation of the project. These processes help provide protections and safeguards for fish and wildlife, water quality and flows, and

other environmental resources that will be implemented throughout the design and engineering, construction, and implementation and operational phases of the project.

These are the major environmental compliance and permitting processes required for the Delta Conveyance Project.

Process	Approval Agency(ies)	What It Is	What Would Signal Successful Completion
<b>California Environmental Quality Act (CEQA)</b>	DWR (Lead Agency for preparation of the Environmental Impact Report (EIR))	To inform decisionmakers and the public about the potential significant effects on the physical environment of the proposed project and methods to avoid or substantially reduce the significant environmental effects to the extent feasible.	<ul style="list-style-type: none"> <li>• Certification of the EIR by DWR.</li> <li>• Issuance of a Notice of Determination by DWR.</li> <li>• Selection of a project by DWR, which could be the proposed project, one of the alternatives described in the Draft EIR or no project at all.</li> <li>• Adoption of a Mitigation Monitoring and Reporting Program by DWR.</li> </ul>
<b>National Environmental Policy Act (NEPA)</b>	U.S. Army Corps of Engineers (USACE) (Lead Agency for preparation of the Environmental Impact Statement)	To inform decisionmakers and the public about the potential adverse effects on the human environment of the proposed action and disclose methods to avoid or substantially reduce these adverse environmental effects.	<ul style="list-style-type: none"> <li>• Issuance of a Record of Decision by USACE.</li> <li>• A decision on whether to issue authorizations under the Clean Water Act and Rivers and Harbors Act (<i>additional information below</i>).</li> </ul>
<b>California Endangered Species Act (CESA), Section 2081 Incidental Take Permit (ITP)</b>	California Department of Fish and Wildlife (CDFW)	Required for the incidental take of species listed as threatened and endangered under CESA.	<ul style="list-style-type: none"> <li>• Issuance by CDFW of the ITP for state-listed species associated with construction and operation of the Delta Conveyance Project.</li> <li>• As a requirement of the ITP, all impacts of incidental take associated with construction and operation of the project will be fully mitigated.</li> </ul>
<b>Endangered Species Act (ESA), Section 7 consultation (Issuance of biological opinions, including incidental take statements, as appropriate)</b>	National Marine Fisheries Service (NMFS), U.S. Fish and Wildlife Service (USFWS)	Required for federal actions to ensure that the actions will not jeopardize the continued existence of any federally listed species or adversely modify or destroy listed critical habitat.	<ul style="list-style-type: none"> <li>• After consultation with USACE and DWR, issuance of "no-jeopardy" biological opinions from USFWS and NMFS.</li> <li>• As appropriate, the biological opinions would include incidental take statements authorizing take of federally listed species that may occur from construction and operation of the project and will include measures to offset the impacts of incidental take where feasible.</li> </ul>
<b>California Water Code, Section 85088 (Change in Point of Diversion)</b>	State Water Resources Control Board (State Water Board)	Required by water rights holders seeking to change the conditions of their permit, including a change in point of diversion, place of use or purpose of use.	<ul style="list-style-type: none"> <li>• Determination by the State Water Board that the addition of the new north Delta intakes would not injure any other legal users of water or adversely affect water quality or flows and would continue to meet existing obligations and protective thresholds for beneficial uses as prescribed by current statutes and regulations.</li> </ul>



# Delta Conveyance Project

Modernizing California's Water Infrastructure | Winter 2024



Process	Approval Agency(ies)	What It Is	What Would Signal Successful Completion
Delta Reform Act, California Water Code, Section 85225 (Delta Plan Consistency)	DWR, Delta Stewardship Council (DSC)	Required for "covered actions," to certify through a Consistency Determination they are consistent with the Delta Plan.	<ul style="list-style-type: none"> <li>• Certification by DWR and submittal to DSC that the Delta Conveyance Project, as a covered action, is consistent with all applicable Delta Plan policies and thus consistent with the Delta Plan.</li> <li>• If appealed, determination by DSC to deny appeals and find that the DWR Certification is supported by substantial evidence.</li> </ul>
National Historic Preservation Act (NHPA), Section 106	USACE, State Historic Preservation Office (SHPO)	Required for federal agencies to consider how a federal undertaking adversely affects properties listed or eligible for listing under the NHPA.	<ul style="list-style-type: none"> <li>• Documentation by USACE of consideration of effects, that will include an agreement by USACE, SHPO, DWR and other signatories, as appropriate, to implement a Programmatic Agreement (PA). The PA presents the process to identify historic properties in the project area and measures to adequately avoid or address any adverse effects to these properties.</li> </ul>
Clean Water Act, Section 404; Rivers and Harbors Act, Section 10	USACE	Required for projects that propose to discharge dredged or fill material into waters of the United States (Section 404) and for activities in, under, or over navigable waters (Section 10).	<ul style="list-style-type: none"> <li>• Issuance of a Department of the Army Permit by USACE that includes determination that adverse impacts to the aquatic environment associated with project discharge actions are adequately mitigated through avoidance, minimization or compensation; determination that the permitted action is the least environmentally damaging alternative.</li> </ul>
Clean Water Act, Section 401 and Porter Cologne Act, California Water Code Sections 13000 et. Seq.	State Water Board	Required prior to USACE issuing a Department of the Army Permit for discharge activities under Section 404. Section 401 requires the State Water Board to certify that the proposed discharge does not violate state water quality standards. Activities that may affect the quality of the waters of the state are addressed through issuance of waste discharge requirements (WDRs) by the State Water Board.	<ul style="list-style-type: none"> <li>• Issuance by the State Water Board of Section 401 certification and WDR's for the Delta Conveyance Project.</li> </ul>
Rivers and Harbors Act, Section 14 (33 USC Section 408)	USACE	Required for any actions that could lead to alteration and/or modification of Federally constructed levees, or an existing USACE civil works project.	<ul style="list-style-type: none"> <li>• Determination by USACE that the proposed alteration, included as part of the final approved Delta Conveyance Project, would not impair the usefulness of any USACE project and would not be injurious to public interest.</li> </ul>
California Fish & Game Code, Section 1602 (Lake and Streambed Alteration Agreement)	CDFW	Required for any project that will impact the bed, bank or channel of any river, stream or lake, change or use any material from any river, stream, or lake; or, divert water; or, deposit debris, waste or other materials that could pass into any river, stream or lake.	<ul style="list-style-type: none"> <li>• Agreement between CDFW and DWR that includes reasonable measures to protect fish and wildlife resources from adverse effects related to Delta Conveyance Project actions that could alter any lake or streambed.</li> </ul>

