

**Delta Protection Commission Meeting
September 15, 2022**

AGENDA ITEM 12: Delta Conveyance Project Draft Environmental Report

Prepared by: Virginia Gardiner

Presented by: Virginia Gardiner

Requested Action: Receive Update on Draft Environmental Impact Report Process and consider direction to Commission staff

Type of Action: Information and potential direction to Staff

Background: This staff report provides a brief update on the status of the Delta Conveyance environmental review process, including the California Environmental Quality Act (CEQA) Environmental Impact Report (EIR) and National Environmental Policy Act (NEPA) Environmental Impact Statement (EIS) and related processes.

Commission staff provided extensive comments to the California Department of Water Resources (DWR) CEQA Notice of Preparation of an EIR for the Delta Conveyance, on April 15, 2020. Detailed comments were also submitted to the US Army Corps of Engineers (Corps) in response to the NEPA Notice of Intent on October 20, 2020.

During the subsequent two years, staff have continued to monitor various conveyance-related initiatives and activities including providing comments on the CEQA review for the Soil Investigations for Data Collection in the Delta, and the draft Water Resilience Portfolio; attending meetings of the Delta Conveyance Design and Construction Authority and Stakeholder Engagement Committee; and participating as an additional consulting party, together with four of the five Delta counties, in the Corps' National Historic Preservation Act Section 106 process. Finally, staff have continued to meet on a regular basis with Delta Conveyance Office (DCO) staff to receive briefings on project status.

Recent Activities – NEPA and Section 106 Review and Comment: At this time, it is not publicly known when the Corps may publish a Draft EIS. The DWR DCO staff have indicated it was hoped that a Draft EIS might overlap with the Draft EIR. However, the processes are not directly linked, though the Draft EIR has been prepared with NEPA-related content that would be referenced by the EIS.

In the meantime, staff of the Commission and the four Delta counties separately provided comments to the Corps on a Draft Section 106 Programmatic Agreement on March 29, 2022. As a consulting party, Commission staff provided an informal report to the Corps on historic resources and cultural values of the Delta landscape in the path of the likely tunnel construction

and operation footprint and have continued to update it by reaching out to local experts for additional information. Two newsletters on the Section 106 process and how Delta people can engage have been emailed and posted to the website for those interested in protecting the Delta’s cultural resources, with a third newsletter soon to follow. Staff believe that among the best ways to protect *Delta as Place* values is to define, preserve and protect as much of the Delta cultural landscape as possible.

CEQA Review and Comment: The Draft EIR for the Delta Conveyance Project was published July 27, 2022, with comments due to the California Department of Water Resources by October 27, 2022. Currently, staff are reviewing the Draft EIR and preparing comments in a letter for Commission consideration and transmittal under the Chair’s signature.

Due to the timing of the Draft EIR comment deadline, a special meeting of the Commission in October would be necessary in order to consider draft comments. The current adopted alternate meeting calendar date is October 20, 2022. The Commission’s consideration and confirmation of this or another date at tonight’s meeting would allow preparation of adequate public notice.

Absent specific Commission directives, staff will continue to review and prepare comments to be presented in a draft letter for Commission consideration at a special meeting on October 20, 2022.

Recommended Action: Receive report and provide direction, if any, to staff.

Relationship to Vision 2030 (Commission strategic plan):

Water (Strategic Theme)

W.1 Promote Statewide water solutions that reduce reliance on Delta fresh water supplies, provide through-Delta fresh water conveyance to protect Delta water quality and water rights, and protect and enhance the Delta’s natural resources, recreation, agriculture, adjacent urban areas and economies.

1.3 Analyze proposals for addressing water supply reliability for compatibility with Delta values.