

DPC November 17, 2022 meeting – Agenda Item 9a (Review and consider approval of draft comments on Delta Conveyance Project) – Attachment 1 Draft Comment Letter

DRAFT

Department of Water Resources
Attn: Delta Conveyance Office
P.O. Box 942836
Sacramento, CA 94236-0001

VIA EMAIL deltaconveyancecomments@water.ca.gov

Re: Delta Conveyance Project Draft EIR (SCH # 20200115)

Delta Conveyance Office:

Thank you for providing the Delta Protection Commission (Commission) the opportunity to comment on the Delta Conveyance Project Draft Environmental Impact Report (Tunnel Project DEIR or Project). The proposed Project, known as Alternative 5, consists of a 6,000 cfs conveyance facility (tunnel) constructed through the Delta on an eastern alignment in a corridor roughly parallel to and west of Interstate 5 to a site south of the Byron Highway and Clifton Court Forebay adjacent to Bethany Reservoir. Project alternatives are distinguished by tunnel alignment (i.e., central or eastern), size (tunnel diameter and length), capacity (ranging from 3,000 cfs to 7,500 cfs), and method of delivery to the State Water Project and potentially Central Valley Project facilities (i.e., through Southern Forebay Complex or Bethany Reservoir Complex).

The following comments reflect the concerns of the Commission, except for members representing State agencies, which do not necessarily share these concerns. This letter in no way implies a recommendation or position of the Governor or his administration.

The Commission previously submitted comments on environmental review documents for predecessors to the current Tunnel Project DEIR in 2014, 2015, 2018 and most recently on the Notice of Preparation for this DEIR in 2020. As in these letters and elsewhere, we must once again point to the unacceptable significant, irreversible, and permanent environmental effects of the proposed Delta conveyance projects on Delta communities, the cultural qualities that define “Delta as Place,” and the pillars of the Delta economy, agriculture, and recreation. The current proposed tunnel is fundamentally no different in key structural elements such as the intakes, alteration of the Delta landscape with double launch shaft and tunnel muck storage complexes, and overall disruption of much of the northeastern and southern Delta during at least a projected decade and a half of construction. The DEIR fails to adequately document, analyze and mitigate for impacts that will damage the unique character of the Delta that makes it the “Delta as Place” that is protected by the Delta Reform Act.

The Commission’s legislative mandate, authorities and role in the Delta were detailed in our previous letters.

The project alternatives analyzed in the DEIR do not avoid or mitigate the most damaging impacts to Delta communities, economic well-being, and cohesiveness of the cultural landscape, despite some efforts to redesign certain project elements, improve public outreach, and improve the readability, graphics, and navigability of the document. The proposed Bethany Alternative (Alternative 5) generally focuses on reducing the impacts of the project by reducing footprint size and location in specific areas, with the overall effect of reducing activities in wetlands and other waters of the United States, rather than protecting Delta as Place values. Reduction of the previous massive footprint in Hood by relocating the launch shafts and tunnel muck permanent storage to a 500-acre site at the Twin Cities complex will not reduce the effects of intake construction on Hood and the surrounding area. Tunnel muck cannot be referred to as “reusable” if it is not, in fact reused but instead become a permanent topographic feature. It is not acceptable to conclude that the loss of 71 structures including 15 homes is not a significant impact. Providing cursory analysis of recreation and cultural resource impacts by simply limiting the scope and time dedicated once again has resulted in inadequate assessment of human impacts.

The Commission continues to recommend that the Department of Water Resources (DWR) and the EIR should seriously analyze an alternative that promotes water reliability by strengthening Delta levees and dredging key Delta channels, rather than tunneling under the Delta, while also reducing other region’s reliance on water from the Delta by investing in water use efficiency, water recycling, and other advanced technologies. The through-Delta conveyance components of this alternative should include all the features recommended in the Delta Plan (Delta Plan recommendation WR R1 2(a)(4) and (c)). This alternative’s provisions to reduce reliance on the Delta should be informed by an analysis of water demand and promising alternative supplies in areas to be served by the project. The analysis should comply with the Delta Plan’s regulatory policy WR P1.

In conclusion, despite some effort to address concerns that the Commission articulated most recently in our comments and suggestions to the NOP, the DEIR has fallen short of the Delta Protection Act’s intent, and the Delta Reform Act’s co-equal goals. Those goals are inseparable from, and unified by, the requirement that they shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place.

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The Commission voted to approve this letter at its meeting on November 17, 2022 on a XX-XX vote.

We appreciate the opportunity to provide input and are open to continuing dialogue with DWR on how the co-equal goals can be achieved without sacrificing the Delta. Please contact me at xx with any questions regarding the comments provided.

Sincerely,

Don Nottoli
Chair

Attachment

cc: Vice Chair Chuck Winn, and Commissioners
Executive Director Bruce Blodgett