

DPC March 9, 2023 meeting – Agenda Item 11 (Progress Draft Comment Letter, Delta Conveyance Project Draft EIS)

**Delta Protection Commission Meeting
March 9, 2023**

AGENDA ITEM 11: Progress Draft Comment Letter, Delta Conveyance Project Draft Environmental Impact Statement (DEIS)

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Presented by: Virginia Gardiner

Requested Action: **Receive Progress Draft Comment Letter on Delta Conveyance Project DEIS**

Type of Action: Information Item

Background: The Commission provided comments to the California Department of Water Resources (DWR) Delta Conveyance Project (DCP or tunnel) Draft Environmental Impact Report (DEIR) on December 14, 2022. The federal lead agency, for the DCP, the US Army Corps of Engineers (Corps) published its Draft Environmental Impact Statement (DEIS) on or about December 19, 2022, with an extended comment deadline of March 16, 2023. At the January 19, 2023 meeting, following a staff presentation on the approach the Commission appointed an ad hoc committee consisting of Commissioners Oscar Villegas and Patrick Hume to work with staff to develop and finalize the Commission’s comment letter consistent with the approach presented.

Current Status: A progress draft of the letter is provided as Attachment 1 to this staff report for review and discussion by the Commission. Notations within the progress draft outline issues or comments which may be expanded or refined, and an estimated length of additional text is provided. A final letter would be submitted by the March 16 deadline.

Key Concerns with the DEIS Analysis

Relying as it does on much of the DEIR, the DEIS carries forward the same serious flaws in basic assumptions of the analysis. This leads to inadequate identification of impacts and avoidance and mitigation measures and potentially compensatory mitigation in several resource areas including land use, agriculture, recreation, noise, aesthetic resources, transportation, flood protection and drainage, and as detailed in the Survey of Cultural Resources in Agenda Item 12, historic and cultural resources. Furthermore, concerns that address Delta Plan requirements, such as consideration of Delta as place, continue into the DEIS from the DEIR. For example, cumulative impacts to water quality on agricultural operations and corresponding impacts to the Delta as a Place are largely ignored or dismissed.

Notably, in reviewing comment letters on the DEIR by the Delta Stewardship Council (DSC), the Delta Independent Science Board (ISB), the Delta Counties Coalition (DCC), County of Sacramento (SaCo) and community representatives such as Local Agencies of the Delta (LAND) and Restore the Delta, (RTD) many of the most fundamental concerns are shared widely. To provide just a few examples:

- The No-Project Alternative requires serious consideration. (ISB)
- The Land Use analysis makes incorrect assumptions about the significance of impacts in a rural setting. (ISB, LAND)
- The Land Use analysis incorrectly dismisses the project’s potential to divide communities. (ISB)
- The project fails to avoid or reduce land use conflicts by conversion of designated agricultural land and disruption of agricultural operations. (SaCo)
- The Recreation analysis’ limited surveys of recreational locations and access points to two days is inadequate to provide a proper baseline. (DCC, RTD, ISB, DSC)
- The DEIR only considers displacement of recreational use and increased burden on other recreational locations but does not consider potential to diminish or degrade the recreational experience at adjacent recreation areas. (SaCo)
- Constructing a massive infrastructure project on existing communities and farming operations when alternatives exist that would result in fewer impacts on both the environment and existing communities compromises unique Delta as place values. (LAND)

Recommended Action: Consider the progress draft DEIS comment letter, provide additional comments if desired, and direct staff to continue working with Commissioners Villegas and Hume to finalize and submit a final comment letter by the March 16, 2023, deadline.

Relationship to Vision 2030 (Commission strategic plan):

Water (Strategic Theme)

W.1 Promote Delta 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.