

Department of
Conservation and
Development

Contra Costa County

John Kopchik
Director

Water Agency

30 Muir Road
Martinez, CA 94553

Phone: 925-674-7824



April 17, 2020

Via Email: DeltaConveyanceScoping@water.ca.gov

Delta Conveyance Scoping Comments
Attn.: Renee Rodriguez
Department of Water Resources
P.O. Box 94236
Sacramento, CA 94236

Re: Contra Costa County Comments on the Notice of Preparation for the Draft Environmental Impact Report for the Delta Conveyance Project

Dear Ms. Rodriguez:

This letter is written on behalf of the County of Contra Costa (“County”) and the Contra Costa County Water Agency (“Water Agency”), and is in addition to the County and the Water Agency response letter dated February 14, 2020 to describe the County’s role as a responsible agency, among other things, pursuant to CEQA Guidelines sections 15082, subdivision (b) and 15103.

We appreciate the opportunity to comment on the project described in the California Department of Water Resources’ January 15, 2020 Notice of Preparation (“NOP”) of Environmental Impact Report (“EIR”) for the Delta Conveyance Project (“Project”).

Contra Costa County agrees with the request by the Delta Counties Coalition (“DCC”), and others, to temporarily pause the processing of the Project as many of our County employees are now serving as Disaster Response Staff during the 2019 Novel Coronavirus incident. We also agree with the DCC NOP letter dated April 17, 2020 and incorporate this comment letter by reference.

Additionally, it should be noted that due to both the massive scale of the Delta Conveyance Project, and the lack of detail in the NOP regarding the location and description of all project components, including ancillary facilities, the County and Water Agency are disadvantaged

in our ability to provide specific comments about the scope and content of the Project's potential impacts to the environment in and around Contra Costa County.

The eastern portion of Contra Costa County is located within the Delta and the County's entire northern border is bounded by waterfront that flows from the Delta to the Bay. Thus, Contra Costa County lies at the heart of the Bay-Delta region and the future of this nationally significant resource substantially influences the future of the County. Restoring the health of the Delta also protects the Bay which is linked to the long-term success of the County as a whole.

A healthy Delta requires enough water supply of good quality along with habitat to maintain healthy populations of fish and other native aquatic, terrestrial and avian species, both migratory and year-round. A healthy Delta would protect people and property (through strong levees, comprehensive emergency response and a water supply of good quality). A healthy Delta would promote economic health of the region and sustain agriculture (managed for habitat and food production), recreation activities (recreational fishing, boating, camping, hiking) and commerce (industry, ports, shipping and commercial fishing).

With this in mind, the Draft EIR for the Delta Conveyance Project should, at a minimum, comprehensively analyze the following:

1. A full range of alternatives including a through Delta Conveyance, improving existing facilities with a smaller conveyance system and a realistic evaluation of the No Project alternative.
2. A full range of the water quality impacts and Delta Operations and Bay & Delta Water Quality with focus on:
 - a. Presenting modeling data and disclosure of environmental impacts in a form that is usable and useful for decision makers and the public
 - b. Using the full historical period, 1922-2019, in the analysis of the water quality impacts from the proposed project
 - c. Mitigating any significant water quality impacts of the proposed project including the potential buildup of contaminants in south and central Delta
3. Impacts to the East Contra Costa Groundwater Subbasin.
4. Impacts to the planned development of commercial solar facilities within eastern Contra Costa County and the project area.
5. Impacts to the permanent increase in Vehicle Miles Traveled and the corresponding mitigation.
6. Impacts to the creation of permanent roadway maintenance obligations and corresponding mitigation.

As part of the County's NOP comments please refer to the memos from the Public Works Department, Transportation Engineering, dated March 23, 2020 and from the Contra Costa County Flood Control District dated March 4, 2020, attached.

Contra Costa County Comments on the Notice of Preparation for the Delta Conveyance Project
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As with past isolated conveyance projects, the County and Water Agency will continue to participate in the process of the Delta Conveyance Project by attending hearings and submitting written comments.

Thank you for considering Contra Costa County's and Contra Costa County Water Agency's preliminary comments. Please feel free to contact my office with any questions about these comments at (925) 674-7824.

Sincerely,



Ryan Hernandez, Manager
Contra Costa County Water Agency

Att: Contra Costa County Public Works Department Memo Dated March 23, 2020
Contra Costa County Flood Control District Memo Dated March 4, 2020

Cc: John Kopchik, Director Conservation and Development
Brian Balbas, Director Public Works Department
Stephen M. Siptroth, Deputy County Counsel



Contra Costa County
Public Works
Department

Brian M. Balbas, Director
Deputy Directors
Stephen Kowalewski, Chief
Allison Knapp
Warren Lai
Carrie Ricci
Joe Yee

Memo

March 23, 2020

TO: Ryan Hernandez, Department of Conservation and Development
FROM: Mary Halle, Senior Civil Engineer, Transportation Engineering
SUBJECT: Delta Conveyance Project NOP Comments

The Transportation Engineering Division of the Contra Costa County Public Works Department has reviewed the Notice of Preparation (NOP) for the Delta Conveyance Project (DCP). We understand that the document is a notice of preparation for an environmental impact report for the proposed construction of an aqueduct with two potential routes.

Both potential routes would deliver water to the area designated as the "Pumping Plant, Southern Forebay, and South Delta Conveyance" (herein referred to as the South Delta facilities). The South Delta facilities are located in an area beginning east of Discovery Bay near Indian Slough, continuing southwesterly to the existing pumping plants in the Byron area. The Central Tunnel Corridor includes a segment that appears to enter Contra Costa County near the BNSF Railway, continuing in a southerly direction to where it meets the South Delta facilities. The Eastern Tunnel Corridor does not appear to enter Contra Costa County; it appears to meet the South Delta facilities in San Joaquin County. The proposed project is predominantly located within unincorporated Contra Costa County.

Transportation & Traffic Engineering provides the following comments:

1. The proposed project represents a variety of impacts to the area as it relates to land use planning in an agriculturally rich area, drawdown of groundwater and related subsidence, and potentially adverse impacts to the transportation network, both temporary and permanent. The remaining comments do not imply that we support the project, but if an environmental study of the project continues forward, we expect that the following will be addressed within the DEIR document.
2. The relocated Byron Highway and the traffic circle appear to conflict with the SR239 project. The Environmental Impact Report (EIR) should address this apparent conflict. It is important to note the desire to have grade separated intersections with the railroad. Grade separation at all major roadway intersections should also be studied.

3. The NOP is necessarily vague as it is issued in the preliminary phases of the project. The information provided in the NOP is not sufficient to determine specific impacts, however information provided in the mapbook at <https://www.dcdca.org/pdf/2020-03-11-MapBook.pdf> shows considerable road realignment of Byron Highway and the construction of a traffic circle at the intersection of Byron Highway and Armstrong Road. The County is a partner with the Contra Costa Transportation Authority (CCTA) and Caltrans to develop the State Route 239 (SR239) project, which includes the Vasco Road-Byron Highway Connector. SR239 is a legislatively adopted but unconstructed route in the state highway system between State Route 4 (SR4) in Brentwood to Interstate 580 west of Tracy in San Joaquin County. It is the intent that when the project is complete, it will become the new SR239. The DEIR for the Delta Conveyance must recognize SR239 as an approved project and address potential impacts to SR239.
4. Caltrans does not allow longitudinal utility encroachments in the state highway right-of-way. Utility encroachments at interchanges could impact whether the State will adopt the Byron connector as a future state route. The EIR should address the need to coordinate the location of the project facilities with the appropriate agencies.
5. The proposed project is located near the Byron Airport. The project shall comply with any Federal Aviation Administration (FAA) regulations and requirements for construction in proximity to the airport and assure that the project is compatible with current usage and future expansion currently under consideration at the Byron Airport.
6. DWR should include the County early in the planning and design process to coordinate this project with the County's adjacent capital improvement projects. California Department of Water Resources (DWR) must address any impacts that could potentially increase costs or constrain the County's future capital road improvements.
7. The DEIR should address impacts to local roads during the construction phase and how this impact will be mitigated.
8. The proposed project may also affect Byron Airport's Habitat Management Lands and lands that are part of the East Contra Costa County Habitat Conservancy's Preserve System. These lands are conserved for the conservation of habitat for State and Federal special status species. The EIR should address the need to prevent permanent and temporary impacts to these lands.

9. The DEIR should identify how the proposed realignment of Byron Highway will be completed while maintaining circulation and viability of local businesses during the construction phase.
10. Byron Highway is designated as "J4" by Caltrans as a route of regional significance and heavy commerce. The DEIR should address this fact and impacts to trucking and regional commerce and conveyance of goods and services.
11. Please provide an exhibit to identify the relationship of the proposed pipeline, pump, intake, forebay layout etc. in relation to county roadways to evaluate the compatibility of the facilities to existing and ultimate roadway needs.
12. The DEIR should include construction phasing for the Byron Highway Road Improvement that includes traffic impact analyses for each phase of construction. If detours are considered for any phase of construction, the detour routes shall be STAA Truck accessible for the detour routes to be viable.
13. The southern end of the haul route will utilize a segment of Byron Highway that is under the jurisdiction of Contra Costa County. The DEIR should analyze truck volume (50 - 150 trucks per day) impacts for each phase of construction. In addition to truck volume impact, the trucks entering Byron Highway shall be cleaned to ensure that debris from the trucks is not carried onto Byron Highway. Using existing rail lines as an alternative to truck hauling should be considered to lessen the construction traffic impacts to Byron Highway.
14. There is not enough detail at this time to evaluate impacts to existing traffic during and after construction, at this NOP level. However, these impacts shall be thoroughly addressed in the DEIR. Degradation of the roadway surface and traffic impacts shall be fully mitigated post-construction.
15. It should be noted, that Camino Diablo has been closed to trucks over 7 tons. This cannot be identified as a haul route.

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c: S. Kowalewski
J. Fahy
N. Wein
M. Sen
S. Gospodchikov
T. Rie
J. Stamps



Interoffice Memo

DATE: March 4, 2020
TO: Ryan Hernandez, DCD—Community Development Division
FROM: Joe Smithonic, Flood Control District
SUBJECT: Department of Water Resources Delta Conveyance Project
FILE: 3045-06 (various APNs), Delta Conveyance

The Contra Costa County Flood Control and Water Conservation District (FC District) has reviewed the Notice of Preparation (NOP) of Environmental Impact Report, dated January 15, 2020, for the Department of Water Resource's Delta Conveyance Project, partially located in Contra Costa County. We appreciate the opportunity to coordinate on the Draft Environmental Impact Report (DEIR) for this project to address potential adverse impacts to Contra Costa County communities and FC District property and drainage facilities. We submit the following comments for incorporation into Contra Costa County's collaborative response:

1. The DEIR should include a map of the project area and show the extent of the impacted areas within Contra Costa County.
2. We request that the DEIR provide a map of the watersheds where the project is located, including watershed boundaries within Contra Costa County, and FC District drainage area boundaries.
3. The Hydrology Section should identify and show all existing watercourses, tributaries, and man-made drainage facilities within and around the project site that could be impacted by this project within Contra Costa County. The discussion should include an analysis of the capacity of the existing watercourses. If improvements or work within the natural watercourses is proposed, the DEIR should discuss the scope of improvements.
4. The Hydrology Section should quantify the amount of runoff that would be generated by the project and discuss how the runoff entering and originating from the site would be distributed between the natural watercourses, the detention basins (if proposed), and the man-made drainage facilities. The DEIR should discuss the adverse impacts of the runoff from the project site to the existing drainage facilities and drainage problems in the downstream areas.
5. We recommend that the DEIR address the design and construction of storm drain facilities to adequately collect and convey stormwater entering or originating within the project area to the nearest adequate man-made drainage facility or natural watercourse, without diversion of the watershed, per Title 9 of the Contra Costa County Ordinance Code. The DEIR should discuss all proposed on-site and off-site drainage improvements and include maps or drawings for the improvements.

6. Construction of new roads to serve the proposed project may result in altered drainage patterns and may increase stormwater runoff due to additional impervious surfaces. New culverts may be needed to convey the additional stormwater, which concentrates the flow, but may potentially cause erosion, if not mitigated. The DEIR should address the impacts of new conveyance facilities, including erosion, from newly concentrated flows resulting from the project and its ancillary facilities and propose mitigation measures including new culverts, channel widening, erosion protection, energy dissipaters, and vegetation restoration within Contra Costa County.
7. The proposed pumping plant, southern forebay, and central tunnel corridor shown on Figure 1 of the NOP appear to be located within Contra Costa County limits near unincorporated Byron and Discovery Bay. The central tunnel corridor extends northerly near the outer edge of Contra Costa County limits. The southern portion of the project is partially located in Drainage Area 45 (DA 45) and partially in Drainage Area 110 (DA 110). These drainage areas define the watersheds for the East County Delta Drainages and Brushy Creek watersheds. The DEIR should discuss how the project would impact these drainage areas.
8. The FC District owns several properties and operates major drainage facilities in east Contra Costa County including channels and reservoirs for Marsh Creek, Sand Creek, Dry Creek, Deer Creek, and Kellogg Creek. If the project and its proposed facilities impact the capacities and operation of FC District facilities, or if the project needs access to any FC District property, the DEIR should note that a Contra Costa County Drainage and/or FC District Encroachment Permit might be required. At a minimum, the DEIR should list the FC District as an agency to notify.
9. The DEIR's analysis of adverse impacts should include potential drainage impacts caused by all construction activities including tunneling, dredging, construction of new conveyance facilities and access roads, and storage of borrow material. Tunneling may create an abundance of excess material that may require off-site storage, and the DEIR should analyze the changes in drainage patterns and flows caused by both temporary and permanent storage of excavated materials.
10. When the DEIR analyzes impacts in Contra Costa County, the Hydrology Section of the DEIR should include a study that uses Contra Costa County's hydrology method (HYDRO6) for unincorporated areas impacted by the project. Other commonly accepted hydrology methods were developed using runoff patterns of other regions that do not accurately model the Pacific Coast storm patterns experienced in Contra Costa County. The runoff results of other methods have proven to be significantly less than field observations of local storms made by the FC District and the United States Army Corps of Engineers (USACE).
11. If detention basin facilities are proposed, the DEIR should include a discussion of the basin design information (i.e., capacity, sizes of inlet and outlet structures, routing, etc.). A discussion of how maintenance of these facilities would be performed and funded should also be included.

12. The DEIR should address the impacts of this project's runoff due to the increase in duration (length of time) of flows and the effect on creeks and channels downstream of the project. Whereas detention basins are capable of mitigating peak flows to pre-project levels, they increase the duration (length of time) of flows in the downstream watercourses, which saturate the channel banks and increase the potential for stream and channel erosion.
13. DA 45 and DA 110 have inadequate maintenance funding. The construction of this project should not result in added costs or reduction of revenue for Contra Costa County or the FC District. As one of the mitigation measures for the adverse drainage impacts of this project, this project should be required to identify a perpetual funding source for maintenance of the drainage area facilities required to serve the project and its ancillary facilities, such as access roads and fuel stations.
14. The DEIR should discuss how the project would comply with the current NPDES (National Pollutant Discharge Elimination System) requirements under the Stormwater Management and Discharge Control Ordinances and the C.3 Guidebooks for the project's various local jurisdictions.
15. We recommend the project sponsors request that the appropriate environmental regulatory agencies, such as the USACE, the State Department of Fish and Wildlife, and the State Regional Water Quality Control Board, explore the permits, special conditions, and mitigation that may be necessary for construction within the project area.
16. Portions of the project are situated in a Special Flood Hazard Area (SFHA) designated by the Federal Emergency Management Agency (FEMA) as Zone A or Zone AE. In addition, the project area incorporates areas designated by FEMA as "Areas with Reduced Flood Risk due to Levee." The DEIR should also analyze potential adverse impacts on nearby levees due to construction activities.
17. The DEIR should discuss the impacts of grading in a floodplain and whether a Conditional Letter of Map Revision will be required.
18. The proposed intake locations between Courtland, Hood, and Clarksburg would reroute a portion of flows from the Sacramento River south to the Clifton Court Forebay, which may result in decreased flows through the Delta. The reduction in flows could result in increased sedimentation throughout the Delta tributaries in the eastern regions of Contra Costa County, which in turn could increase water surface elevations and create additional flood hazards. East Contra Costa County already has multiple areas designated as SFHAs, so the DEIR should include a thorough analysis on increased risks of flooding in all impacted tributaries along the eastern Contra Costa County limits.
19. The DEIR should consider the effects of anticipated rising sea levels on the Delta tributaries and cumulative effects with the Delta Conveyance Project due to the diversion of water out of the delta. Sea level rise in the delta could lead to increased frequency, duration, and extent of flooding, shoreline erosion, and increased salinity intrusion further

into the delta. Adapting to Rising Tides, a program of the San Francisco Bay Conservation and Development Commission, is currently modeling effects of rising water surface elevations between 12 inches and 83 inches in eastern Contra Costa County during this century. The DEIR should address the impacts of the project with cumulative impacts from rising tides in the Delta and eastern Contra Costa County and propose mitigation measures.

20. Contra Costa County and the FC District should be included in the review of all drainage facilities that have a region-wide benefit, that impact region-wide facilities, or that impact FC District-owned facilities. The FC District is available to provide technical assistance during the development of the DEIR, including hydrology and hydraulic information and our HYDRO6 method, under the FC District's Fee-for-Service program. In addition, the FC District can provide copies of drainage area maps, upon request.

We appreciate the opportunity to coordinate our comments on the NOP for the Delta Conveyance Project. If you have any questions, please contact me by phone at (925) 313-2348 or by e-mail at Joe.Smithonic@pw.cccounty.us.

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c: Brian Balbas, Chief Engineer
Allison Knapp, Deputy Chief Engineer
Tim Jensen, Flood Control
Michelle Cordis, Flood Control
Teri E. Rie, Flood Control