



THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

Office of the General Manager

March 16, 2020

Delta Conveyance Scoping Comments
Attn: Renee Rodriguez, California Department of Water Resources
P.O. Box 942836
Sacramento, CA 94236

Dear Ms. Rodriguez:

Comments on Delta Conveyance Notice of Preparation/Scoping

The Metropolitan Water District of Southern California (Metropolitan) is pleased to provide input to the California Environmental Quality Act (CEQA) scoping process for the single-tunnel Delta Conveyance Project now being advanced by the California Department of Water Resources (Department) under the direction of Governor Gavin Newsom.

We agree with the project purpose and project objectives as stated in the Department's Notice of Preparation. The need for this project is greater than ever. Even as Southern California continues to diversify its overall water portfolio by developing local supplies and lowering demand, high-quality supplies from Northern California will remain a vital foundation of our water management strategy. This supply enables viable new local supply projects such as recycling, groundwater recharge, and groundwater conjunctive use. Imported supplies contribute to vital reserves in storage, necessary to withstand dry cycles, which are likely to become longer and more severe than recent history.

While we agree with the project purpose and objectives, the purpose and objectives should expressly and explicitly state that the project must be "cost effective," meaning that the project must make economic sense for the Public Water Agencies (PWA), like Metropolitan, which will fund all of the costs. Under CEQA, a project and its alternatives must be feasible to implement, and feasibility includes "economic viability." (14 Cal. Code of Regs. [CEQA "Guidelines"], § 15126.6(f)(1).) We recommend adding to the end of the project purpose statement the statement that development of new Delta conveyance facilities must be "in a cost-effective manner."

Overall, Metropolitan supports the proposed project for Delta conveyance: one tunnel, sized to convey 6,000 cubic-feet-per-second (cfs) of water supply for agencies like Metropolitan that contract for participation in the State Water Project (SWP). While it is appropriate for the environmental process to examine a range of sizes, previous analyses have shown that smaller facilities do not proportionately reduce costs, as opportunities to sufficiently capture high stormwater flows are lost. And, as noted above, the project and its alternatives must be cost

effective. We believe a 6,000 cfs facility has the greatest possibility of fulfilling this need. We understand that the costs as compared to benefits goes up sharply as the capacity is reduced below 6000 cfs. Therefore, the Environmental Impact Report (EIR) should not evaluate alternative capacities that the PWA investors would have no interest in funding because the economic benefits and cost effectiveness would not exist.

In addition, the prior analyses of the California WaterFix Project demonstrated that at the conveyance capacities evaluated in that EIR, the ability to correct adverse reverse flow patterns that affect sensitive fish species increase with increased capacity. For this reason, we agree with the NOP that an alternative with a capacity of up to 7,500 cfs should be evaluated in the EIR. A 7,500 cfs facility could also help accommodate Central Valley Project (CVP) use, if CVP contractors and the Bureau of Reclamation ultimately decide to participate in the Delta Conveyance Project.

The proposed 6,000 cfs tunnel facility would require two intakes in the northern Delta. We support examining the three possible intake locations that had been fully vetted during the previous California WaterFix planning process. These locations were carefully identified to minimize impacts to migrating fisheries and nearby Delta communities while taking into account potential sea level rise.

We also support the two corridors to be examined for the tunnel facility, a “central” route similar to that of California WaterFix and an “eastern” route closer to Interstate 5. Fully examining these two corridors shows great promise in identifying an ultimate route that minimizes potentially significant impacts to the Delta region.

During the BDCP/California WaterFix scoping process, the Department received requests to study alternatives that emphasized local water supply development. Then and now, under CEQA, alternatives to the project that are evaluated in detail in the EIR must meet the project objectives. Projects that improve local water supply reliability, for example, while essential to California’s overall water reliability picture, are not alternatives to the proposed Delta Conveyance Project under CEQA because they do not meet the project objectives; objectives which we support.

Finally, Metropolitan is a potential Responsible Agency under CEQA for this project and the Department and the EIR should acknowledge this status. CEQA defines a Responsible Agency as one, other than the lead agency, “which has responsibility for carrying out or approving a project.” (Pub. Resources Code, § 21069.) The CEQA Guidelines expand that definition: “the term ‘responsible agency’ includes all public agencies other than the lead agency which have discretionary approval power over the project.” (CEQA Guidelines, § 15381.) The State Water Contractors and the Department are currently exploring potential amendments to the State Water Project contracts to allocate the costs and benefits of a Delta conveyance facility. The potential discretionary decision to approve new contracts or provide funding for a Delta conveyance project qualifies the SWP contractors such as Metropolitan as potential Responsible Agencies. As a potential Responsible Agency under CEQA, Metropolitan should have an enhanced role in

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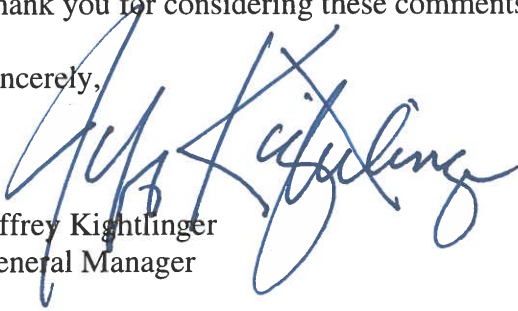
consulting with the Department on the scope and the contents of the Draft EIR. (CEQA Guidelines, §§ 15082(c), 15086.)

We look forward to consulting with the Department in the development of the EIR for this important project.

Thank you for considering these comments.

Sincerely,

Jeffrey Kightlinger
General Manager



SNA:rrw

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