

DEPARTMENT OF RESOURCE MANAGEMENT

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April 17, 2020

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

Via email at DeltaConveyanceScoping@water.ca.gov

Subject: Solano County Comments on Notice of Preparation of Environmental Impact Report for Delta Conveyance Project

Dear Ms. Rodriguez:

The County of Solano (County) has reviewed the Notice of Preparation (NOP) of the Environmental Impact Report (EIR) for the Delta Conveyance Project (Project) that was issued by the California Department of Water Resources (DWR) on January 15, 2020. The NOP initiates the scoping period under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000, *et seq.*) for the Project.

In a letter dated February 14, 2020, the County, as a Responsible Agency, provided comments to DWR within 30 days of the NOP pursuant to CEQA Guidelines sections 15082, subdivision (b) and 15103. The comments provided in this letter are to supplement those other comments.¹

Purpose and Project Objectives

The NOP provides that the purpose of the Project is to “develop new diversion and conveyance facilities in the Delta necessary to restore and protect the reliability of State Water Project (SWP) water deliveries and, potentially, Central Valley Project (CVP) water deliveries south of the Delta”. Since the Project will also involve federal agencies, it therefore must comply with the National Environmental Policy Act (NEPA) for all federal actions. However, as indicated in the NOP introduction, DWR proposes to only prepare an EIR and include “relevant NEPA information in the EIR, where appropriate.” In order to reduce redundancy and to fully assess impacts for the entire Project, DWR should conduct a joint review process with the federal agencies and prepare a combined EIR and Environmental Impact Statement (EIS) that complies with all applicable laws. Such elimination of duplication is set out in federal regulation. (40 C.F.R. § 1506.2(c)).

¹ These comments are also intended to supplement the comment letter being submitted by the larger Delta Counties Coalition (DCC), of which Solano is a member.

Furthermore, the proposed new facilities are to operate, along with the existing south Delta pumping facilities, as “dual conveyance” methods to divert and convey water. As such, the entire Project, including state and federal Project components and their operations, need to be addressed in detail as part of environmental review as the effects on the Delta include both the physical effects from construction and the changes in flow that could create water temperature, water quality and other problems to the Delta.

Description and Proposed Project Facilities

As indicated in the NOP Project description, multiple facilities will be needed to provide support for the construction and operations of the Project. However, details on the location(s) and descriptions of all Project components including ancillary facilities to support construction and operations of the conveyance facilities including, but not limited to; access roads, barge unloading facilities, concrete batch plants, fuel stations, mitigation areas, and power transmission and/or distribution lines are not provided. As such, due to lengthy and massive scale of the Project, it’s unclear to the full extent of potential impacts the planned activities, facilities, and operations will affect Solano County and its residents. Such detail must be in the NOP, as providing “sufficient information...to make a meaningful response” is mandated by law. (CEQA Guidelines section 15082, subd. (a).)

Lack of Alternatives

The EIR proposes to only consider alternatives of flow rate capacities ranging from 3,000 to 7,500 cubic feet per second and to the degree of involvement of the CVP. The NOP did not mention assessing a “No Project” alternative, a broad range of conveyance routes, alternatives that do not involve establishing a new conveyance or alternatives for reducing reliance on the Delta. Besides modifications to specific aspects of the Project, other alternatives besides the Project must be developed and analyzed in the EIR.

Alternatives reducing exports must also be considered given the mandates of the Delta Reform Act. (Water Code §§ 85000 et seq.) The Act establishes the policy of the State of California “to reduce reliance on the Delta in meeting California’s future water supply needs through a statewide strategy of investing in improved regional supplies, conservation, and water use efficiency.” (Water Code § 85021.)

Significant Environmental Effects

The Solano County General Plan, adopted in 2008, reflects an overall commitment to provide protections for the environment while supporting its diverse land uses and human needs with emphasis on protecting agricultural uses in the Delta region. Due to its extent and duration, the proposed Project would cause significant environmental effects that directly impact the County’s ability to sustain the objectives established in the General Plan. As required under CEQA (Guidelines section 15125), any EIR and/or EIS must review the Project for consistency with the County General Plan. It is unclear in the NOP that there is an intent to look at the County’s General

Plan, in particular Land Use Policies; Agricultural Policies; Resource Policies, including Biological Resources, Marsh and Delta Areas, Scenic Resources, Cultural Resources, Recreational Resources, Water Resources, and Quality; Public and Environmental Health and Safety policies including; Flood Control, Disaster Preparedness, and Climate Change; Economic Development policies, Transportation and Circulation policies; and Public Facilities and Services policies; including Water facilities and Service, Drainage, Fire Protection and Emergency Services, Law Enforcement, and Utilities.

Changes in Surface Water Supplies and Water Quality Impacts

The proposed changes in Delta operations may impact water quality and quantity on County water supplies for urban, agricultural production, and natural habitats. Major cities in the County along with Napa County (together totaling over 400,000 residents) receive water from the SWP through the North Bay Aqueduct (NBA) intake located in Solano County. Other land owners and reclamation districts in and around Solano County also obtain water from the Delta area for their water supply and to support agricultural production and habitat. The Project construction and operations could create water quality impacts on the County's water supplies, particularly with potentially increased salinity associated with alterations of fresh water flowing into the Delta as well as reduced water quality associated with restoration projects intended to increase diversions. Changes in water quality and quantity that could impact water intakes in the County would result in reduced use of the NBA and other surface and agricultural supplies if the Delta water supply is not treatable or viable for use. Furthermore, SWRCB Water Rights Decision 1641 requires DWR meet water quality objectives at municipal and industrial diversion points, including the NBA and those for agricultural beneficial uses.

As such, the EIR must fully analyze and evaluate the environmental effects on Delta-dependent water supplies. Such an analysis must also include the potential water quality impacts associated with increasing sea levels from climatic changes. Appropriate financial assurances must be identified to address and mitigate any potential adverse impacts and corrective actions needed (such as the costs to construct and operate desalination, brackish water treatment or other plants) that may occur as part of Project operations.

Changes in Surface Water Flows and Impacts to the Aquatic Resources in the Delta and Suisun Marsh

Alterations to freshwater flows in the Delta, both during construction and as part of facility operations, would tremendously impact threatened and endangered species that rely on water flows of adequate quality and quantity from the north of the Delta. The EIR must fully analyze the potential impacts to aquatic resources and potential increases of invasive species that pose additional pressures on threatened and endangered species.

Furthermore, the Suisun Marsh (Marsh) which is comprised of diked seasonal wetlands, is the largest brackish water marsh in the Western United States. The Marsh is managed primarily as habitat for fish and wildlife. The Marsh salinity levels are mandated by the State Water Resources

Control Board Water Rights Decisions and maintained by Delta outflow, tidal flows, and the operations of the Suisun Marsh Salinity Control Gates. Alterations to the quality and quantity of fresh water flows due to the Project's operations could result in reduced freshwater inflow to the Suisun Marsh and increased salinity, compromising existing water quality standards, wetland and habitat management, and Marsh management infrastructure which must be analyzed in the Project EIR.

Impacts to Groundwater Wells and Groundwater Dependent and Interconnected Surface Water Ecosystems (GDE) During Construction

Ecosystems that are dependent on groundwater and interconnected to surface water rely on both groundwater levels being close enough to the land surface to interconnect with surface water. The Project proposes dewatering areas to construct the massive tunnel and access systems. Areas surrounding dewatering points will be affected by the work which can directly impact ecosystems dependent on groundwater. Furthermore, dewatering and installation of slurry walls may impact groundwater flow and water quality that is utilized by shallow water supply wells located near the Project's construction areas. The EIR should fully analyze aquifer conditions and how dewatering and slurry wall installation will affect long-term groundwater flow and water quality on shallow water supply wells and groundwater dependent ecosystems. In addition, due to seasonal and interannual variability of groundwater levels multi-year and seasonal groundwater conditions should be utilized in order to ensure that adverse impacts are avoided.

Impacts to Transportation and Emergency Response

Based on available information, the Project may include constructing approximately 40 miles of a large diameter main tunnel along one of two potential corridor routes, launch and retrieval vertical shafts, intake and outlet facilities, two forebays, a pumping plant, connection tunnel reaches, and numerous construction and staging areas and ancillary facilities along the proposed construction corridor. The proposed Project, including construction and staging areas, forebays, and pumping plant facilities, could disturb several thousands of acres to construct and operate the facilities. During the estimated 13-year construction time-frame, levee roads, railways, and waterway barges all may be used. It is estimated that hundreds of construction trucks, rail, and/or barge and worker trips will likely be needed every day throughout the multi-year construction project timeframe. Using barge and rail may reduce truck traffic impacts on roads and levees but may cause other impacts from traffic delays associated with rail road crossings, impacts to boating and water way access, and levee impacts due to heavy traffic, wave action and increased barge traffic, along with effects on air quality and excessive noise. In addition, the Project construction and operations may impact the few key highway routes within and adjacent to the Delta, which serve Solano and neighboring Counties, that provide not only economic and emergency access, but also service the Travis Airforce Base. The EIR should analyze the impacts of the Project construction and operations will have on major transportation routes, including loss and relocation of roads, and access and emergency response disruptions.

Construction and Tunnel Debris

Constructing the intakes, access shafts, tunnel bore, and accessory facilities will encompass large areas and generate massive amounts of debris, spent cuttings, and wastes. The NOP proposes to either reuse the material or store it near the launch shaft locations. It is possible that not all material and debris generated can be reused due to residual contaminants and/or soil characteristics. Debris, mud, and waste generated need to be assessed and analyzed before determining that it can be reused. Adequate sampling and analysis should be conducted on all material prior to considering reusable and should include evaluations based on the intended use of the material compared to background concentrations in the host site. Waste that is not deemed suitable for reuse must be properly disposed at an accepting facility. Storage of the material should also follow an assessment and management plan describing how the material will be managed to avoid environmental and water quality impacts. The EIR should also assess the impacts to managing and disposing of materials that are not adequate for reuse due to contamination and/or soil type. Alternatives should include reducing the Project size and capacity in order to reduce the amount of material and wastes generated and associated impacts.

Other Issues

During Project construction, neighboring levees and residents could be impacted by the construction vibrations, excessive noise, and air pollution caused by the work, including site construction, foundation pile driving, levee road use, slurry injection, and other Project work. Neighboring levees should be retrofitted to withstand the impacts from the Project work and alternatives should be considered to minimize excessive noise, vibrations, air pollution, and other impacts to the neighboring residents and levees.

Future Impacts Not Previously Analyzed

Depending on future changes to the Project to meet management goals and to the extent these future actions have not been analyzed, future environmental review would be required.

We thank you for the opportunity to review and comment on the NOP for the Project.

Sincerely,



Bill Emlen
Director of Resource Management

CC: Board of Supervisors
Birgitta Corsello, County Administrator
Bernadette Curry, County Counsel