



April 17, 2020

VIA ELECTRONIC MAIL (DELTA CONVEYANCE SCOPING@WATER.CA.GOV)

Delta Conveyance Scoping Comments

Attn. Renee Rodriguez, Department of Water Resources

P.O. Box 942836

Sacramento, CA 94236

Re: Sacramento County Water Agency Comments on Notice of Preparation for
Environmental Impact Report – Delta Conveyance Project

Dear Ms. Rodriguez:

These comments are submitted on behalf of the Sacramento County Water Agency (SCWA) in response to the Department of Water Resources' (DWR) notice of preparation (NOP) for an environmental impact report (EIR) for the Delta Conveyance Project (Project).

I. BACKGROUND

SCWA currently supplies potable and recycled water to approximately 150,000 persons through more than 49,000 residential and business connections throughout its Zone 40 service area. SCWA's service area also includes the major growth areas of Sacramento County, south of Jackson highway and east of State Route 99, which are anticipated to accommodate roughly 100,000 new persons and more than 20,000 new connections by buildout.

In 2002, SCWA, in conjunction with East Bay Municipal Utility District (EBMUD), formed the Freeport Regional Water Authority (FRWA). The FRWA was created to guide the financing, ownership, development, construction, and operation of the Freeport Regional Water Project (FRWP). The FRWP is a cooperative effort of SCWA and EBMUD to supply surface water from the Sacramento River to customers in central Sacramento County and the East Bay area of California via a water intake facility and pumping plant on the Sacramento River at the Freeport Bend, approximately ten miles south of downtown Sacramento. SCWA relies on the FRWP facilities to provide surface water supplies and fulfill SCWA's conjunctive use program. The FRWP consists of (1) an intake and pump station near Freeport Bend; (2) pipelines extending from the intake to SCWA's Vineyard Surface Water Treatment

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Plant and to the Folsom South Canal; (3) a pipeline extending from the Folsom South Canal terminus to EBMUD's Mokelumne River Aqueducts; and (4) related pumping plants, terminal facilities, and water treatment facilities. The FRWP intake can divert 185 million gallons per day (mgd), of which 85 mgd is dedicated to SCWA and 100 mgd to EBMUD. Currently, SCWA diverts water at the FRWP intake under an appropriative water right, contract rights for Central Valley Project (CVP) water, and a contract for delivery of remediated groundwater.

The FRWP intake, located at Sacramento River Mile 47.1, can be impacted by the Sacramento Regional Wastewater Treatment Plant (SRWTP) treated wastewater discharge located downstream at Sacramento River Mile 46. "Reverse flows" predictably occur on the Sacramento River during periods of high tides on the San Francisco Bay and low downstream flows in the river. To avoid water quality impacts to the FRWP, FRWA halts diversions at the FRWP intake when SRWTP wastewater effluent has traveled 0.9 miles upstream from its discharge point during reverse flow events. These intake shutdowns are required by the domestic water supply permits issued by the State Water Resource Control Board (SWRCB) Division of Drinking Water to SCWA and EBMUD. The FRWP resumes operation only after the river resumes flowing in the downstream direction and the effluent zone has moved back downstream to a location not more than 0.7 miles upstream from the SRWTP discharge point.

Based on the information presented in the NOP, the proposed Project appears to be virtually identical to the abandoned California WaterFix project, except that it may have one less intake and somewhat reduced diversion capacity. The NOP provides no information on proposed Project operations but does state that diversions could range from 3,000 cubic feet per second (cfs) up to 7,500 cfs. The location and operation of the Project intakes presents the potential for significant adverse impacts to SCWA's operation of the FRWP from reverse flow events in the Sacramento River, and to the Sacramento region's water supply, through impacts to surface and groundwater quality and availability (including groundwater levels during construction and operation in the Project area and South American Sub-Basin) and changes in upstream reservoir operations and in river flows in the Delta and upstream tributaries.

II. ISSUES TO ADDRESS IN DRAFT EIR

A. Project Description

1. Project Objectives

The Project objectives (NOP, p. 2.) are too narrowly drawn, focusing only on benefits to State Water Project (SWP) operations and south of Delta water deliveries. The objectives

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reference providing “operational flexibility to improve aquatic conditions in the Delta” but the Project does not commit to improving aquatic conditions, nor does it include any objectives that would protect water supplies for water users in and upstream of the Delta. Framing Project objectives so narrowly could discourage consideration of alternatives to the Project that would protect and restore the Delta environment and thus is inconsistent with the California Environmental Quality Act (CEQA) as well as with the Delta Reform Act’s *coequal* goals of improving water supply reliability *and* protecting, restoring, and enhancing the Delta ecosystem, as well as the Legislature’s directive that “coequal goals 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.” The Project objectives should be expanded to include prevention of water quality degradation in the Delta and avoidance of adverse impacts to water users in and north of the Delta, including impacts to Delta public facilities (which would include the FRWP), consistent with the Delta Plan, as discussed further in section II.F, below.

2. Project Operations

The Project description must provide sufficient and complete information about the ways in which DWR may operate the Project to enable an accurate and meaningful evaluation of Project impacts. The full range of potential operations must be identified, and the impacts of those operations assessed. The EIR must specify the quantity and timing of water to be diverted at the north Delta diversion, including the amount of outflow that may be needed to meet the needs of threatened and endangered fish species, and the quantity, the timing, or the source of water for any additional outflow, and how the SWP and CVP will be operated with the Project in place. Each of these operational aspects is essential to understand and draw meaningful conclusions about the Project’s effects on the environment and water supplies in the Sacramento Valley and American River watershed.

B. Scope and Methodology of Impact Analyses

1. Baseline for Impact Analysis

Impact analyses that depend on Sacramento and San Joaquin River and Delta hydrologic conditions (including impacts to water quality, water supply, and public facilities that divert water from or discharge into the Sacramento-San Joaquin River Delta) must utilize a baseline that accurately reflects conditions at the time the Project is expected to begin operations, as well as reasonably foreseeable future conditions. Operational impacts to groundwater resources, Delta water quality and FRWP operations will occur immediately upon commencement of Project diversions and near-term impacts may be substantially

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different from those occurring farther in the future, when background hydrologic conditions will be substantially different due to the effects of climate change.

2. Impacts to FRWP and SCWA Surface Water Supply

The EIR must adequately identify, analyze, and avoid or mitigate the Project's potential impact on the FRWP intake facility and SCWA water supply due to the increased likelihood of significant reverse flow events. In evaluating impacts to the FRWP, the EIR must employ the appropriate methodology.

The Project is likely to shift the timing of Sacramento River flows, and under certain circumstances, increase the frequency of reverse flow events that would result in a controlled shutdown of the FRWP on the Sacramento River. Shutdowns of the FRWP intakes critically impact SCWA's ability to serve water to its customers during drought periods.

The Project's potential to affect the occurrence of reverse flows at the FRWP stems from its potential to change the manner in which the CVP and SWP are operated. The Project's north Delta intakes may be operated in a way that shifts the timing and magnitude of the CVP's and SWP's north-to-south water exports. DWR or the U.S. Bureau of Reclamation (Reclamation) may choose to release water from upstream reservoirs that otherwise would have remained in storage until a later time and to redivert the released water through the north-Delta intakes for export. If the new north-Delta intakes are operated in this manner, the resulting shift in reservoir releases and export patterns may result in periodic reductions in the volume and velocity of water flowing down the Sacramento River past the FRWP intake, compared with the status quo. The reduced downstream flows would strengthen the tidal influence at Freeport Bend. Stronger tidal influence will lead to more or stronger reverse flow events at Freeport Bend. Some of those reverse flow events would be strong enough to require shutdown of the FRWP intake facilities, affecting SCWA's ability to provide water to its customers.

In developing the modeling and EIR analysis of these issues, DWR should carefully consider the expert evidence submitted in the WaterFix water rights change petition hearing by SCWA, EBMUD, and other stakeholders. Specifically, SCWA refers DWR to the work by MBK Engineers and Daniel B. Steiner relating to the CALSIM II model assumptions, which will inform DWR of the type of information, assumptions and methodology necessary to properly evaluate these impacts.

3. Impacts to Groundwater Resources in the South American Sub-Basin

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SCWA currently serves approximately 150,000 people about 34,500 acre-feet per year (af/yr) throughout its Zone 40 service area. SCWA serves its customers a combination of groundwater and surface water as part of a conjunctive use plan, using surface water during wet years when it is available, and relying on groundwater during dry years. SCWA extracts groundwater from the South American Sub-Basin to serve municipal and industrial demands throughout Zone 40. SCWA has recently produced 20,000-29,000 af/yr from the South American Sub-Basin. At buildout of Zone 40, SCWA anticipates producing about 25,000-63,000 af/yr, depending on hydrologic year type.

SCWA produces groundwater from a groundwater management area known as the Central Basin, which is located entirely within Sacramento County and almost entirely within the South American Sub-Basin. The Central Basin is bounded on the north by the American River, on the west by the Sacramento River and Interstate 5, and on the south roughly by the Cosumnes River. The groundwater in the Central Basin is interconnected with the Sacramento River.

The long-term decrease in surface-water flow resulting from Project diversions could have an impact on the hydraulic connection between the Sacramento River and groundwater in the South American Sub-Basin. Based on existing conditions and current groundwater pumping rates, additional decreases in surface flows could reduce current levels of natural recharge resulting in groundwater elevation decreases, groundwater quality degradation, and adversely affect stream/aquifer interactions. The EIR must thoroughly analyze the Project's potential impacts on stream-groundwater aquifer interactions upstream and downstream of the proposed Project diversions, including whether the Project would lower groundwater levels beneath the Sacramento River and in nearby domestic wells, and by how much.

4. Impacts to Folsom Reservoir Operations, Surface Water Supplies, and Fish Species

SCWA holds two CVP water service contracts for water deliveries from the American River Basin. SCWA also holds an appropriative water right for diversion from the Sacramento River at the FRWP downstream of the confluence with the American River. The Project has the potential to threaten the availability and reliability of SCWA's water supplies through changes in CVP operations that can result in lower storage levels in Folsom Reservoir in certain dry years. Reduced storage and surface water deliveries to SCWA could also require an increase in groundwater production from the South American Sub-Basin in order to meet Zone 40 demands. The electronic modeling files prepared by DWR and Reclamation as part of the WaterFix CEQA/Nation Environmental Protection Act (NEPA) process showed that implementing WaterFix could have these exact impacts. The Project EIR must consider

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the Project's potential to result in similar impacts, using appropriate modeling assumptions and methodology, and disclose the results of the analysis.

This analysis is important not only to assess the Project's potential adverse effects on water supply, but also because impacts to Folsom Reservoir storage and releases have the potential to result in significant impacts to sensitive fish species in the lower American River, including steelhead listed under the federal and state ESAs and fall-run Chinook salmon. SCWA coordinates management of the lower American River fishery through the Sacramento Water Forum. The health of the lower American River's aquatic resources are connected to operations of Folsom Reservoir. Reduced Folsom Reservoir storage could cause significant impacts to sensitive fish species in the Lower American River due to a reduced cold-water pool in the reservoir and resulting high water temperatures in the river. The EIR must analyze the impacts that lower Folsom Reservoir storage may have on the lower American River fisheries. The EIR's analysis of hydrologic and fisheries effects should incorporate the Modified Flow Management Standard for the lower American River developed by the Sacramento Water Forum, which has goals of protecting anadromous salmonids and avoiding catastrophic water shortages in the basin

5. Impacts to Town of Hood Wells and Domestic Water Supply

SCWA operates two groundwater wells that serve as the only source of drinking water and fire suppression for residents in the Town of Hood (Hood). The wells are within close proximity to the proposed Project facilities. The Hood wells extend approximately 200-350 feet below ground surface, which is below the depth of the proposed Project tunnel.

SCWA has significant concerns about the tunnel's potential impact on Hood's wells. If there were a small alignment error, tunneling construction could damage the new Hood well hole. Construction could disrupt the existing geological structure and recharge capability, particularly the aquifers. Tunnel construction and operation vibrations could modify or collapse the aquifers, reducing productivity of the new Hood well, which is Hood's primary water source. This modification or collapse could permanently reduce well production since the well hole screens may no longer align with the geological water bearing structures. Further, vibrations from construction and operations have the potential to displace or dislodge existing contaminates, causing a significant adverse change in water quality.

The EIR must analyze the potential impacts on the Hood wells due to construction and the potential degradation of the groundwater aquifer that the wells draw from due to partial or full soil liquefaction. Any impacts to operational reliability must be clearly mitigated. DWR should consult with SCWA as it develops the EIR so that impacts can be avoided through

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Project design. The EIR also must address the potential for adverse effects to the groundwater aquifer stability from Project construction and operation. Specifically, the EIR must accurately describe the groundwater aquifer characteristics in and around Hood, and evaluate how the groundwater aquifer and water supplies might be affected by any compaction or alteration of groundwater flow paths. Impacts to local infrastructure or groundwater aquifers must be clearly avoided or mitigated.

6. The EIR Must Evaluate the Project's Consistency with the Delta Plan

The Delta Plan contains policies, recommendations, and performance measures designed to protect the Delta environment and existing Delta land uses from the impacts of major new projects, including the proposed Project. The Delta Reform Act requires that projects within the boundaries of the Delta that will significantly impact the achievement of the statutorily-established coequal goals for protection of the Delta and provision of a reliable water supply demonstrate consistency with the coequal goals and each of the regulatory polices contained in the Delta Plan before the project may be implemented. (Wat. Code, §§ 85054, 85057.5, 85225; Cal. Code Regs., tit. 23, § 5002, subd. (b)(1). The Delta Plan also contains priority recommendations that identify actions “essential to achieving the coequal goals” (Delta Plan, p. ES-17) and performance measures related to meeting the Plan goals and policies. (Delta Plan, Appendix E: Performance Measures for the Delta Plan, as amended Apr. 26, 2018.) The EIR must evaluate the Project's consistency with all relevant Delta Plan policies, recommendations, and performance measures.

Project impacts to the FRWP and Sacramento County residents' water supplies are inconsistent with specific Delta Plan policies and the coequal goals themselves. For example, the Project is not consistent with Delta Plan Policy DP P2 (Cal. Code Regs., tit. 23, § 5011), which requires that water management facilities be sited so as to avoid or reduce conflicts with existing uses, including the Hood wells and FRWP. The Project should be revised prior to release of the draft EIR to move the proposed intakes so that there is no potential for adverse effects to municipal wells or the FRWP. Any impacts to the availability or reliability of the Sacramento region's surface or groundwater resources must be acknowledged and avoided or fully mitigated.

C. The EIR Must Evaluate Alternative Intake Locations and Limitations on the Timing and Volume of Diversions

CEQA requires that DWR consider alternatives to the Project capable of avoiding or substantially lessening its significant impacts. For the reasons discussed above, the proposed intake locations threaten significant impacts to the FRWP, the Hood wells, and surface and

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groundwater supplies. DWR staff have represented in Project scoping meetings that there are no available alternative intake locations due to fish concerns. This is inaccurate and contradicted by information developed in the WaterFix CEQA process. Moreover, such statements suggest that DWR has improperly prejudged the scope of its alternatives analysis, such that the Draft EIR may be no more than a post-hoc rationalization for the Project.

Information in the WaterFix EIR Appendix 3F, Intake Location Analyses (pp. 3.F.6-3.F.8), relying on the Fish Facilities Technical Team report, indicates that there are suitable intake locations farther downstream below Steamboat Slough (identified as intakes 6 and 7). Moving intakes farther south on the Sacramento River would reduce the potential for conflicts with, and significant impacts to, SRWTP operations, and thus the FRWP operations, as well as the Hood wells, and have the benefit of being better for salmon. Moving the intakes to avoid impacts to the FRWP and SRWTP also would avoid significant impacts to tribal cultural resources identified by Miwok Tribal government representatives at the February 26, 2020 Delta Stakeholder Engagement Committee meeting, where DWR staff was informed that all three intakes are highly sensitive to the Miwok and include several village sites and more than 5 burial grounds. At a minimum, the draft EIR alternatives must include a robust analysis of alternative locations for the intakes that avoid these significant impacts.

Given the potential for significant impacts to the quality and reliability of water supply for Delta water users, and Delta Reform Act mandates, the EIR also should fully evaluate both a non-structural alternative that should include water reclamation, localized desalination, and increased capture and storage of localized rainfall in lieu of continued or increased Delta exports, as well as alternative intake locations that avoid impacts to Hood and the FRWP.

Finally, in order to protect water supply reliability for water users in and north of the Delta, consistent with the Delta Reform Act, the EIR should evaluate operating scenarios that include limitations on the amount and timing of diversions capable of avoiding any significant impacts to Delta water quality and in-Delta or upstream water supplies.

III. CONCLUSION

As described in the NOP, the Project is likely to have significant adverse impacts to facilities and operations, and result in significant impacts to surface and groundwater resources and water supply, from Project construction and operations. Conflicts with the FRWP and the Hood wells also make the Project described in the NOP inconsistent with the Delta Plan. SCWA encourages DWR to modify the Project prior to release of the draft EIR to move the proposed intakes outside of an area that may adversely influence FRWP operations, or the Hood wells, and to coordinate and consult with SCWA as it develops the draft EIR to

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ensure that all impacts, including those identified in these comments, are accurately and adequately evaluated and fully avoided or mitigated. Please contact Kerry Schmitz at SCWA at 916-874-6851 to discuss these comments.

Sincerely,

A handwritten signature in black ink that reads "Kelley M. Taber". The signature is written in a cursive style with a large, prominent "K" and "T".

Kelley M. Taber
Attorney for Sacramento County Water Agency

cc: Susan Tatayon, Chair, Delta Stewardship Council
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