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Common Response 8: Relationship to Other Plans, Projects, Policies, and Programs

Overview

The State CEQA Guidelines direct a lead agency to assess whether a proposed project would “[c]onflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect” (CEQA Guidelines Appendix G). This Common Response addresses the common themes and topics raised in public comments on the Draft EIR related to the Delta Conveyance Project (project) and possible conflicts with, and relationship to, various state, regional, and local plans, projects, policies, and programs that were identified by commenters or that are relevant to the planning, design, construction, and operation and maintenance of the project. These themes include the following.

- Lack of a formal certification of consistency, lack of a consistency analysis, or other alleged inconsistencies between the Delta Conveyance Project and the goals and objectives of the Delta Reform Act of 2009, including those associated with the act’s coequal goals, with reducing reliance on the Delta in meeting future water supply needs, and with applicable regulatory policies in the *Delta Plan* administered by the Delta Stewardship Council (DSC).
- The relationship of the Delta Conveyance Project to the California Water Resilience Portfolio (California Natural Resources Agency et al. 2020) and the California Water Supply Strategy.
- The relationship between the Delta Conveyance Project and the Sustainable Groundwater Management Act (SGMA), including groundwater sustainability plans (GSPs) for the groundwater basins in the Delta and neighboring areas, and topics under SGMA or the lack of consideration of SGMA in the EIR.
- The relationship of the Delta Conveyance Project to the authorities and responsibilities of the State Water Resources Control Board (State Water Board) to establish water quality control measures and flow requirements to protect beneficial uses in the Delta, manage water rights, and implement federal and state antidegradation policies.
- The relationship of the Delta Conveyance Project to the California Department of Water Resources’ (DWR’s) ongoing efforts to coordinate with local governments and special districts to maintain and improve levees that protect the Delta.

State-Level Planning Efforts

This section provides additional information related to comments on key aspects of past and ongoing state-level water supply planning efforts. Many of these planning efforts are described in Chapter 1, *Introduction*, and Appendix 3E, *Delta Reform Act Considerations*.

Delta Reform Act

A number of comments asserted that the Delta Conveyance Project is not consistent with the goals and objectives of the Sacramento–San Joaquin Delta Reform Act of 2009 (Delta Reform Act) or the *Delta Plan*, or that the project should not be approved because of the alleged conflicts with the goals and objectives of the Delta Reform Act or *Delta Plan* policies. This section discusses the relationship

of the Delta Conveyance Project with the Delta Reform Act, including the coequal goals established by the act, its policy of reducing reliance on the Delta for water supply, and the project's relationship to the *Delta Plan*. As discussed in detail in the following sections, the project does not result in a significant environmental impact due to a conflict with the Delta Reform Act or the applicable policies in the *Delta Plan*. DWR will fully comply with its obligations under the Delta Reform Act to certify consistency with the applicable policies in the *Delta Plan* before initiating implementation. See below for more information regarding the timing of the *Delta Plan* certification of consistency process in relation to the EIR and CEQA Compliance.

Referenced throughout the discussion that follows is Appendix 3E, which provides information regarding the Delta Conveyance Project's relationship to the Delta Reform Act, the *Delta Plan*, and the *Delta Plan* Certification of Consistency Process. The appendix provides the history of the Delta Reform Act, the DSC, and the *Delta Plan*. The appendix also describes where related information can be found in the Final EIR and the Engineering Project Reports (EPRs) (Delta Conveyance Design and Construction Authority 2022a, 2022b) demonstrating that the proposed project and project alternatives do not result in a significant environmental impact due to a conflict with any applicable policies in the *Delta Plan*.

While Appendix 3E and the supporting evidence referenced therein demonstrate that the proposed project and project alternatives do not result in a significant environmental impact due to a conflict with any applicable policies in the *Delta Plan*, as noted in Appendix 3E, the Final EIR, including the supporting appendices, is not intended to be, nor should it be, considered the entirety of the record necessary to support DWR's consideration of a certification of consistency (Wat. Code § 85225) with the *Delta Plan*. After the CEQA process is completed, and if DWR approves the Delta Conveyance Project or a project alternative, DWR will begin the process to confirm and certify, with detailed findings, that it is consistent with the *Delta Plan* and submit that certification to the Delta Stewardship Council. (See Wat. Code § 85225).

The following sections summarize the major issues raised in comments related to the Delta Reform Act and provide brief descriptions of and references to related Final EIR chapters and appendices, which will guide readers to the relevant information.

Coequal Goals

Some comments suggested that the Delta Conveyance Project is not consistent with the Delta Reform Act's coequal goals of providing a more reliable water supply while also protecting, restoring, and enhancing the Delta ecosystem, and therefore the project should not be approved. Other comments claimed that the project simply relocates impacts from the export of Delta water to a new area of the Delta or that it includes no protective, restoration, or enhancement measures in excess of mitigation required to reduce project impacts.

Appendix 3E describes how the Delta Conveyance Project is consistent with the achievement of the coequal goals and explains that the project can 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. As outlined in the appendix, the Delta Conveyance Project will not conflict with the stated coequal goals of the Delta Reform Act, which are to provide a more reliable water supply for California and protect, restore, and enhance the Delta ecosystem (Pub. Resources Code § 29702; Wat. Code § 85054).

There is no requirement in state law that the Delta Conveyance Project, alone and as a single project, must further or achieve the coequal goals. The Delta Conveyance Project, however, is not only consistent with the coequal goals, but it will also support and advance the coequal goal of enhancing and protecting reliable water supplies from the Delta. Furthermore, the Delta Reform Act recognizes that new conveyance infrastructure is essential to achieving the coequal goals. California Water Code Section 85004(b) states that providing a more reliable water supply involves “new ... Delta conveyance facilities”; and Section 85020(f) includes improving the water conveyance system in the Delta among the objectives inherent in the coequal goals. The *Delta Plan* recommends that Delta conveyance be modernized by developing a dual conveyance system that continues to rely on south-Delta diversion infrastructure while adding one or more new, screened intakes in the north Delta connected to existing State Water Project (SWP) infrastructure via isolated conveyance (*Delta Plan* recommendation WR R12a). The Delta Conveyance Project is consistent with that framework.

As described in Chapter 2, *Purpose and Project Objectives*, and Appendix 3E, the fundamental purpose of the Delta Conveyance Project is to restore and protect the reliability of the SWP water deliveries and, potentially, Central Valley Project (CVP) water deliveries south of the Delta, consistent with the *California Water Resilience Portfolio* (California Natural Resources Agency et al. 2020) and in a cost-effective manner. This stated purpose gives rise to project objectives (refer to Chapter 2) that are consistent with the coequal goals of the Delta Reform Act. For example, the Delta Conveyance Project would support the coequal goals by increasing operational flexibility to divert water during high-flow events, thereby making SWP water supplies more resilient to the potential effects of climate change, including wetter wet periods, and more reliable overall. In addition, as demonstrated by the substantial evidence contained in the EIR, the project would achieve the project objectives without significantly affecting the state’s ability to achieve the goal of protection of the Delta ecosystem because impacts of the project on terrestrial and aquatic biological species either are less than significant or would be mitigated to less-than-significant levels.

Finally, the Delta Conveyance Project would not significantly affect the state’s ability to achieve the coequal goals in a manner that protects and enhances the Delta as an evolving place. The project would do this through the combination of mitigation described in Chapters 7 through 32; the implementation of the Community Benefits Program described in Appendix 3G, *Community Benefits Program Framework*; and the establishment of an ombudsman program as described in Chapter 3, *Description of the Proposed Project and Alternatives*, in the section titled *Ombudsman*. For example, as described in Appendix 3E, the practical effect of many of the project’s mitigation measures and environmental commitments is to protect Delta values. (The following resource chapters discuss impacts and mitigation related to Delta values: Chapter 14, *Land Use*; Chapter 15, *Agricultural Resources*; Chapter 16, *Recreation*; Chapter 17, *Socioeconomics*; Chapter 18, *Aesthetics and Visual Resources*; and Chapter 19, *Cultural Resources*.)

Common Response 1, *CEQA Process, General Approach to Analysis, and Other Environmental Review Issues*, explains that the fundamental purpose of the project is not to restore the Delta ecosystem and that restoration of the Delta ecosystem does not need to occur before the project (or occur as part of the project) in order for the project to be considered consistent with the Delta Reform Act.

Reduced Reliance on the Delta

Several comments suggested that DWR and public water agencies (PWAs) are required by the Delta Reform Act to reduce their reliance on water that flows through the Delta instead of relying on existing exports or future exports from the Delta Conveyance Project for water supplies. Other

1 comments claimed that by approving and implementing the Delta Conveyance Project, PWAs would
2 be increasing their reliance on Delta exports and therefore would not be in compliance with the
3 Delta Reform Act.

4 As explained in Chapter 1 and Appendix 3E, the Delta Reform Act includes a state policy to reduce
5 reliance on the Delta in meeting California's future water supply needs through a statewide strategy
6 of investing in improved regional supplies, conservation, and water use efficiency (Wat. Code §
7 85021). Under California Water Code Section 85021, it is also state policy that each region that
8 depends on water from the Delta watershed should improve its regional self-reliance by investing in
9 alternative water supplies. Section 85021 does not impose an obligation on DWR to do anything, let
10 alone only to pursue projects that reduce reliance on SWP supplies or improve regional self-reliance.
11 In addition, Section 85021 does not expressly or implicitly require DWR to reduce SWP diversions
12 from the Delta, as several commenters assume. The DSC's regulatory reduced reliance policy, WR P1
13 (which stems from but differs from the statutory policy), acknowledges that water suppliers can
14 show reduced reliance either as "the reduction in the amount of water used, or in the percentage of
15 water used, from the Delta watershed." (Cal. Code Regs, tit. 23, § 5003, subd. (c)(1)(C).) Even if the
16 Delta Conveyance Project increases diversions, it does not mean water suppliers receiving that
17 water will necessarily increase their reliance on State Water Project supplies. As water demands in a
18 water supplier's service area grow, the same or even an increased volume of water from the Delta
19 watershed may still represent a smaller percentage of overall supplies.

20 Furthermore, regarding the policy in Water Code Section 85021, neither DWR nor any of the PWA
21 proponents of the project have the legal authority or the duty to adopt or impose a statewide
22 investment strategy on different regions of the state or on individual water suppliers that depend on
23 water from the Delta watershed. In addition, DWR lacks any legal authority to mandate coordinated
24 efforts among local and regional water suppliers to advance the Delta Reform Act policy that regions
25 of the state that depend on water from the Delta watershed improve their regional self-reliance.

26 As described in Chapter 3 and Common Response 3, *Alternatives Development and Description*, the
27 Delta Conveyance Project would be operated to shift diversions from the south Delta to the north
28 Delta or to divert water in the north Delta during excess flow conditions while meeting existing
29 regulatory requirements. Any exports that would occur under the project would be governed by
30 new permit terms and conditions for the Delta Conveyance Project from the State Water Board,
31 California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, and National Marine
32 Fisheries Service; the Delta Conveyance Project operational criteria; and the existing regulatory
33 framework.

34 Furthermore, PWAs and DWR are pursuing a wide range of opportunities to improve statewide
35 water supply reliability and regional self-reliance as well as to more efficiently and sustainably
36 manage or reduce water use. As described in Appendix 3C, *Defining Existing Conditions, No Project
37 Alternative, and Cumulative Impact Conditions*, and in the *No Project Alternative* sections found in
38 Chapters 5 through 32, PWAs are implementing different strategies and activities to conserve water,
39 to manage demand and supply efficiently, and to develop local sources of water, depending on each
40 area's unique characteristics and geography. The Delta Conveyance Project would be a part of the
41 SWP, and Common Response 5, *Public Water Agencies Water Management Practices*, describes
42 existing efforts and future actions to be undertaken by SWP users to ensure California's water
43 resources are being used efficiently and sustainably.

These activities are consistent with and support reducing reliance on the water supply from the Delta to meet California's future water supply needs. However, the water supplied by the SWP is, and will continue to be, the backbone of California's water supply infrastructure. The SWP is a key component of the water supply portfolio for the participating PWAs, and they will continue to rely on and need the water exported by the SWP. Their existing and continued activities to improve local self-reliance and to use California's water resources efficiently and sustainably are important components of their water supply portfolios, but these actions cannot wholly replace SWP supplies. Neither CEQA nor the Delta Reform Act prohibit DWR from pursuing new Delta conveyance infrastructure to achieve the fundamental purpose and objectives. Indeed, the Delta Reform Act and *Delta Plan* recognize that new Delta conveyance infrastructure is an essential part of achieving the state's coequal goals for the Delta (Wat. Code §§ 85004(b), 85020(f), 85304).

Delta Plan Certification of Consistency: Timing and Relationship to the EIR and CEQA Compliance

Some comments suggested that the Delta Conveyance Project is not consistent with the regulatory policies and recommendations in the *Delta Plan*. Other comments argued that the project should not be approved because it is not consistent with the *Delta Plan* or because a certification of consistency has not been prepared and submitted to the DSC. Finally, other comments claimed the CEQA analysis was inadequate or otherwise incomplete because consistency with the *Delta Plan* had not been determined.

As described in Chapter 1 and Appendix 3E, the *Delta Plan* is a comprehensive, long-term management plan for the Delta aimed at furthering the coequal goals of the Delta Reform Act. The *Delta Plan* provides for a distinct regulatory process for activities that qualify as covered actions. The Delta Reform Act established a self-certification process for demonstrating consistency of covered actions with the *Delta Plan*. State and local agencies proposing covered actions that occur in whole or in part in the Delta, prior to initiating implementation of a covered action, must prepare a written certification of consistency with detailed findings as to whether the covered action is consistent with applicable *Delta Plan* policies, and must submit that certification to the DSC. The determination that a proposed activity meets the definition of a covered action is the responsibility of the state or local agency undertaking the proposed activity.

Based on the project footprint location and scope described in Chapter 3, the Delta Conveyance Project, if approved, would meet the definition of a covered action, as described in Appendix 3E. DWR provided the table titled Delta Plan Regulatory Policy Crosswalk Table in Appendix 3E to assist the public in easily identifying information in the EIR and the EPRs that demonstrate the proposed project and project alternatives ultimately do not result in a potentially significant environmental impact due to a conflict with any applicable policies in the *Delta Plan*. This table includes 18 separate *Delta Plan* policies and directs the reader to relevant information contained in the EIR that covers *Delta Plan* policies related to water resources, ecosystem restoration, Delta as a Place, and general policies. As stated earlier, the information in the EIR is only part of the evidentiary record that would support DWR's certification of consistency.

DWR will continue to engage in early consultation with DSC staff, monitor the *Delta Plan* litigation, and monitor future *Delta Plan* amendments throughout development of a certification of consistency with the *Delta Plan*. After completion of the CEQA process, if DWR approves the proposed project or one of the project alternatives, DWR will prepare and file a certification of consistency for that approved project providing detailed findings regarding the project's consistency with the applicable

Delta Plan policies. The Delta Reform Act requires a certification to be filed before DWR initiates implementation of the project but may certify an EIR and approve a project prior to certification (Wat. Code § 85225). Therefore, the EIR is not invalid, inadequate, or otherwise compromised under CEQA because DWR has not yet prepared a certification of consistency with the *Delta Plan* pursuant to the Delta Reform Act. The CEQA process and the Delta Reform Act certification of consistency process are two separate, distinct, and independent processes governed by different statutes and regulations. While the content of the EIR and the administrative record for the EIR can be used to inform the certification of consistency process, DWR may provide additional details to the DSC in a certification of consistency and the administrative record for that document beyond those that are contained in the EIR or the EIR administrative record.

California Water Resilience Portfolio

Some comments suggested the Delta Conveyance Project needed to be considered with, was not considered with, should be consistent with, was consistent with, or was not consistent with the *California Water Resilience Portfolio* (California Natural Resources Agency et al. 2020). Other comments identified and described this portfolio in the context of their comments on the Delta Conveyance Project.

There is no requirement in CEQA or any other law that requires DWR to analyze and make a formal finding that the project is consistent with the *California Water Resilience Portfolio*. However, as described in Chapter 30, *Climate Change*, the Delta Conveyance Project “supports statewide adaptation needs articulated in the *California Water Resilience Portfolio* to diversify local supplies and prepare for hotter conditions and more intense floods and droughts by increasing the average annual SWP deliveries for the long-term average, dry, and critical water years.”

DWR’s project objectives include consistency with the *California Water Resilience Portfolio* as described in Chapter 2. DWR is one of the state agencies guided by the actions identified in this portfolio. Executive Order N-10-19 (signed in 2019) directed the California Natural Resources Agency, the California Environmental Protection Agency, and the California Department of Food and Agriculture to develop a comprehensive strategy for building a climate-resilient water system and ensuring healthy waterways through the twenty-first century. The *California Water Resilience Portfolio*, which was released after public comment on July 28, 2020, identifies a suite of complementary actions to ensure safe and resilient water supplies, flood protection, and healthy waterways for the state’s communities, economy, and environment. As part of the Executive Order and the portfolio, the Governor emphasized the need for actions that provide multiple benefits, use natural infrastructure such as forests and floodplains, embrace new technologies, encourage regional approaches, and build integration across state government and partnerships across diverse interests.

One of the projects identified in the portfolio to modernize inter-regional conveyance to help regions capture, store, and move water is to plan, permit, and build new diversion and conveyance facilities (such as a tunnel) in the Delta to safeguard SWP deliveries in the face of climate change and other risks. DWR’s evaluation of the Delta Conveyance Project is consistent with the portfolio approach. Additionally, the SWP provides a critical water supply for much of the state and serves as a foundation for the important local water supply and resiliency programs included in the portfolio. The new diversion and conveyance facilities in the Delta identified by the portfolio are just one action of numerous other local and regional water management and conservation actions that are

described. These actions are occurring concurrently, recognizing that multiple actions, including local actions, are needed to improve California's water supply resilience.

Chapter 6, *Water Supply*, and Appendix 6A, *Water Supply 2040 Analysis*, confirm that the Delta Conveyance Project will address multiple risks to SWP supplies consistent with the portfolio's overarching objectives.

The state published a report in January 2021 titled *California Water Resilience Portfolio Progress Report* (California Natural Resources Agency et al. 2021) that documented the state's efforts to implement the portfolio. The report describes the progress state agencies made in carrying out the 142 separate actions identified in the portfolio over the previous 18 months and describes the coordination that occurred between state agencies and local agencies across the state to address water challenges during that time. Some of the key areas of progress related to regional and local drinking water supply and groundwater supply challenges since July 2020 are listed here.

- Financial assistance from the Safe and Affordable Fund for Equity and Resilience program was provided to 141 communities and 364 households for interim drinking water solutions, 185 communities for planning assistance, and 126 communities for long-term solutions to safe drinking water problems.
- DWR and the State Water Board invested \$92 million in state funds to assist 48 separate small communities across the state with drought-related drinking water supply problems.
- The state awarded \$26 million to local agencies for the construction of local projects, allocated an additional \$300 million for planning and projects, and established a new \$50 million grant program to support implementing GSPs.
- DWR began airborne electromagnetic geophysical surveys in groundwater basins along the Central Coast to inform groundwater sustainability agencies (GSAs) and counties seeking to manage their groundwater sustainably and to support land use planning efforts.

For comments suggesting alternatives to the Delta Conveyance Project be considered, including other actions in the *California Water Resilience Portfolio*, please see Common Response 3.

California's Water Supply Strategy

Some comments asserted that DWR should have studied an alternative to the Delta Conveyance Project based on *California's Water Supply Strategy* (California Natural Resources Agency et al. 2022) or asserted that the Delta Conveyance Project must be consistent with the strategy. Other comments identified or described this strategy in the context of the commenter's support or opposition to the Delta Conveyance Project.

As described in Common Response 6, *Climate Resilience and Adaptation, California's Water Supply Strategy* calls on state agencies to prioritize actions that will safeguard California's water resources against the anticipated effects of climate change. The Governor's strategy specifically identifies the Delta Conveyance Project as a key project that would improve the flexibility of current water systems to move water throughout the state and a critical element of combating the effects of climate change. Additional information on how climate change was considered in the EIR can be found in Chapter 30, and associated appendices; Common Response 1; Common Response 6; Common Response 4, *No Project Alternative Description and Analysis*; and Common Response 9, *Hydrologic Modeling and Approach*.

PWAs throughout California are already pursuing local or regional water supply resiliency projects such as recycling, groundwater recharge, storage, and conservation as described in Common Response 5. These activities support and are consistent with the activities described in *California's Water Supply Strategy*.

There is no requirement in CEQA or any other law that requires DWR to analyze and make a formal finding that the project is consistent with *California's Water Supply Strategy*. Please see Common Response 3 regarding the reasonable range of alternatives and explaining why alternative water supply strategies that do not include measures to make SWP supplies more reliable are infeasible because they fail to achieve the fundamental purpose of the project. Please also see Chapter 6, *Water Supply*, for a description of alternative sources of water, such as recycled water, desalinated water, and stormwater, that are becoming more commonplace as part of California's water supply to improve water supply reliability and the state's ability to withstand drought conditions.

Sustainable Groundwater Management Act and Groundwater Sustainability Plans

Multiple comments asserted that DWR should have analyzed, but failed to analyze the Delta Conveyance Project's impacts in the context of efforts by certain GSAs to implement their GSPs or to develop alternatives to GSPs under the SGMA. Others asserted that the Delta Conveyance Project should be but is not consistent with SGMA implementation. Comments made direct references and indirect references to multiple groundwater sustainability plans, concerns regarding the potential for the project to interfere with the successful implementation of those plans and compliance with requirements set forth under SGMA, and suitability of the analysis conducted for the EIR compared to the local analysis conducted as part of the GSP development process. The GSPs specifically referenced in comments are listed here.

- The successful implementation of two GSPs were referenced specifically: South American Subbasin GSP and East Contra Costa Subbasin GSP.
- Three GSPs were referenced indirectly: North American, South American, and Cosumnes Subbasin GSPs as part of the CoSANA numerical flow model.

SGMA, which was enacted in 2014 and took effect January 1, 2015, is discussed in Chapter 8, *Groundwater*. The act required the formation of GSAs, which are charged with the preparation and implementation of GSPs. Specifically, SGMA required that GSAs managing medium- and high-priority groundwater basins and subbasins that are considered to be in critical overdraft condition submit their GSPs by January 31, 2020, and that GSAs managing all other noncritically overdrafted medium- and high-priority basins and subbasins must submit their GSPs by January 31, 2022. The currently available GSPs in the geographic domain of the DeltaGW model used for the groundwater analyses in Chapter 8 are listed in Table CR8-1. As shown in the table, no plans were submitted to the state before the date of release of the Delta Conveyance Project Notice of Preparation (NOP) on January 15, 2020; hence, none were required to be, nor were any included, in the analyses published in the public draft of the Delta Conveyance Project EIR. (Refer to Common Response 1 regarding the environmental baseline for the project.) However, DWR has included information in this Common Response because of the interest from commenters on this topic. Although these GSPs for noncritically overdrafted basins were not available before the release date of the Delta Conveyance Project NOP, they have been considered as part of the preparation of this Common Response in light of the information contained in Chapter 8.

The Eastern San Joaquin GSP was submitted on January 29, 2020, and relevant data from the groundwater model used for GSP development was incorporated into the DeltaGW model. The GSPs covering areas in the DeltaGW model domain are discussed later in this Common Response. A map showing the 2020 (critically overdrafted) and 2022 (noncritically overdrafted) subbasin GSPs in the project area is provided as Figure CR8-1.

Table CR8-1. Status of Groundwater Sustainability Plans in DeltaGW Model Domain

Basin/Subbasin	Date Submitted to DWR	Date Posted by DWR	Current Status of DWR's Review and Approval
SACRAMENTO VALLEY—NORTH AMERICAN	1/24/2022	1/31/2022	Review in Progress
SAN JOAQUIN VALLEY—COSUMNES	1/27/2022	2/7/2022	Review in Progress
SACRAMENTO VALLEY—SOUTH AMERICAN	1/27/2022	2/14/2022	Review in Progress
SACRAMENTO VALLEY—SOLANO	1/27/2022	2/7/2022	Review in Progress
SAN JOAQUIN VALLEY—TRACY	1/28/2022	2/7/2022	Review in Progress
SAN JOAQUIN VALLEY—EASTERN SAN JOAQUIN	1/29/2020	1/31/2020	Approved by DWR on March 2, 2023
SAN JOAQUIN VALLEY—MODESTO	1/31/2022	2/14/2022	Review in Progress
SACRAMENTO VALLEY—YOLO	1/28/2022	2/14/2022	Review in Progress
SAN JOAQUIN VALLEY—EAST CONTRA COSTA	1/25/2022	2/7/2022	Review in Progress

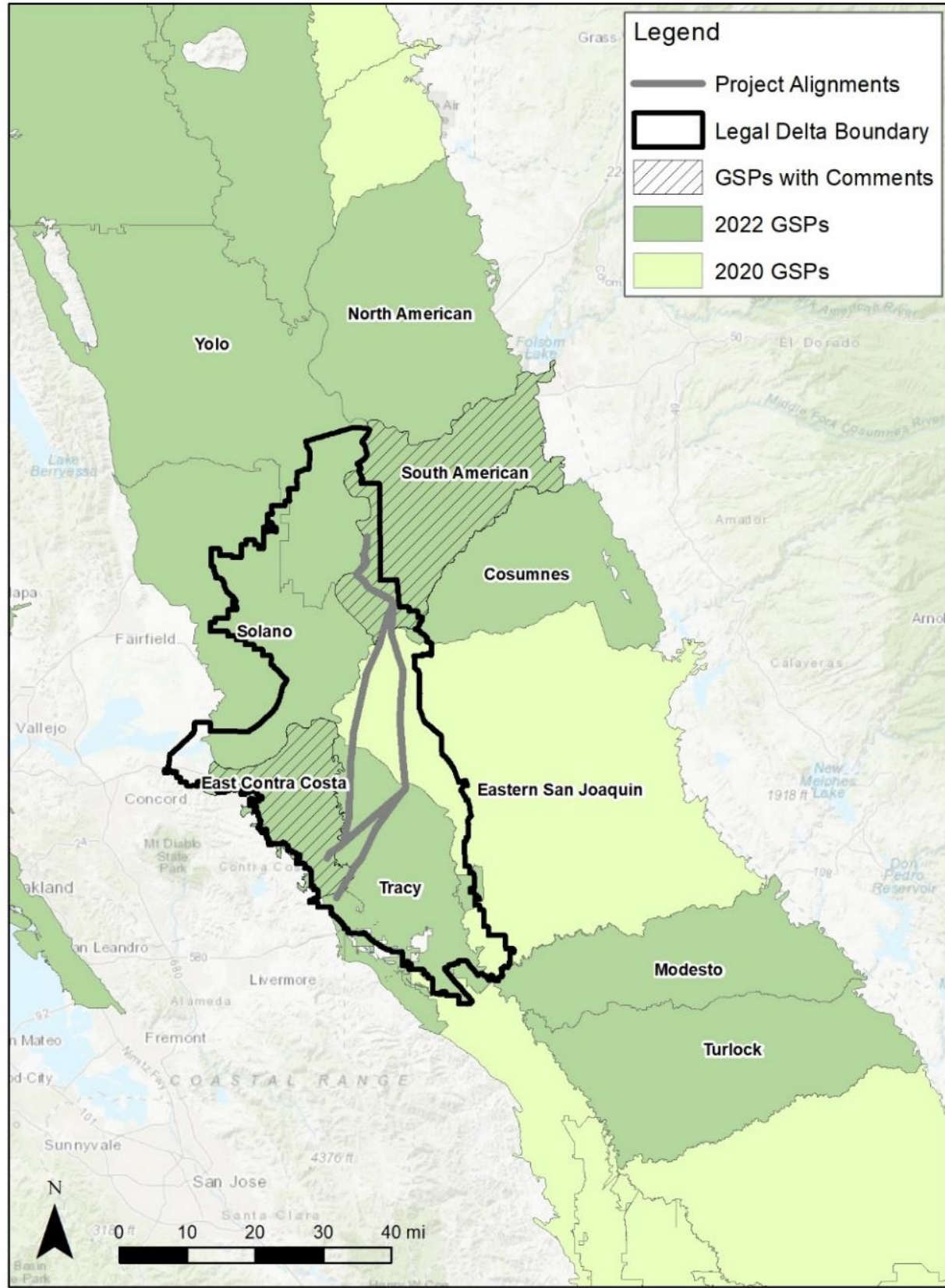


Figure CR8-1. Map of Groundwater Subbasins with GSP Due Dates in DeltaGW Model Domain

Of all the subbasins underlying the alternatives' alignments, only one GSP listed in Table CR8-1 (the critically overdrafted Eastern San Joaquin Subbasin GSP) was available when the Draft EIR was prepared. The other GSPs, which are for medium- and high-priority basins with noncritically overdrafted conditions, were not available until 2022. The discussion in the sections that follow provides a brief overview of the information and content in Chapter 8 as it generally relates to the SGMA and GSPs. Under each subsection, there is a discussion of the specific criteria that SGMA requires the GSPs to consider and evaluate and the relationship to the impact analysis contained in Chapter 8.

EIR Groundwater Impact Analysis and Groundwater Sustainability Plans

As described in Chapter 8, Impact GW-2: *Changes in Groundwater Elevations* and GW-4: *Changes to Long-Term Change in Groundwater Storage*, construction and operation of the Delta Conveyance Project would not substantially decrease groundwater elevations in or around the Delta region (less-than-significant determination) nor substantially reduce groundwater in storage (no impact on in-Delta groundwater storage). Construction and operation of the Delta Conveyance Project also would not negatively impact the ability of subbasins in the Delta to implement recharge projects because such recharge projects would be constructed and operated by the Subbasin GSAs or independent entities and would not be co-located with Delta Conveyance Project infrastructure or facilities. Additionally, these recharge projects are expected to draw recharge waters from local rivers and creeks or from the California Aqueduct or the Delta-Mendota Canal and therefore would not be dependent on the Delta Conveyance Project.

Potential impacts associated with localized groundwater effects during construction of the Delta Conveyance Project are primarily related to construction dewatering and are described in Impact GW-2: *Changes in Groundwater Elevations*, Impact GW-3: *Reduction in Groundwater Levels Affecting Supply Wells*, and Impact GW-4: *Changes to Long-Term Change in Groundwater Storage*. Dewatering and seepage cutoff walls would be required for construction of the intake facilities and the Southern Forebay Emergency Spillway as discussed in the EPRs and Common Response 10, *Surface Water Quality and Groundwater Resources*. As described in both Chapter 3 and Common Response 10, field investigations would be conducted prior to and during construction to assess subsurface geotechnical conditions, perform site-specific pump tests, and design the cutoff walls. Cutoff walls would be constructed from materials with very low permeabilities in the 10^{-6} to 10^{-7} cm/s range (equivalent to the permeability of clays) with a very low permeability layer (such as clay) at the bottom and would extend up to 200 feet below the ground surface. The cutoff walls would isolate the excavation sites from adjacent surface water and groundwater. Based on previous experiences along the Sacramento River and similar geological areas, cutoff walls would move the groundwater flow path around the excavation. In addition, rigorous monitoring and testing will be conducted during construction, and test results will be reported back to the permitting agency as part of the permit requirements. The standards to which the cutoff walls and embankments would be constructed is discussed in Common Response 10. The cutoff walls would limit the reduction of external groundwater levels during dewatering activities inside the cutoff walls, and limit mounding of water external to the walls during operations when internal groundwater levels are higher than the surrounding groundwater levels. At both locations where dewatering would occur during construction, perimeter wells and levee toe well points would be used to monitor for substantial changes in groundwater elevations and allow for the discharge of captured dewatered water back into the subsurface on the external side of the deep cutoff walls, should substantial changes occur. These wells would also be used to extract mounded water for return to the sedimentation basins if

needed to maintain local groundwater levels. Mitigation Measure GW-1: *Maintain Groundwater Supplies in Affected Areas* would monitor for these conditions and adjust construction practices as needed. Therefore, the Delta Conveyance Project would not result in an exceedance of GSP-established minimum thresholds related to successful GSP implementation nor create other impacts from mounding (such as root zone inundation).

As will be detailed in the subsections below, the information contained in Chapter 8 of the EIR demonstrates the following:

- Consistency with the climate change assumptions contained in the GSPs because similar datasets were used and therefore the analyses performed in the EIR and in the Delta GSPs are comparable. Therefore, DWR need not re-model groundwater impacts using the same climate change assumptions as in the GSPs because the results would be nearly identical.
- No conflict with the GSPs related to undesirable effects on groundwater levels and the volume of groundwater in storage because of the strict design standards for cutoff walls during construction and the temporary and limited extent of dewatering activities. The standards to which the cutoff walls and embankments would be constructed are discussed in Common Response 10, along with the monitoring required by the project's permits and implementation of Mitigation Measure GW-1: *Maintain Groundwater Supplies in Affected Areas*.
- No conflicts with GSPs related to undesirable effects on groundwater quality because of implementation of construction best management practices to control potential for spills or releases of construction-related contaminants using proven methods and practices; depth of dewatering would limit the potential for vertical gradients and higher-salinity connate (depositional) water upwelling; limited changes in hydraulic gradient would limit the potential for contaminant plume mobilization; and because of the strict design standards for cutoff walls during construction and the monitoring required per the project's permits, in addition to the implementation of Mitigation Measure GW-1: *Maintain Groundwater Supplies in Affected Areas*.
- No conflicts with GSPs related to undesirable effects on interconnected surface water and groundwater dependent ecosystems because of limited changes in surface water and groundwater interaction as a result of operations; and because of the strict design standards for cutoff walls during construction and the monitoring required per the project's permits, in addition to the implementation of Mitigation Measure GW-1: *Maintain Groundwater Supplies in Affected Areas*.
- No conflicts with GSPs related to undesirable effects related to inelastic land subsidence because groundwater extraction below the Corcoran Clay layer would not occur and because of soil characteristics in the area of dewatering (i.e., lack of peaty soils).
- No conflicts with GSPs related to undesirable effects related to seawater intrusion because project operations would have less-than-significant effects on X2 locations and Delta water quality related to salinity. The location of the project's intakes in the north Delta would not influence the location of X2 or salinity to a degree that would conflict with GSPs.

Climate Change Assumptions

Under SGMA, GSAs are required to develop project water budgets to estimate future baseline conditions of supply, demand, and aquifer response to GSP implementation. To assist with the development of climate change assumptions for GSP water budgets in this EIR, DWR developed the *DWR-Provided Climate Change Data and Guidance for Use During Groundwater Sustainability Plan*

1 *Development* (California Department of Water Resources 2018), along with several datasets for GSAs
2 to use. Datasets provided by DWR were developed based on the Water Storage Investment Program
3 analysis for projected climate conditions centered around 2030 and 2070. GSAs are not required to
4 use DWR-provided climate change data or methods, but they need to adhere to the requirements in
5 the GSP regulations (Cal Code Regs., tit. 23, § 350 et seq.).

6 In order to maintain consistency across the EIR, the groundwater analyses utilize the climate change
7 assumptions developed for the surface water analysis. These climate change assumptions are
8 described in Chapter 30 of the EIR. As described in Chapter 30, the surface water analysis conducted
9 using the CalSim 3 model was run with inputs based on year 2040 (climate period 2026–2055)
10 anticipated conditions. Ten CMIP5 global climate models and two GHG concentration scenarios (RCP
11 4.5 and RCP 8.5) were used to develop 20 climate model projections. These projections were then
12 downscaled using the Localized Constructed Analogs method to develop the 2040 (2026–2055)
13 Central Tendency climate change scenario, based on temperature and precipitation projections from
14 the 20-model ensemble. The 2040 Central Tendency climate change scenario was used to
15 understand climate conditions with and without the project near the time of completion of
16 construction. Generally consistent with other relatively recent large projects or programs (e.g., Bay
17 Delta Conservation Plan/California WaterFix Analysis, Water Storage Investment Program
18 Application, SGMA, Reinitiation of Consultation on the Long-Term Operations of SWP and CVP, and
19 the SWP Incidental Take Permit), a quantile mapping approach is used in the EIR to adjust historical
20 daily temperature and precipitation time series based on the climate projections. In summary, the
21 climate change assumptions utilized in the CalSim3 surface water modeling, and in turn the
22 groundwater model, are generally consistent with implementation of, or information in, the GSPs,
23 but employ a slightly different timeline.

24 **Groundwater Levels**

25 Project impacts on groundwater levels were analyzed in Chapter 8 under Impact GW-2. The GSPs
26 identify representative monitoring wells proposed to represent the groundwater levels in each GSP
27 area. Measurements from these representative monitoring wells were used to establish numerical
28 minimum thresholds for groundwater levels, and these thresholds, along with definitions of
29 undesirable SGMA impacts, define whether a basin has achieved sustainability. The modeling
30 conducted and described in Chapter 8 concludes that groundwater levels are not anticipated to
31 fluctuate by more than 5 feet due to project operations. These changes in groundwater elevations
32 are within the normal range of groundwater elevation fluctuations with changing hydrologic
33 conditions for these basins. (See the discussion of Impact GW-2 in Chapter 8 for additional detail.)

34 Furthermore, for all subbasins in which dewatering would occur (i.e., South American Subbasin and
35 East Contra Costa Subbasin), the definition of undesirable results requires the exceedance of
36 minimum thresholds at a defined percentage of representative monitoring sites for at least 2
37 consecutive years (3 years for the South American Subbasin and the East Contra Costa Subbasin).
38 Construction dewatering at any one location is not anticipated to last more than a year and will
39 typically last less than 6 months (Delta Conveyance Design and Construction Authority 2022a,
40 2022b). As described earlier in this Common Response and within Common Response 10, project
41 construction would require obtaining and conforming with strict industry design standards for the
42 design and construction of cutoff walls and levees. Cutoff walls constructed to standards similar to
43 those required by the U.S. Army Corps of Engineers (USACE) and Central Valley Flood Protection
44 Board require the use of low permeability material, thus substantially limiting the reduction of
45 external groundwater levels during internal dewatering activities and limiting mounding of

groundwater external to the walls during operations when basin levels are higher than the surrounding groundwater levels. Furthermore, implementation of Mitigation Measure GW-1: *Maintain Groundwater Supplies in Affected Areas* will monitor groundwater levels during construction using perimeter well systems and will identify if and when construction practices require adjustment based on observed groundwater level changes. Construction practice adjustments could include discharging captured dewatered water back into the subsurface on the external side of the deep cutoff walls or extraction of groundwater outside the cutoff walls. Overall, dewatering activities would be temporary and limited in spatial extent, and they would occur in less than the time identified for undesirable results in the two subbasins where impacts could occur. Therefore, construction and operation of the Delta Conveyance Project would not conflict with the implementation of the GSPs because of potential impacts on groundwater levels.

Groundwater Storage

Project impacts on the volume of groundwater in storage (change in storage) were analyzed in Chapter 8 under Impact GW-4. The representative monitoring wells were used for establishing the minimum thresholds for the long-term change in groundwater storage for achieving sustainability under SGMA. Modeling performed for the Draft EIR using the DeltaGW model, which is described in Chapter 8 and Appendix 8A, *Delta Groundwater Model: Development and Calibration*, demonstrates there would be no substantial adverse change in groundwater storage as a result of the project.

Construction of the intake facilities and Southern Forebay Emergency Spillway would require dewatering during construction. However, as previously described under sections titled *EIR Groundwater Impact Analysis and Groundwater Sustainability Plans* and *Groundwater Levels*, construction at the intakes will require obtaining and complying with a USACE Section 408 permit because the project will be affecting federal flood control levees that are part of the Sacramento River Flood Control Project. The Southern Forebay Emergency Spillway, which would be an element of all alternatives with the exception of Alternative 5, would not affect federal flood control levees but will be constructed in accordance with strict design criteria similar to those required by the U.S. Department of the Interior Bureau of Reclamation (Reclamation), Central Valley Flood Protection Board, and USACE for similar projects. These criteria include required design specifications for cutoff walls as well as testing during construction. Cutoff walls constructed to these standards would substantially limit the reduction of external groundwater levels during internal dewatering activities. Furthermore, implementation of Mitigation Measure GW-1: *Maintain Groundwater Supplies in Affected Areas* would monitor changes in groundwater elevations at perimeter wells and levee toe well points, and adjustments to construction practices would be made if required to maintain groundwater levels outside the cutoff walls.

Given the description above, construction of the Delta Conveyance Project would not conflict with the implementation of the GSPs associated with groundwater storage. The EIR similarly finds that operation of the project would not significantly impact groundwater storage, as the seepage cutoff walls would remain in place.

Groundwater Quality

Project impacts on groundwater quality are analyzed in multiple locations in the EIR, including in Chapter 8 under Impact GW-7: *Degradation of Groundwater Quality*, Chapter 9, *Water Quality*, under Impact WQ-5: *Effects on Electrical Conductivity Resulting from Facility Operations and Maintenance*, and Chapter 25, *Hazards, Hazardous Materials, and Wildfire*, under Impact HAZ-1: *Create a Substantial Hazard to the Public or the Environment through the Routine Transport, Use, or Disposal of*

1 *Hazardous Materials*. Since groundwater quality can limit local water supplies and beneficial uses,
2 GSPs must characterize current water quality and identify minimum thresholds at which
3 undesirable results would occur.

4 Four ways in which the project could potentially impact groundwater quality are described in the
5 EIR:

- 6 1. Construction-related releases of contaminants.
- 7 2. Saline water intrusion.
- 8 3. Connate (depositional; water trapped in the pores of sedimentary rocks) water upwelling.
- 9 4. Movement of existing groundwater contamination plumes.

10 DWR believes the four assessments conducted for the groundwater quality assessment are an
11 accurate representation of potential construction- and operational-related impacts for the purposes
12 of CEQA compliance.

13 Construction best management practices and requirements of the project's stormwater pollution
14 prevention plan would minimize, avoid, or reduce to less than significant potential releases of
15 construction-related contaminants using proven methods and practices. Increased saline water
16 intrusion from the Delta as a result of project operation and construction is linked to project impacts
17 on interconnected surface waters (the drawing of water from surface waters into the groundwater
18 basin). This impact will be less than significant, as described in Chapter 8, Impact GW-1: *Changes in*
19 *Stream Gains or Losses in Various Interconnected Stream Reaches*, and as described later in this
20 Common Response. Therefore, conflicts with the implementation of the GSPs associated with
21 groundwater quality and construction-related releases of contaminants and saline water intrusion
22 would not occur.

23 Connate water upwelling would not occur as project dewatering is relatively shallow
24 (approximately 160 feet below grade or shallower) and would not result in vertical gradients deep
25 enough to draw highly saline connate groundwater from the lower aquifer system (1,000 to 3,000
26 feet below grade) upward. Contaminant plume mobilization would not occur because changes in
27 hydraulic gradient would be small as shown in Chapter 8 under Impact GW-7. As shown in the
28 figures depicting maximum groundwater elevation difference contours for each alternative in the
29 *Alternatives Impacts* section of Appendix 8B, *Impact Analysis: Groundwater Model Results*, the change
30 in groundwater levels by project operation for all alternatives is expected to be less than 5 feet and,
31 in most instances, less than 2 feet. A change in groundwater levels of less than 2 to 3 feet is unlikely
32 to cause a substantial change in groundwater flow paths or groundwater hydraulic head (a measure
33 of elevation) because such a change would be small relative to the size of the groundwater basin,
34 resulting in little change in slope to the flow paths. Therefore, this is a relatively minor change and
35 would not mobilize existing groundwater contaminant plumes or change groundwater quality.
36 Substantial construction-related changes in groundwater levels resulting from dewatering will not
37 occur as construction dewatering would occur within cutoff walls designed to meet strict design
38 standards for low permeable materials, as already described. In addition, implementation of
39 Mitigation Measure GW-1: *Maintain Groundwater Supplies in Affected Areas* will monitor
40 groundwater level and electroconductivity changes outside the cutoff walls and will identify when
41 construction practices require adjustment to reduce mounding, groundwater level declines, or
42 salinity changes. Although it is determined that the project would not significantly impact
43 groundwater quality, Mitigation Measure GW-1, which was included in the Draft EIR, has been

revised to include monitoring of electroconductivity at select locations during construction to provide data confirming the conclusions in the EIR that project construction will not result in increased saline concentrations. Impact GW-1 and Impact GW-2 remain less than significant prior to the implementation of the revised mitigation measure, as described in Chapter 8.

Therefore, connate water upwelling and the movement of existing groundwater plumes would not occur during construction or operation, and the Delta Conveyance Project would not conflict with the implementation of the GSPs associated with groundwater quality.

Interconnected Surface Water and Groundwater Dependent Ecosystems

Project impacts on interconnected surface waters are analyzed in Chapter 8 under Impact GW-1. Generally, modeling the change in annual interconnected surface water interactions between the project alternatives and existing conditions generated the following:

- Greatest losses from streams were less than 1% by volume (except Alternatives 2a and 4a for the San Joaquin River, where loss is about 1.2%).
- Greatest additions (flow into) streams were 0.4% to greater than 1%.
- Annual average of impacts ranged from -0.3% (stream losses) to +0.6% (stream gains). (For details, see the tables in the *Operations* subsection of the *Impacts of the Project Alternatives on Groundwater* section in Chapter 8.)

Overall, the modeling shows less-than-significant impacts to interconnected surface waters. Therefore, the project operations would not cause more surface water to move into the groundwater aquifers.

Localized short-term impacts to interconnected surface water at or near the intakes and other dewatering sites would be minimal as construction at these locations would include the use of cutoff walls constructed of low permeable materials or the construction of, or modification to, the levee system in which cutoff walls are included, as described at the beginning of the section titled *EIR Groundwater Impact Analysis and Groundwater Sustainability Plans* in this Common Response. When constructed to industry-mandated strict design standards, the cutoff walls substantially limit reduction of external groundwater levels and thus limit interactions with interconnected surface waters during internal dewatering activities. In addition, implementation of Mitigation Measure GW-1: *Maintain Groundwater Supplies in Affected Areas* would monitor groundwater levels outside the cutoff walls using perimeter wells and levee toe well points and would identify when construction practices require adjustment based on observed groundwater level changes to maintain stream gains and losses.

Groundwater dependent ecosystems (GDEs) are defined under SGMA as ecological communities or species that depend on groundwater emerging from aquifers or on groundwater occurring near the ground surface. GDEs are typically found proximate to surface waters and would be affected similarly to interconnected surface waters described above. Furthermore, as described in Impact GW-2 and Impact GW-4, substantial changes in groundwater elevation would not occur. Impacts to GDEs as a result of changes in groundwater would not occur. This EIR addresses other temporary or permanent impacts to GDEs by identifying and evaluating potential impacts to all natural systems and habitat supported by groundwater that could be impacted by the project. Chapter 13, *Terrestrial Biological Resources*, discusses specific habitat types, including GDEs (wetlands and riparian habitat), and the associated potential for other project impacts.

Inelastic Land Subsidence

Inelastic land subsidence is a permanent gradual settling or sudden sinking of the Earth's surface resulting from removal or displacement of subsurface earth materials. Land subsidence in California can be caused by compaction associated with groundwater level decreases, oil and gas withdrawals, and the drainage of organic soils. Project impacts on land subsidence were analyzed in Chapter 8 under Impact GW-6: *Damage to Major Conveyance Facilities Resulting from Land Subsidence* and Chapter 11, *Soils*, under Impact SOILS-3: *Property Loss, Personal Injury, or Death from Instability, Failure, and Damage as a Result of Constructing the Proposed Water Conveyance Facilities on or in Soils Subject to Subsidence*. The principal mechanism for potential land subsidence in the study area would be groundwater extraction below the Corcoran Clay layer. In addition, dewatering has the potential to cause limited oxidation of peaty soils in localized areas directly adjacent to the dewatering sites.

As discussed in the *Volume 1: Delta Conveyance Final Draft Engineering Project Report—Central and Eastern Options* and *Volume 1: Delta Conveyance Final Draft Engineering Project Report—Bethany Reservoir Alternative* (Delta Conveyance Design and Construction Authority 2022a, 2022b), all dewatering pumping would occur at depths above 165 feet below the ground surface, which is above the Corcoran Clay layer (a regional aquitard). Construction dewatering would occur inside cutoff walls constructed of low permeability materials. The dewatering sites are located outside the areas with the greatest soil organic matter content (see the figure titled Soil Organic Matter Content in Near-Surface Soils in Chapter 11). Dewatering sites would be isolated from the regional groundwater by cutoff walls. Therefore, the extent of organic soils exposure to air would be minimized or would not occur given the lack of soil with organic matter content. In addition, the duration of exposure would be short (less than about 1 year) relative to the time needed for oxidation to happen to the extent that subsidence occurs. Finally, measures taken to conform to state and federal design standards would reduce the potential hazard of subsidence to acceptable levels by avoiding construction directly on, or otherwise stabilizing, the soil material that is prone to subsidence.

Seawater Intrusion

The sustainable management criterion under SGMA is seawater intrusion, not saltwater intrusion. Therefore, many comments received on the Chapter 8 analyses fall under the sustainable management criterion of degraded groundwater quality. However, some of the comments seem to imply seawater intrusion by reference of saltwater intrusion, which is discussed in the section titled *Groundwater Quality*. Seawater intrusion under SGMA is not an applicable sustainability indicator in the subbasins where the Delta Conveyance Project would be located, except for the East Contra Costa Subbasin. There has been no evidence of seawater intrusion in the East Contra Costa Subbasin in the past or the present. Such intrusion is identified as a potential risk in the future as a result of sea level rise or unsustainable levels of groundwater pumping. Project construction would be completed before substantial changes in sea level rise occur. In addition, considering the force of sea level rise on seawater intrusion into the Delta compared to the limited dewatering effects on local groundwater elevations along with the provision of Mitigation Measure GW-1: *Maintain Groundwater Supplies in Affected Areas*, construction dewatering would not draw seawater all the way up to the intakes or other construction sites. Project operations would not significantly alter X2 locations outside of the winter and spring, when X2 position is already much further west than during the summer and fall months (see the section titled *Impacts of the Project Alternatives with Climate Change* in Chapter 30). If the most eastward location of X2 does not change substantially, the

potential for seawater intrusion does not change substantially. Common Response 10 provides additional information regarding sea level rise and seawater intrusion.

State Water Resources Control Board Authorities and Responsibilities

This section provides additional information related to comments on key aspects of past and present planning efforts of the State Water Board, as well as State Water Board authorities and responsibilities. These planning efforts are described throughout the EIR where appropriate (e.g., Chapter 1 and Chapter 9).

Designated Beneficial Uses and Water Rights

Several comments asserted that the EIR did not adequately consider protections for designated beneficial uses. In addition, while commenters may not have always used the term *beneficial use* in a comment, multiple comments argued that the water supplied by the SWP, DWR, or the PWAs should not be used for certain uses or should be used for other uses. Comments also asserted that existing uses of water are or are not appropriate or correct, or recommended how the DWR should allocate or provide water. In addition, numerous comments expressed concern that the Delta Conveyance Project would affect or alter existing water rights. Some comments requested clarification on whether the planned operation of the project is consistent with the legal requirements for diverting flows from the Sacramento River. Several comments said that the Delta Conveyance Project would adversely affect other water right holders. Other comments claimed that operation of the project would not abide by existing water rights, would be out of compliance with existing water rights, or would otherwise be contrary to existing water rights and the protection of beneficial uses.

One of the State Water Board's responsibilities is to ensure that the state's water is put to the best possible use and that this use is in the public's best interest. This charge is reflected in part by the designation of "beneficial uses" established through the State Water Board's water quality control planning process. These beneficial uses are identified in each water quality control plan (basin plan) issued by the State Water Board. There are numerous designated beneficial uses for multiple waters all over the state; some beneficial uses include municipal and industrial, agricultural, recreational, and fish and wildlife uses. The State Water Board uses its authorities to protect water quality that affects beneficial uses in part through the *Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary* (Bay-Delta WQCP) (State Water Resources Control Board 1995, amended in 2006). The State Water Board is responsible for adopting and updating the Bay-Delta WQCP, which establishes water quality objectives, including flow requirements, needed to provide reasonable protection of beneficial uses of water in the watershed, as well as an implementation program to achieve the water quality objectives. Key elements of the Bay-Delta WQCP include salinity-related water quality objectives for the reasonable protection of various beneficial uses, including irrigated agriculture and municipal water supply.

Another State Water Board authority is to administer and manage water rights in California. A water right is legal permission to use a reasonable amount of water for a beneficial purpose, such as domestic use, fishing, farming, or industry. Water rights law is administered by the State Water Board, and specifically the Division of Water Rights, which acts on behalf of the State Water Board. The State Water Board is the only agency with authority to administer water rights in California. Other state agencies, such as DWR, local governments, water districts, and the California Regional

Water Quality Control Boards, do not administer water rights. The State Water Board shares the authority to enforce water right laws with the state courts. Since water is protected for the use and benefit of all Californians, California's waters cannot be owned by individuals, groups, businesses, or governmental agencies. However, permits, licenses, and registrations give individuals and others the right to beneficially use reasonable amounts of water.

The Delta Conveyance Project aims to provide a more reliable water supply that is also protective of beneficial uses; these include the municipal and industrial beneficial uses for approximately 27 million Californians throughout the state and the agricultural beneficial uses for approximately 750,000 acres of farmland. However, DWR has no authority to designate beneficial uses or to designate for what purposes water is used. DWR has existing water rights and contracts with various PWAs, and these water rights and contracts allow DWR and the PWAs to beneficially use the water supply. Chapter 6 describes DWR's water rights.

Together with the CVP, the SWP operates to meet the jointly assigned water right requirements in the Delta. As described in the section titled *Reduced Reliance on the Delta*, PWAs are currently seeking and will continue to seek opportunities outside of the Delta to improve water supply reliability and to more efficiently and sustainably manage or reduce water use. For example, PWAs have individual policies and programs to motivate ratepayers to conserve water. Different PWAs have the right to take different approaches to managing water supply and demand within their service area, depending on their individual circumstances. DWR has no power to impose penalties on individual water users within PWA service areas or require PWAs to more efficiently and sustainably manage or reduce water use.

DWR currently operates the SWP pursuant to State Water Resources Control Board Water Right Decision 1641 (D-1641), among other requirements (e.g., state and federal endangered species act requirements). In D-1641, the State Water Board amended the water right license and permits for the SWP and the CVP to meet certain water quality objectives in the Bay-Delta WQCP. The section titled *Key Existing Delta Operations Criteria* in Chapter 3 describes the various D-1641 requirements that DWR operates under in coordination with Reclamation's operations of the CVP, including Delta Cross Channel gate operations criteria, Rio Vista minimum instream flow criteria, Delta outflow criteria, and the export to inflow ratio. In addition to these requirements, D-1641 places responsibility on DWR and Reclamation for measures to ensure that specified water quality objectives are met. Chapter 9 considers the water quality objectives and beneficial uses in the Bay-Delta WQCP as well as the implementation of the water quality objectives and requirements in D-1641. Where appropriate, and throughout the EIR's water quality analysis, different water quality constituents, such as electrical conductivity (a measure of salinity), are evaluated within the context of applicable water quality objectives. For example, in Chapter 9, several of the impact analyses, including Impact WQ-4: *Effects on Chloride Resulting from Facility Operations and Maintenance* and Impact WQ-5, specifically integrate standards and requirements from various sources, including the Bay-Delta WQCP. As described in Chapter 9 in the section titled *Summary Comparison of Alternatives*, the project could potentially result in increased electrical conductivity at some Delta locations. However, the project would not cause more frequent exceedance of the Bay-Delta WQCP water quality objectives for protection of agricultural beneficial uses or fish and wildlife beneficial uses because facility operations under the project would be operated to the electrical conductivity objectives, as implemented through D-1641. In addition, in Chapter 12, *Fish and Aquatic Resources*, impact analyses such as Impact AQUA-2: *Effects of Operations and Maintenance of Water Conveyance Facilities on Sacramento River Winter-Run Chinook Salmon*, Impact AQUA-6: *Effects of Operations and Maintenance of Water Conveyance Facilities on Delta Smelt*, and Impact AQUA-7: *Effects of Operations*

1 *and Maintenance of Water Conveyance Facilities on Longfin Smelt* use standards and requirements in
2 the Bay-Delta WQCP and D-1641 as thresholds of significance. Both Chapter 9 and Chapter 12
3 determine impacts to be less than significant or less than significant with mitigation incorporated
4 based on the CEQA impact analysis.

5 As described above, the State Water Board has existing established water quality standards to
6 protect beneficial uses in the Delta through the Bay-Delta WQCP. Although DWR continues to
7 participate in the State Water Board's WQCP revision process, it is not responsible, nor does it have
8 the authority, to identify or establish flow criteria or water quality objectives for the Delta. The
9 analysis contained within the EIR appropriately considered the existing standards and shows that
10 the Delta Conveyance Project would meet those requirements or, where appropriate, identified
11 feasible mitigation measures to reduce potentially significant environmental impacts below the level
12 of significance. The EIR and the Delta Conveyance Project are not inadequate, incomplete, or
13 otherwise lacking because they do not identify flow criteria, include water quality objectives, or
14 otherwise quantify the amount of water that needs to travel through the Delta to the ocean to ensure
15 the Delta's survival as a functioning ecosystem. The California Department of Fish and Wildlife, U.S.
16 Fish and Wildlife Service, and National Marine Fisheries Service will determine whether to issue
17 permits for the project to ensure that there is no jeopardy to species listed as threatened or
18 endangered, that no designated critical habitat is adversely modified, and, with respect to state-
19 listed species, that the impacts of the authorized incidental take will be minimized and fully
20 mitigated. The Delta Conveyance Project's operational criteria and the Compensatory Mitigation
21 Plan are designed to meet those standards as well.

22 The locations of the north Delta intake facilities that would be constructed under the Delta
23 Conveyance Project are not currently identified as points of diversion in DWR's water right. Thus, as
24 described in Chapter 1, in the section titled *Change in Point of Diversion*, prior to constructing the
25 project, DWR must file a petition with the State Water Board and receive State Water Board
26 approval to add to the points of diversion in the relevant water right (Wat. Code § 85088.). As part of
27 this process, the State Water Board will use information from the EIR and information developed as
28 part of the record for the EIR to inform its decision-making process. However, the process by which
29 the State Water Board makes its decision regarding the change in the point of diversion to add one
30 or more new points of diversion is separate from the CEQA process and from DWR's decision
31 whether to approve the Delta Conveyance Project and certify the EIR under CEQA. To support the
32 State Water Board's change in point of diversion process, DWR may provide the State Water Board
33 with additional information beyond that which is contained in the EIR and the EIR record.

34 If the Delta Conveyance Project is approved, DWR will operate the project in compliance with its
35 existing water rights; DWR is not proposing to increase the total quantity of water permitted for
36 diversion under its water rights. The project and project alternatives do not include any actions that
37 would harm in-Delta water rights or modify water deliveries to non-SWP and non-CVP water
38 contractors. In addition, regardless of its involvement in the project, Reclamation would retain its
39 authority to operate the relevant CVP Delta facilities in coordination with the SWP and pursuant to
40 Reclamation's existing water rights.

41 **Development of Flow Criteria for the Sacramento–San Joaquin Delta Ecosystem**

42 Some comments on the Draft EIR described the *Development of Flow Criteria for the Sacramento–San*
43 *Joaquin Delta Ecosystem* (2010 Flow Criteria Report) (State Water Resources Control Board 2010) or
44 connected this report to the Delta Reform Act and other ongoing actions of other state agencies (e.g.,

State Water Board). Comments asserted that the Delta Conveyance Project is inconsistent with the State Water Board's 2010 Flow Criteria Report, that DWR did not consider the information in the 2010 Flow Criteria Report, or that DWR should implement the 2010 Flow Criteria Report.

The State Water Board published the 2010 Flow Criteria Report per the Delta Reform Act (Wat. Code § 85086(c)(1)) to develop flow criteria needed in the Delta ecosystem "if fishery protection was the sole purpose for which its waters were put to beneficial use" (State Water Resources Control Board 2010:Note to Readers). The report explains that the criteria are intended to inform the State Water Board's own "on-going and subsequent proceedings," including the planned update to the 2006 Bay-Delta WQCP. Water Code Section 85086(c)(1) also provides that the State Water Board's report would serve to inform the Delta Stewardship Council's *Delta Plan*. The report emphasizes the artificially narrow scope of the criteria that it was required to develop under the Delta Reform Act and explains that the criteria report did not consider the allocation of water resources to a particular diversion or use (i.e., it did not factor in other beneficial uses of water, such as those required for human health and welfare).

The 2010 Flow Criteria Report has no binding regulatory effect on the Delta Conveyance Project, and the report specifically states in Section 1.1, *Legislative Directive and State Water Board Approach*, of the Executive Summary that the State Water Board's flow criteria determinations are limited to protection of aquatic resources in the Delta and did not consider impacts of the 2010 flow criteria on fish upstream, including sensitive salmon species. Furthermore, the State Water Board is in the process of updating the Bay-Delta WQCP, as described in the next section, *Updates to the Bay-Delta Water Quality Control Plan or Voluntary Agreements*, and has performed further planning and analysis of flow requirements for the Delta through the preparation and public release of subsequent documents.

The 2010 Flow Criteria Report was prepared as one of the first steps in the State Water Board's ongoing water quality control planning process. Multiple reports and regulations have since been developed and released by the State Water Board pursuant to their various authorities over the last decade. These are listed below.

- 2012 *Technical Report on the Scientific Basis for Alternative San Joaquin River Flow and Southern Delta Salinity Objectives* (State Water Resources Control Board and California Environmental Protection Agency 2012).
- 2017 *Scientific Basis Report in Support of New and Modified Requirements for Inflows from the Sacramento River and its Tributaries and Eastside Tributaries to the Delta, Delta Outflows, Cold Water Habitat, and Interior Delta Flows* (State Water Resources Control Board 2017).
- 2018 *Final Substitute Environmental Document in Support of Potential Changes to the Water Quality Control Plan for the San Francisco Bay/Sacramento–San Joaquin Delta Estuary: San Joaquin River Flows and Southern Delta Water Quality* (State Water Resources Control Board 2018a).
- 2018 *Water Quality Control Plan for the San Francisco Bay/Sacramento–San Joaquin Delta Estuary* (State Water Resources Control Board 2018b).
- *July 2018 Framework for the Sacramento/Delta Update to the Bay-Delta Plan* (State Water Resources Control Board 2018c).

- 2023 *Draft Scientific Basis Report Supplement in Support of Proposed Voluntary Agreements for the Sacramento River, Delta, and Tributaries Update to the San Francisco Bay/Sacramento–San Joaquin Delta Water Quality Control Plan* (State Water Resources Control Board et al. 2023).

In addition, the 2010 Flow Criteria Report cannot be implemented by DWR, nor does DWR have the legal authority to implement the 2010 Flow Criteria Report. Finally, a project cannot be inconsistent with the 2010 Flow Criteria Report in violation of any regulation or law because the report itself has no regulatory requirements or authority. Even if the 2010 Flow Criteria Report was enforceable and the Delta Conveyance Project was inconsistent with the report, the EIR exhaustively studied the potential impacts to aquatic species in the Delta and found the impacts to be less than significant or that they can be mitigated to less-than-significant levels based on recommended mitigation measures.

Updates to the Bay-Delta Water Quality Control Plan and Voluntary Agreements

Several comments asserted that the EIR did not adequately consider ongoing updates by the State Water Board to the Bay-Delta WQCP or adequately consider how voluntary agreements could contribute to implementation of the update. Other comments argued that the Bay-Delta WQCP updates should be part of the project; that the EIR or the Delta Conveyance Project is inadequate, incomplete, or otherwise lacking because it does not identify the amount of water that needs to travel through the Delta to the ocean to sustain the Delta's ecosystem; that the project should be consistent with the Bay-Delta WQCP; or that the Bay-Delta WQCP was not included appropriately in the EIR analysis.

These comments employed a variety of terms to refer to the Bay-Delta WQCP updates, including *Phase 1*, *Phase 2*, *Lower San Joaquin River*, *Sacramento/Delta*, and *Voluntary Agreements*. For the purposes of this Common Response, it is assumed that *Phase 1 and Lower San Joaquin River* refers to the Bay-Delta WQCP Update: San Joaquin River Flows and Southern Delta Salinity; *Phase 2 and Sacramento/Delta* refers to the Bay-Delta WQCP Update: Delta Outflows, Sacramento River and Delta Tributary Inflows, Cold Water Habitat and Interior Delta Flows; and *Voluntary Agreements* refers to voluntary agreements associated with the Bay-Delta WQCP Update: Delta Outflows, Sacramento River and Delta Tributary Inflows, Cold Water Habitat and Interior Delta Flows. DWR does not use the term *Phase 1* or *Phase 2* in this Common Response. For responses related to State Water Board activities associated with the Bay-Delta WQCP updates and the baseline conditions, please see Common Response 1, and for responses related to the No Project Alternative, please see Common Response 4.

Since 2008, the State Water Board has been engaged in a process to update the 2006 Bay-Delta WQCP to ensure that beneficial uses of water in the Delta watershed are reasonably protected. It is the role and responsibility of the State Water Board, not DWR, to establish requirements and standards to reasonably protect different beneficial uses in the Bay-Delta WQCP, as discussed in the section titled *Designated Beneficial Uses and Water Rights*. DWR, other water rights holders, waste dischargers, and others are responsible for implementing the requirements and standards described in the Bay-Delta WQCP. DWR currently implements Bay-Delta WQCP standards and requirements primarily through compliance with D-1641. The State Water Board has the authority to establish and amend standards and requirements in the Bay-Delta WQCP and to describe, as part of that authority, the water quality objectives for such things as Delta outflow. The Bay-Delta WQCP updates are ongoing. Common Response 1 provides a summary of more recent activities undertaken by the State Water Board that are related to the Bay-Delta WQCP Update: San Joaquin River Flows

1 and Southern Delta Salinity in Table CR1-1, as well as a discussion of more recent activities
2 undertaken by the State Water Board that are related to Bay-Delta WQCP Update: Delta Outflows,
3 Sacramento River and Delta Tributary Inflows, Cold Water Habitat and Interior Delta Flows.

4 The Bay-Delta WQCP updates were not omitted from the EIR, and DWR appropriately considered
5 them. Appendix 3C describes the two aspects of the Bay-Delta WQCP updates: (1) Bay-Delta WQCP
6 Update: San Joaquin River Flows and Southern Delta Salinity and (2) Bay-Delta WQCP Update: Delta
7 Outflows, Sacramento River and Delta Tributary Inflows, Cold Water Habitat and Interior Delta
8 Flows. As described in Common Response 1, the Bay-Delta WQCP Update: San Joaquin River Flows
9 and Southern Delta Salinity was approved prior to the NOP for the Delta Conveyance Project, but it
10 has not been implemented. It is not incorporated into the modeling for existing conditions or the No
11 Project Alternative because implementation has not been adopted by the State Water Board and
12 implementation remains speculative. Also as described in Common Response 1, Bay-Delta WQCP
13 Update: San Joaquin River Flows and Southern Delta Salinity is qualitatively considered and
14 evaluated where appropriate in the cumulative analysis, such as Chapter 9, Water Quality. The State
15 Water Board initiated a process to update the Sacramento River and Delta tributary inflow and
16 coldwater habitat, Delta outflow, and interior Delta flow components of the Bay-Delta WQCP in
17 2012, but that update has not been approved or implemented. This Bay-Delta WQCP Update: Delta
18 Outflows, Sacramento River and Delta Tributary Inflows, Cold Water Habitat and Interior Delta
19 Flows is also qualitatively evaluated as part of the cumulative impact analysis as indicated in Table
20 3C-2, and where appropriate in the EIR (e.g., Chapter 9), and as described in Common Response 1.

21 Voluntary agreements (VAs), an alternative Bay-Delta WQCP update, are proposed as a voluntary
22 pathway to achieve reasonable protection of fish and wildlife beneficial uses in the Sacramento
23 River watershed. The State Water Board is in the process of evaluating and considering the VAs,
24 including preparing necessary environmental documentation and other technical analyses. DWR has
25 been participating in the VA process with the State Water Board, the California Department of Fish
26 and Wildlife, and other voluntary agreement parties since approximately 2018. A memorandum of
27 understanding (MOU) for VAs proposing updates to the Bay-Delta WQCP and its implementation
28 titled *Memorandum of Understanding Advancing a Term Sheet for the Voluntary Agreements to*
29 *Update and Implement the Bay-Delta Water Quality Control Plan, and Other Related Actions* (State
30 Water Resources Control Board 2022) was received by the State Water Board in March 2022
31 (amended in August 2022 and November 2022). The signatory parties included state and federal
32 agencies, local water agencies, private companies, and a nonprofit mutual benefit corporation. The
33 VAs continued to be considered by the State Water Board after 2022 and into September of 2023.

34 In April 2023, the State Water Board released a Notice of Preparation of Environmental
35 Documentation for the Tuolumne River Voluntary Agreement and held a scoping meeting in May of
36 2023; however, there has been no environmental document released by the State Water Board
37 related to the Tuolumne River. The State Water Board also released the Draft Staff
38 Report/Substitute Environmental Document in Support of Potential Updates to the Water Quality
39 Control Plan for the San Francisco Bay/Sacramento–San Joaquin Delta Estuary for the Sacramento
40 River and its Tributaries, Delta Eastside Tributaries, and Delta in September 2023, which includes
41 an evaluation of the VAs in Chapter 9, Proposed Voluntary Agreements (State Water Resources
42 Control Board 2023). The State Water Board described the process and relationship between VAs
43 related to the Sacramento River and Lower San Joaquin River in Chapter 9:

44 The analyses presented [in Chapter 9] are not intended to support possible updates to the portions of
45 the Bay-Delta Plan covering the lower San Joaquin River, which could incorporate lower San Joaquin
46 River VAs, and would be subject to a separate process and subsequent analysis. The State Water

Board commenced a process for considering possible updates to the Bay-Delta Plan for the Tuolumne River in 2023. While Merced River parties have submitted a VA, the Merced River parties are not currently signatories to the VA Term Sheet. In the event the Merced River VA is included in the VA Term Sheet, it would be evaluated similar to the Tuolumne River VA, as would also be the case if a VA is developed for the Stanislaus River.

(State Water Resources Control Board 2023:9-2). As of the preparation of the Final EIR for the Delta Conveyance Project, the Draft Staff Report/Substitute Environmental Document in Support of Potential Updates to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary for the Sacramento River and its Tributaries, Delta Eastside Tributaries, and Delta was in the public comment period, and the State Water Board had not made a decision regarding the VAs. Thus, the VAs are still in the planning process and have not been approved by the State Water Board or implemented. Given this status, the VAs are not included in the EIR in existing conditions, No Project Alternative conditions, or cumulative conditions.

In the Delta Conveyance Project EIR, DWR further considered the updates to the Bay-Delta WQCP and potential VAs beyond the context and requirements of CEQA in Appendix 4C, *Alternate Regulatory Scenario Sensitivity Analysis*. Appendix 4C discusses the ongoing updates to the Bay-Delta WQCP by the State Water Board and states that updates to the Bay-Delta WQCP could lead to changes in existing regulatory requirements affecting operations of the SWP. Because the specific requirements of the Bay-Delta WQCP updates are uncertain as the State Water Board moves through the steps of the environmental review and the water quality control planning process, it is possible that the Bay-Delta WQCP could be amended before the Delta Conveyance Project is operational.

Given the uncertainty regarding the updates to the Bay-Delta WQCP, Appendix 4C describes a potential Alternate Regulatory Scenario that considers possible regulatory requirements for water quality and flow when an updated Bay-Delta WQCP is implemented. The appendix also characterizes the potential effects of the project under this Alternate Regulatory Scenario. The description of an Alternate Regulatory Scenario in Appendix 4C includes some provisions from the March 2022 MOU, though the scenario is not intended to fully represent the March 2022 MOU and is only one example of a potential future condition with an updated Bay-Delta WQCP.

Regardless of whether the Delta Conveyance Project is approved or not, DWR will continue to operate the SWP in compliance with existing and future Bay-Delta WQCP standards and requirements.

Antidegradation Policy and Analysis

Several comments asserted that an antidegradation policy analysis should be performed for the EIR. The EIR does not specifically state whether the alternatives are consistent with the state's Antidegradation Policy because doing so requires determining whether allowing project-caused water quality degradation, which is less than significant, is in the best interest of the people of the state. This determination must consider the socioeconomic benefits of the project. Such considerations are beyond the purpose and scope of the water quality CEQA analysis for this EIR (as described later in this section). Nevertheless, Chapter 9 provides the information for water quality degradation and associated beneficial use effects (i.e., impacts) needed by the State Water Board, to be considered along with other factors that are outside the scope of this EIR chapter, to determine whether the selected alternative is consistent with state and federal antidegradation policies.

In California, maintaining consistency with the federal and state antidegradation policies falls to the Regional Water Quality Control Boards and the State Water Board in considering point-source

1 discharge and certain water rights permits. The State Water Board has interpreted the state's
2 Antidegradation Policy to incorporate the federal Antidegradation Policy in situations where the
3 policy is applicable (SWRCB Order WQ 86-18 17). However, the application of federal
4 Antidegradation Policy to nonpoint source discharges such as the Delta Conveyance Project is
5 limited.¹

6 For the Delta Conveyance Project, application of the Antidegradation Policy will be considered by
7 the State Water Board with respect to DWR's application to add one or more new points of diversion
8 to its existing water right permits. The water quality degradation analysis presented in Chapter 9 of
9 the EIR is but one part of the subsequent application of the policy. The Antidegradation Policy
10 addresses both the amount of water quality lowering that would occur and the determination of
11 whether lowered water quality is necessary to accommodate economic or social development in the
12 area and consistent with maximum benefit to the state.

13 Water development and water conservation projects may be important social and economic
14 developments that justify a lowering of water quality (Wat. Code § 13000). Similarly, environmental
15 protection may constitute important social development, justifying a change in water quality, even if
16 no other social or economic benefits to the community are demonstrated (see William R. Attwater's
17 Oct. 1987 memorandum on federal Antidegradation Policy to Regional Water Board Executive
18 Officers [State Water Resources Control Board 1987]). Where there are two conflicting uses, the
19 quality of water for one use may be reduced where the change improves water quality for the other,
20 in appropriate circumstances (see 40 CFR § 131.11(a)(1)). This latter analysis is outside the scope of
21 CEQA and necessarily requires evaluation of economic value and social issues associated with the
22 existing beneficial uses, in addition to the economic costs and changes in these conditions that may
23 occur as a result of lowered water quality.

24 Furthermore, such socioeconomic evaluation is stipulated in the federal and state policies to
25 consider these issues via intergovernmental coordination, public participation, and the state's
26 planning processes. Evaluating socioeconomic changes is not the purview of the water quality
27 analysis, which is rightfully focused on providing the numerical and qualitative assessment only of
28 the potential for implementation of the project alternatives to degrade existing water quality with
29 respect to regulatory water quality objectives and beneficial uses. The socioeconomic evaluation
30 must be conducted based on the results of the EIR and the later stages of regulatory agency review
31 and permitting of changes to the SWP water rights orders, or other regulatory actions.

¹ 40 Code of Federal Regulations (CFR) 131.12(a)(2) requires that the "State shall assure that there shall be achieved the highest statutory and regulatory requirements for all new and existing point sources and all cost-effective and reasonable best management practices for nonpoint source control." Chapter 4, *Antidegradation*, of the U.S. Environmental Protection Agency *Water Quality Standards Handbook* (U.S. Environmental Protection Agency 2012) clarifies this as follows: "Section 131.12(a)(2) does not mandate that States establish controls on nonpoint sources. The Act leaves it to the States to determine what, if any, controls on nonpoint sources are needed to provide attainment of State water quality standards (See CWA §319). States may adopt enforceable requirements, or voluntary programs to address nonpoint source pollution. Section 40 CFR 131.12(a)(2) does not require that States adopt or implement best management practices for nonpoint sources prior to allowing point source degradation of a high-quality water. However, States that have adopted nonpoint source controls must assure that such controls are properly implemented before authorization is granted to allow point source degradation of water quality."

Department of Water Resources Delta Efforts

DWR performs a number of different duties and responsibilities within the Delta that are beyond the scope of the Delta Conveyance Project. This section describes several ongoing efforts by DWR, which were identified across different comments, that are consistent with DWR's mission: "[t]o sustainably manage the water resources of California, in cooperation with other agencies, to benefit the state's people and protect, restore, and enhance the natural and human environments."

Levee Management

Some comments claimed the Draft EIR failed to adequately analyze the project's likely detrimental effects on Delta levees and flood control infrastructure, while others expressed concern regarding the state's obligations or commitments to levee maintenance or management throughout the Delta.

As described in Chapter 7, *Flood Protection*, in the section titled *State Plan of Flood Control*, the state and federal governments have developed, managed, and maintained an elaborate flood control system comprising approximately 1,600 miles of levees. These are part of the state-federal flood protection system and include levees in the Delta as well as levees that are part of the Sacramento River Flood Control Project. In addition to this system, numerous nonstate and nonfederal levees are maintained and managed throughout the Delta. DWR does not own or maintain all levees in the Delta; and depending on the levee (State Plan of Flood Control vs. non-State Plan of Flood Control) and the area of protection (urban areas vs. nonurban areas), different standards and guidelines apply (see the section titled *Levee Standards and Compliance* in Chapter 7). In addition, the Central Valley Flood Protection Plan, developed by DWR in coordination with the Central Valley Flood Protection Board, established a systemwide approach to improving flood management in areas currently receiving protection from State Plan of Flood Control facilities.

As described in Chapter 7, in the section titled *Regional Planning Efforts Related to Delta Flood Management*, state funding programs for levee improvements on Delta islands and tracts vary based on location and type of levee. Since the 1980s, state funds for Delta levees have been made available through the Delta Levees Maintenance Subventions Program or the Delta Levees Special Flood Control Projects Program. Using these grant monies, the programs DWR oversees provide funding to levee maintaining agencies for their use to protect and improve critical levees in many areas of the Delta. DWR also regularly works with local governments to maintain and improve the levees that protect the Delta. Additional initiatives undertaken by DWR are the Delta Knowledge Improvement Project and the Delta Land Use Project, which includes the North Delta Project and the West Delta Program.

These multiple programs and funding opportunities are independent of the Delta Conveyance Project and would continue as they have, regardless of whether DWR approves the Delta Conveyance Project or a project alternative. Because the Delta Conveyance Project is dual conveyance (i.e., able to divert water from either the north or south), existing levees continue to be an important feature in the Delta under the operation of the project. The federal government (e.g., U.S. Army Corps of Engineers) also has existing programs and funding associated with the levees in the Delta; and as with state and DWR programs, these would continue independent of whether DWR approves the project or a project alternative.

Water Quality Monitoring Programs

Numerous water quality monitoring stations at locations throughout the Delta are currently in operation and will continue to be operational in the future. These stations are operated by DWR, the U.S. Geological Survey, Reclamation, the state's Interagency Ecological Program, and numerous local agencies. Monitoring locations already present in multiple locations throughout the Delta, such as Old River near Discovery Bay, would be used during implementation of the project as they are currently used and will continue to be used to inform the management of water in the Delta. In addition, DWR anticipates monitoring of mercury and selenium will be further defined in site-specific monitoring and management plans associated with the habitat restoration areas described in the CMP, as detailed in Appendix 3F, *Compensatory Mitigation Plan for Special-Status Species and Aquatic Resources*, and EIR chapters (e.g., Chapter 9, Impact WQ-6 and Mitigation Measure WQ-6: *Develop and Implement a Mercury Management and Monitoring Plan*).

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