



North Delta CARES Action Committee

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Delta Stewardship Council
980 9th Street, Ste. 1500
Sacramento, CA 95814

RE: CA Waterfix Consistency with Delta Plan – Appeal

Dear Delta Stewardship Council Members and Staff:

North Delta CARES Action Committee (North Delta CARES – Community Area Residents for Environmental Stability) is an organization that represents the people, businesses, and land mainly in the Northern part of the Primary and Secondary Zones of the California Delta, and most of us live in the communities closest to the construction of the CA Waterfix water intake facilities on the Sacramento River – these are also known as Legacy Communities because they were established at the time of the Gold Rush, 1849/50, or mid-to-late 1800's. The communities closest to the 3 intakes, Intake 2, 3, and 5 in the CA Waterfix, are Clarksburg, Hood and Courtland.

North Delta CARES Action Committee asserts that the CA Waterfix contains a lack of consistency with the Delta Plan along with its amendment modifications and appeals that your decision to accept it as being consistent with the Delta Plan be denied.

These amendments involve Delta Levee Investment & Risk Reduction Strategy (DLIS), Delta Conveyance, Storage Systems and Operations of Both (CSO), and Performance Measures (PM). North Delta CARES Action Committee has given extensive comments to the DSC on the CSO and PM in the past.

As the Delta Stewardship Council is the CEQA lead agency for the proposed CA Waterfix, as stated in the Delta Plan Amendments Program Environmental Impact Report, the PEIR provides the Executive Summary, dated 11/17, and this document provides full disclosure to the public and Council regarding the potential significant environmental effects of the CA Waterfix” It is also intended to provide sufficient information to foster informed decision-making by the Council. North Delta CARES has also studied the BDCP Final EIR/EIS and the recent Supplemental EIR/S and there are major differences in them and the PEIR.

North Delta CARES is going to assume, by writing this appeal paper, that there are members on the current DSC who do not know, realize, understand, or have not been informed, about the true devastation the temporary construction period of 11 years will have upon the people, the businesses, the Legacy communities, and the disregard for the agriculture policies and the recreation impacts in the Primary and Secondary Zones of the Delta.

In May 2013, the Council adopted the Delta Plan, a comprehensive, long-term management plan for the Delta and Suisun Marsh that furthers the coequal goals (Water Code Section 85300 (a)). As defined in Water Code Section 85054:

“Coequal goals **means** the two goals of providing a more reliable water supply for California and protecting, restoring and enhancing the Delta ecosystem. The coequal goals **shall be achieved** in a manner that protects and enhances the unique cultural, recreational, natural resource and agricultural values of the Delta as an evolving place.”

Webster’s Dictionary:

Means: “Something as a method by which an end is achieved.”

Achieved: “To accomplish or attain by work or effort”.

North Delta CARES does not see the work or effort in the CA Waterfix to protect or enhance the unique cultural, recreational, natural resource and agricultural values of the Delta as an evolving place.

We understand that the Delta Plan includes Policies that are mandatory requirements of the Council and have regulatory effect on State and local agencies when proposing to implement covered actions such as the State Agency DWR is attempting to invoke by its current Change in Point of Diversion Petition to the SWRCB along with the FBOR to construct 3 water intakes on the banks/levees of the Sacramento River between the Legacy towns of Clarksburg, Courtland and Hood. North Delta CARES asserts that this construction is inconsistent with the Policies of the Delta Plan and will describe the reasons for this assertion.

Certain activities qualify as covered actions, and a covered action is a plan, program or project (CA Waterfix) as defined pursuant to Section 21065 of the Public Resources Code (definition of a “project” in the CA Environmental Quality Act (CEQA) that meets ALL of the following conditions.....”Will have a significant impact on the achievement of one or both of the coequal goals.....For the purpose of the Delta Plan, “significant impact” means a change in existing conditions that is directly, indirectly, and/or cumulatively caused by an action and that will significantly affect the achievement of one or both of the coequal goals...”

In addition, EIR Mitigation Measures are not consistent with Project Objectives – Proposed Performance Measures Amendment 8c- ii, iii, iv, and v. 8-c-I is not included

here. These Performance Measures are to: Plan to protect the Delta’s lands and communities, maintain Delta agriculture, encourage recreation and tourism, and sustain a vital Delta economy. (ES-8)

The Tables on ES-18 show the CA Waterfix Alternative 4 Environmental Impacts in the Issue Areas of Environmental Impacts at SU (Potentially Significant) and LS (Less than Significant) in all 34 areas listed. This is not consistent with either the Final EIR or the Administrative Supplemental EIR/S (SEIR/S) as mentioned above.

ES-18 uses a different “Finding Table” than the CEQA/NEPA FEIR/S that the Public has been given prior to 2017.. Those CEQA findings list the following “Level of Significance/Determination of Effects” with the following acronyms:

CEQA

- SU: Significant and Unavoidable (any mitigation not sufficient to render impact less than significant)
- LTS: Less than Significant
- S: Significant
- NI: No Impact
- B: Beneficial
- ND: No Determination
- N/A: Not Applicable

NEPA

- A: Adverse
- NA: Not Adverse
- NE: No Effect
- B: Beneficial
- ND: No Determination
- N/A: Not Applicable

The difference in the Tables findings is questionable as there is no incremental level of significant impact under the ES-2 Table other than SU – Potentially Significant/and unavoidable as stated on Pg. ES-23. The DPAP Executive Summary goes on to state on Page ES-23, “For many impacts, this conclusion is very conservative. Agencies that might propose actions or activities that the proposed Delta Plan amendments seek to influence have a legal duty under CEQA to mitigate impacts to the extent feasible.” North Delta CARES asserts that DWR does not have a good record in the Delta for mitigation measures.

The difference in the determination of impact effects and the lack of accountability and the devastating construction effects on the Delta are the very reason that North Delta CARES asserts that the CA Waterfix is not consistent with the Delta Plan as it does not support the Performance Measures Amendment.

The Delta Plan contains 6 main subject matter chapters, and North Delta CARES will focus our Appeal on “Protection and Enhancement of the Delta as an Evolving Place – Chapter 5.” (ES-3).

Let us delve into the Final EIR/EIS and Administrative Supplement EIR/EIS with many examples of incompatibility with Project Objectives – Proposed Performance Measures Amendment 8c- ii, iii, iv, and v that affect Chapter 5.

To compare, the following chapters of the SEIR/S show only a few examples of how DWR has let the Delta down in their planning and, even after mitigation measures, shows permanent significant adverse effects that they claim are unavoidable on the Delta Region, its people, its businesses, its land, its environment, and its policies, by the construction of this project. This is not acceptable, and therefore it is the wrong plan.

1. Land Use - Chapter 13
2. Recreation - Chapter 15
3. Socio Economics - Chapter 16
4. Aesthetics & Visual Resources - Chapter 17
5. Cultural Resources - Chapter 18
6. Hazards & Hazardous Materials- Chapter 24

The following is significant information to further North Delta CARES Action Committee’s claim that the CA Waterfix does not protect and enhance the unique cultural, recreational, natural resource and agricultural values of the Delta as an evolving place, it will, in fact, devastate and destroy the Delta and its cultural (historical), recreational, natural resource and agricultural values.

North Delta CARES has chosen many examples to outline this for you as follows:

1. Land Use – Chapter 13 SEIR/S

“Like the approved project, the proposed project would require placement of temporary and permanent structures on lands designated for other uses by the plans of Sacramento, San Joaquin, Contra Cost and Alameda Counties. The construction of the water conveyance facilities would require land use activities that would be incompatible with land use designations, goals and policies ascribed to the study area for the purposes of reducing environmental impacts and surface features associated with the construction such as power lines, forebay construction, RTM storage areas, and access roads that all have the potential to create land use incompatibilities.”
(SEIR/S, Pg. 13-3,4; L 40-44, 3-5)

“Construction of the proposed project would necessitate the removal of 60 existing permanent structures and this would be considered an **adverse effect**.” (SEIR/S, Pg. 13-4, L 41)

“In addition, although physical structures would not be built through or directly adjacent to the community of Hood under the proposed project, a temporary power line and other construction related facilities would be constructed in the immediate vicinity of the community of Hood and could alter the nearby lands and cause difficulty traveling to and throughout certain areas in Hood. During the construction of the tunnels between Intakes 3 and 5, and the intermediate forebay, construction activities would occur to the north and south of the community of Hood, and a proposed temporary power line would cross through portions of the community. Even though access to and from the community would be maintained over the long-term, the nearby construction of the temporary work area would substantially alter the setting of the community in the near term. **Similarly, the nearby construction of Intakes 3 and 5, although not adjacent to Hood, would create permanent physical structures approximately ¼ mile north and ½ mile south of Hood that would substantially alter the community’s surroundings.** Additional placement of the intake facilities would represent physical structures that would substantially alter the setting of the community’s surroundings, constituting an **adverse effect.**” (SEIR/S, Pg. 13-16, L 19-21; Pg. 13-16, L 22-24; Pg. 13-21, L 27-29)

North Delta CARES asserts that this project is incompatible with County Land Use Plans and the Delta Protection Commission Land Use and Resource Management Plan for the Primary Zone of the Delta as well as the Brannan Island and Franks Tract State Recreation Area General Plan, and possibly others. (SEIR/S, Pg. 13-6, L 16-17)

2. Recreation – Chapter 15 SEIR/S

Construction of the project would result in the displacement of existing well-established recreation facilities available for public access in the Delta, and this alternative would reduce recreation opportunities at some sites as a result of the construction of the water conveyance facilities.

The Final EIR/S and SEIR/S do not adequately mitigate the challenge reducing recreation in the Delta. As stated in the SEIR/S:

REC-1: “The impact...**associated with permanent displacement of public use or private commercial recreation areas** as a result of the proposed project would be less than....**The impact under the proposed project would remain less than significant.** No mitigation is required.” (SEIR/S, Pg. 15-3, L 1-8)

REC-2: Result in Long-Term Reduction of Recreation Opportunities and Experiences as a Result of **Constructing the Proposed Water Conveyance Facilities**: “The modification to the footprint of the water conveyance facilities under the proposed project would result in indirect impacts on one additional recreation site....Overall, the impacts on recreation opportunities between the proposed project and the approved project would be very similar and no substantial incremental change would result. Mitigation measures set forth below would reduce some construction-related impacts; however, **the level of**

impact would not be reduced to a less-than-significant level and would remain significant and unavoidable.” (SEIR/S, Pg. 15-4, L 32-39)

REC-3: Result in **Long Term Reduction of Recreational Navigation Opportunities** as a Result of Constructing the Proposed Water Conveyance Facilities: **“The Mitigation measures set forth below would reduce some construction-related impacts; however, the level of impact would not be reduced to a less-than-significant level and would remain significant and unavoidable.”** (SEIR/S, Pg. 15-7, L 23-29)

North Delta CARES continues to assert that this approved project and the proposed project (CA Waterfix) will have devastating short term and long term effects on recreation (and tourism) in the Delta. Even with mitigation, CA WaterFix states that reduction of recreation opportunities and experiences as a result of construction, and long term reduction of recreational navigation opportunities, **would remain significant and unavoidable.**

CA WaterFix also states that the analysis of impacts on recreation for the approved project conclude that constructing the approved project would not result in significant cumulative impacts and further states, **“The proposed project would continue to have NO CUMULATIVE EFFECT on displacement of recreational facilities, temporary disruptions to recreation opportunities, recreational navigation, recreational fishing and other recreation opportunities.”** (SEIR/S, Pg. 15-9, L 20-29)

A cumulative effect is something that is caused or influenced to happen over a long period of time made up of accumulated parts but tending to all prove the inevitable same point. North Delta CARES asserts that the parts of CA Waterfix impacts on Delta recreation, aesthetics, land use, socioeconomics, cultural resources etc., and their **significant adverse impacts on the Delta Region as a whole, WOULD have a cumulative negative impact on recreation and tourism in the Delta.**

3. Socio-Economics – Chapter 16 SEIR/S

“The level of impact would not be reduced to a less than significant level and would remain significant and unavoidable.” (SEIR/S, Pg. 15-4, L 19-31)

4. Aesthetics & - Chapter 17

“The impact on scenic highways associated with the proposed project would **be significant and unavoidable** with the approved project. The visual elements introduced by the intakes, RTM area north of Intake 2, intermediate forebay, and the construction associated with the proposed project would conflict with the existing forms, patterns, colors, and textures along River Road and SR 160; and would dominate the riverfront experience presently available from River Road and SR 160. These changes would reduce the visual quality near intake structure locations and result in noticeable changes in the visual character of scenic highway views. This effect would be **adverse** for the same reasons discussed for the approved project under the proposed project. Mitigation

Measures AES-1a, AES-1c, and AES-1e have been adopted to address these effects, but the effects would remain **adverse to the quality of life of the people who live and work and visit the Delta.**” (SEIR/S, Pg. 1 Fig. 17-2 and Pg. 17-2, L 27-39)

“Changes to light and glare remain **adverse** under the proposed project, consistent with the approved project. As described for the approved project in the Final EIR/EIS, there are many viewers in and around the waterways, intake structures, and intermediate forebay; project facilities would increase the amount of nighttime lighting in the Delta above existing ambient light levels; blue-rich white light LED lighting could exacerbate project lighting impacts. The study area currently experiences low levels of light because there are fewer light/glare producers than are typical in urban areas. Mitigation Measures AES-4a through AES-4d have been adopted to address the effects that differ from the approved project, although **the effects would remain adverse.**” (SEIR/S, Pg. 17-14, L 11-19)

“Mitigation Measures AES-4A from the Final EIR/EIS would partially reduce the incremental impacts that differ from the approved project but **not to a less-than-significant level** because all instances of light and glare impacts would not be reduced by the adopted mitigation measures. Thus, the impact would be the same as under the approved project, and the new sources of daytime and nighttime light and glare associated with the proposed project would result **in significant and unavoidable impacts on public views in the project vicinity.**” (SEIR/S, Pg. 17-14, L 34-39)

“Potential incompatibility with plans and policies could exist related to preserving the visual quality and character of the Delta (i.e., The Johnston-Baker-Andal-Boatwright Delta Protection Act of 1992, Delta Protection Commission Land Use and Resource Management Plan for the Primary Zone of the Delta, Delta Plan, Brannan Island and Franks Tract State Recreation Area General Plan). **The potential construction activities, conflicts with existing land uses and designations, and employing Conservation Measures 2-21 demonstrate incompatibilities with plans and policies listed .**” The physical effects they suggest are discussed in Impacts AES-1 through AES-4, however, DWR finds no additional CEQA conclusion is required related to the compatibility of the proposed project with relevant plans and policies. All Supplemental EIR/EIS findings show these to be “No Impact” and “No Effect” on these plans and policies after mitigation. (SEIR/S, Pg. 17-15, L 15, 23-25)

“The Final EIR/EIS found that there was a potential for the approved project and other projects to have a cumulative effect on aesthetics and visual resources in the Plan Area because they would result in reduced visual quality and introduce dominant visual elements that would result in noticeable changes that do not blend, are not in keeping with, or are incompatible with the existing visual environment; and could be viewed by sensitive receptors and from public viewing areas. The size of the study area and the nature of changes introduced by the approved project and other cumulative projects would result in permanent changes to the regional landscape such that there would be **noticeable to very noticeable changes that do not blend or are not in keeping with the existing visual environment, including impacting scenic vistas and scenic**

highways due to temporary and permanent conversion of agricultural land to nonagricultural uses.” (SEIR/S, Pg. 17-15, L 28-37)

“Cumulative projects could also affect the amount of new artificial sources of light and glare through development and introduction of anthropogenic features. The analysis for cumulative effects for aesthetics and visual resources remains the same as described in the Final EIR/EIS with consideration of the proposed project modifications and mitigation has been adopted to minimize these cumulative effects. **However, construction and ongoing operations associated with proposed project modifications would still result in considerable cumulative effects on aesthetics and visual resources.**” (SEIR/S, Pg. 17-15,16; L 37-39, 1-10)

North Delta CARES asserts that the visual and aesthetic consequences of CA Waterfix will harm the recreation and tourism economy of the Delta as well as the quality of life for the residents and visitors therein.

5. Cultural Resources – Chapter 18 SEIR/S

“Effects on identified archaeological sites resulting from construction of conveyance facilities as well as direct and indirect effects on eligible and potentially eligible Historic architectural/built-environment resources resulting from construction activities **remains significant and unavoidable/adverse** in the Supplemental EIR/EIS.” (SEIR/S, Pg. 18-1, Fig. 18-0)

“Because many of these resources are large (typically in excess of 30 meters across), they are each likely to contain sufficient integrity to yield artifacts in their original associations in a manner that will convey the significance themes outlined in the Alternative 4A discussion in Final EIR/EIS Section 18.3.6.2. These resources are likely to qualify as historical resources or unique archaeological resources under CEQA and historic properties under the National Historic Preservation Act (NHPA)”. (SEIR/S, Pg. 18-3, L 33-38) North Delta CARES notes that NHPA Section 106 has not been conducted for CA Waterfix, and it is outlined in early BDCP documents that it must be completed prior to the completion of 10% design.

The SEIR/S states, “Construction may disturb or damage archaeological resources eligible for listing on the National Register of Historic Place (NRHP) and California Register of Historic Resources (CRHR). This damage may impair the integrity of these resources and thus reduce their ability to convey their significance. For these reasons this effect would be **adverse.**” (SEIR/S, Pg. 18-4, L 7-10)

“Construction of the approved project would affect 8 to 10 identified archaeological resources, which despite mitigation, would remain **a significant and unavoidable impact.** DWR identified many of these resources and found that they are likely to qualify as historical resources under CEQA. This impact would be significant because construction could materially alter or destroy the physical integrity of the resource and/or their potential to yield information useful in archaeological research which is Criterion 4

of the CRHR and the likely basis for the significance of these resources. As yet, undocumented archaeological resources may be significant under other register criteria and would need to be evaluated to determine whether this is the case. If so, indirect effects on these resources may need to be considered if they result in changes to setting in a way that may diminish the significance of the resource in question.” (SEIR/S, Pg. 18-4, L 11-12, 14-23)

“Mitigation Measure CUL-1 would reduce this impact by requiring data recovery at affected significant archaeological sites and by requiring monitoring and protection of resources during construction. However, this measure would not ensure preservation of the physical integrity of the resources or ensure that all of the scientifically important material would be retrieved because feasible archaeological excavation only typically retrieves a sample of the deposit, and the portions of the site containing important information may remain after treatment. The impact on identified archaeological sites would be **adverse (NEPA) and significant and unavoidable (CEQA)** because construction could damage the remaining portions of the deposit, the same as what would result under the approved project.” (SEIR/S, Pg. 18-4, L 23-25, 31-38)

“Although the majority of the study area has not been surveyed, sensitive resources have been located within and near the portions of the alignment that have been surveyed. For this reason, additional archaeological resources are likely to be found in the portions of the study area where surveys have not yet been conducted. For the reasons enumerated for Alternative 4A in Final EIR/EIS Section 18.3.6.2, **these sites are likely to qualify as historical resources or unique archaeological resources under CEQA and historic properties under Section 106 of the NHPA.** The potential effects on historic sites under the proposed project would be the same as those disclosed for the approved project in Final EIR/EIS Section 18.3.6.2, Alternative 4A. In summary, historic sites are likely to be associated with the historic-era themes of settlement, reclamation, agriculture, and flood management in the Delta region and as such contributed to the economic base for developing urban centers. These historic sites are likely to qualify as historical resources or unique archaeological resources under CEQA and historic properties under Section 106 of the NHPA.” (SEIR/S, Pg. 18-5, L 11-23)

“Ground-disturbing construction for both the approved project or the proposed project may materially alter the significance of these resources by disrupting the depositional context of the resource and the spatial relationship between the physical constituents of the resource, both of which are necessary for the purposes of yielding important data under Criterion 4 of the CRHR. As-yet-undocumented archaeological resources may be significant under other register criteria and would need to be evaluated to determine whether this is the case. If so, indirect effects on these resources may need to be considered if they result in changes to setting in a way that may diminish the significance of the resource in question. Mitigation Measure CUL-2 would address the impacts of both prehistoric and historic resources through conducting inventories, evaluating significance, and proposing treatment of archaeological and historic resources as well as monitoring during the construction phase. For these reasons, **the impact would be adverse, significant and unavoidable.**” (SEIR/S, Pg. 18-5, 6; L 41-43, 1-9)

North Delta CARES asserts that the historical significance of the Delta to the people of the State of California, the people of the United States of America and the people of the world, is being ignored and destroyed by the construction of CA Waterfix.

6. Hazards and Hazardous Materials – Chapter 24 SEIR/S

“Effects are evaluated for severity and, where appropriate, mitigation measures are identified. Where mitigation measures identified in the Final EIR/EIS remain sufficient, such sufficiency is noted.” (SEIR/S, Pg. 24-2, L 16-17)

“According to the SEIR/S, there are 5 natural gas pipelines, 4 petroleum product lines and, and 17 inactive (plugged) oil or gas wells within the water conveyance facilities construction footprint of the proposed project. The precise location of pipelines would be identified prior to construction to avoid conflicts with construction. Abandoned wells would be tested to confirm that they have been abandoned according to the California Department of Conservation, Division of Oil, Gas, and Geothermal Resources well abandonment requirements. Those wells not abandoned according to these requirements would be improved to meet California Department Conservation (DOC) well abandonment requirements. In addition, to avoid the potential conflicts with shaft construction and disposal areas, the utility and infrastructure relocation would be coordinated with local agencies and owners. Implementation of pre-construction surveys, and utility avoidance or relocation, if necessary, would minimize any potential disruption and hazardous effects due to disruption. Implementation of Mitigation Measures UT-6a: Verify Locations of Utility Infrastructure, and UT-6c: Relocate Utility Infrastructure in a Way That Avoids or Minimizes Any Effect on Worker and Public Health and Safety (described in Final EIR/EIS Chapter 20, Public Services and Utilities) would address these effects.” (SEIR/S, Pg. 24-4, L 5-9)

“As under the approved project, construction of the water conveyance facilities for the proposed project would potentially conflict with existing contaminants in soil, sediment and/or groundwater. Oil and gas processing facilities that exist near the construction footprint are shown in Figure 24-3. **Locations of known oil and gas processing facilities (Figure 24-2) are considered a separate category of “Sites of Concern” (SOC) due to the potential for spills and leaks at these locations. The lateral and vertical extent of any existing contamination that may be present at these sites is unknown.**” (SEIR/S, Pg. 24-4, L 22-25, 1-2)

NEPA Effects: “The potential under the proposed project to create substantial hazards through release of hazardous materials during construction of conveyance facilities would be similar to that described in Final EIR/EIS Section 24.3.4.2 for the approved project and **would constitute an adverse effect on the physical environment.**” Potential effects include routine use of hazardous materials, **possible natural gas accumulation in tunnels**, contact with or lease of existing contaminant, constituents in RTM, effects of electrical transmission lines, conflicts with utilities containing hazardous materials, and routine transport of hazardous materials. The environmental commitments, avoidance and minimization measures (AMMs), Environmental Commitments, Stormwater

Pollution Prevention Plans, (SWPPPs), Hazardous Materials Management Plans (HMMPs), and Spill Prevention, Containment, and Countermeasure Plan (SPCCP) developed to minimize the effects of hazards and hazardous materials for the approved project, and as described in Appendix 3B, Environmental Commitments, AMMs, and CMs, would also apply to the proposed project. Additionally, Mitigation Measures HAZ-1a, HAZ-1b, UT-6a, UT-6c, and TRANS-1a have been adopted to reduce the severity of these effects. **These measures, as written in the Final EIR/EIS, remain adequate without change for dealing with the impacts of the proposed project. Accordingly, this would not be an adverse effect.**” (SEIR/S, Pg. 24-5, L 12-27)

CEQA Conclusion: “During construction of the water conveyance facilities, the potential for direct impacts on construction personnel, the public and/or the environment associated with a variety of hazardous physical or chemical conditions would be similar to that described for the approved project. **Such conditions may arise as a result of the intensity and duration of construction activities at the north Delta intakes, forebays, and conveyance pipelines and tunnels, and the hazardous materials that would be needed in the areas during construction. Potential hazards include the routine use of hazardous materials (as defined by Title 22 CCR Division 4.5); natural gas accumulation in water conveyance tunnels; the inadvertent release of existing contaminants in soil, sediment, and groundwater, or release of hazardous materials from existing infrastructure; disturbance of electrical transmission lines; and hazardous constituents present in RTM. These impacts are considered significant because the potential exists for substantial hazard to the public or environment to occur related to conveyance facility construction.**” (SEIR/S, Pg. 24-5, L 28-39)

“However, implementation of Mitigation Measures HAZ-1A and HAZ-1b, UT-6a and UT-6c (described in Final EIR/EIS Chapter 20, Public Services and Utilities) and TRANS-1a (described in Final EIR/EIS Chapter 19, Transportation), along with environmental commitments to prepare and implement SWPPPs, HMMPs, SPCCPs, Sampling and Analysis Plans (SAPs) and a Barge Operations Plan (described in Appendix 3B, Environmental Commitments, AMMs, and CMs) would reduce these impacts to a less-than-significant level by identifying and describing potential sources of hazardous materials so that releases can be avoided and materials can be properly handled detailing practices to monitor pollutants and control erosion so that appropriate measures are taken; implementing onsite features to minimize the potential for hazardous materials to be released to the environment; minimizing risk associated with the relocation of utility infrastructure; and coordinating the transport of hazardous materials to reduce the risk of spills.” (SEIR/S, Pg. 24-6, L 3-13)

Impact HAZ-2: Expose Sensitive Receptors Located within 0.25 Mile of a Construction Site to Hazardous Materials, Substances, or Waste during Construction of the Water Conveyance Facilities (SEIR/S, Pg. 24-7, L 5-7)

North Delta CARES asserts that although DWR has not identified sensitive receptors within .25 mile of the construction footprint, by its own definition, Hood is ¼ mile from the construction of Intake 3 and ½ mile from construction of Intake 5. Clarksburg is

across the Sacramento River and on the north edge of Intake 2. We believe that infants, children and the elderly are sensitive receptors and the communities of Hood and Clarksburg are too close to the construction zones of CA Waterfix. The proposed intakes should not be placed here.

CEQA Conclusion: “The potential for exposure of sensitive receptors to hazardous substances or conditions under the proposed project would be similar to the potential impacts described in Final EIR/EIS Section 24.3.4.2 for the approved project. There are no schools, parks or hospitals located within 0.25 mile of the water conveyance facilities alignment. Therefore, no sensitive receptors would be exposed to hazardous materials, substances, or waste as a result of construction of the water conveyance facilities under the proposed project. Consequently, there would be no impact. Potential air quality effects on sensitive receptors are discussed in Chapter 22, Air Quality and Greenhouse Gases.” (SEIR/S, Pg. 24-7, L 14-21)

Impact HAZ-3: Potential to Conflict with a Known Hazardous Materials Site and, as a Result, Create a Significant Hazard to the Public or the Environment

NEPA Effects: “The potential for conflicts with, or exposure to known hazardous material sites during conveyance facility construction under the proposed project would be similar to the potential identified in Final EIR/EIS Section 24.3.4.2 for the approved project. Under the proposed project, there are no SOCs within 0.5 mile of the construction footprint (Figure 24-2). This is a decrease from the 3 SOCs within 0.5 mile of the approved project footprint (Figure 24-2) and therefore would be a decrease in potential risks associated with SOCs. However, identical to the approved project, there are still no known hazardous material sites located within the construction footprint of the water conveyance i, and therefore there would be no conflict pertaining to a known hazardous materials site during construction of the water conveyance facilities, and thus, no related hazard to the public or the environment. For those hazardous materials sites identified within the 0.5-mile radius, but which are not within the construction footprint, there would be no potential for the construction of the water conveyance facilities to disturb those sites such that there would be a re-release of hazardous materials that would create a hazard for the public or environment. Therefore, as with the approved project, the proposed project would have **no adverse effects** on the public or the environment.” (SEIR/S, Pg. 24-7, L 27-41)

CEQA Conclusion: “The potential for conflicts with or exposure to known hazardous material sites during conveyance facility construction under the proposed project would be identical to the potential identified in the final EIR/EIS i 24.3.4.2 for the approved project. Because there are no “Cortese List” sites or known SOCs within the construction footprint of the water conveyance facility for the proposed project, there would be no conflict with known hazardous materials sites during construction of the water conveyance facilities, and, therefore, no related hazard to the public or the environment. Accordingly, there would be no impact. **No mitigation is required. The potential for encountering unknown hazardous materials sites during the course of construction is discussed under Impact HAZ-1.**” (SEIR/S, Pg. 24-8, L 1-15)

HAZ-1: Create a Substantial Hazard to the Public or the Environment through the Release of Hazardous Materials or by Other Means during Construction of the Water Conveyance Facilities: “Locations of known oil and gas processing facilities (Fig. 24-2) are considered a separate category of Sites of Concern (SOC) due to the potential for spills and leaks at these locations. The lateral and vertical extent of any existing contamination that may be present at these sites is unknown.” (SEIR/S, Pg. 24-4, 5; L 22-25, L1-2).

Incremental Impact: “There are no Cortese List sites or known SOCs within the construction footprint of the water conveyance facility for the proposed project. Analysis of the approved project identified three SOCs within the project footprint. Therefore, the proposed project would have fewer potential conflicts with and less exposure to known hazardous material sites during conveyance facility construction than would the approved project. Accordingly, there would be no impact. **No mitigation is required.**” (SEIR/S, Pg. 24-8, L 10-15)

On July 9, 2018, North Delta CARES Action Committee wrote a letter to The Southern California Water District informing their Board of Directors of the huge gas well fields and numerous wells, both active and abandoned, in the Delta Region and specifically in the vicinity of the construction for CA Waterfix. A copy of the newspaper article dated August 28, 2017, was also included titled, “Water Agency Pays Tribute to Miners Lost In Tunnel Blast 42 Years Ago” along with Figure 13-1 “Known Gas Wells and Fields in the Delta Region”, copies attached. North Delta CARES remains extremely concerned about the potential for a similar accident happening due to the large number of gas wells and the gas field in the CA Waterfix tunnels alignment.

This is not consistent with Project Objective – Proposed Performance Measure Amendment 8.e.i: Reduce Risk to People, Property and State Interest in the Delta – Improve Emergency Preparedness and Response. (ES-8)

The Supplemental EIR/EIS and Final EIR/EIS show many ways of how DWR has let the Delta down in their planning and, even after mitigation measures, show permanent, significant adverse effects on the Delta Region, its people, its businesses, its land, its environment, and its policies, by the construction of this project. This is not acceptable, this destruction is avoidable, and therefore it is the wrong plan/project.

In conclusion, North Delta CARES has suggested potential solutions for a reliable water supply for California in its July 9, 2018 letter to Metropolitan Water District of Southern CA Water District, Pg. 4. These solutions would do more to reduce reliance on the Delta, be less expensive, and work toward regional self-sufficiency. Vetting these ways to conserve and make NEW water is a much better approach to proceed to achieving the co-equal goals and would better serve to protect and enhance the unique cultural, recreational, natural resource and agricultural values of the Delta as an evolving place.

We thank you for the opportunity to appeal CA Waterfix and to outline its lack of consistency with the Delta Plan.

Sincerely,

Original signed by Barbara Daly, Co-Chair

/sg/ Barbara Daly, Co-Chair
North Delta CARES Action Committee

- BDCP/CA WaterFix Final EIR/EIS (2016) **(FEIR/S)**
- Delta Plan Amendments Program Environmental Impact Report – Executive Summary (November 2017) **(ES)**
- CA Water Fix – Administrative Draft Supplemental EIR/EIS (June 2018) **(SEIR/S)**

Attachment:

Letter, July 9, 2018, To Metropolitan Water District of Southern California and its Attachments