



UNITED STATES CONGRESS

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March 20, 2020

Ms. Karla Nemeth, Director  
California Department of Water Resources  
1416 9th Street  
Sacramento, CA 95814

RE: Environmental Impact Report for Delta Conveyance Project

Dear Director Nemeth:

I am deeply disappointed that the State of California is not examining a potential western route for the new Delta conveyance project. This is unacceptable. I urge you to reconsider, as part of the environmental planning process.

The map released with the “Notice of Preparation of the Environmental Impact Report for the Delta Conveyance Project” shows only two proposed routes: a “central tunnel corridor” and an “eastern tunnel corridor.” Any honest planning process under the California Environmental Quality Act (CEQA) demands that state agencies evaluate *all* potentially feasible routes for any new Delta conveyance project and their impacts. Your CEQA process must include the western route utilizing existing conveyance infrastructure like the Sacramento Deep Water Ship Channel.

If your Department refuses to do this, then you owe Delta residents and the people of California an explanation in writing. You must explain when the decision was made to not consider the western route, by whom, and why. To my knowledge, no such explanation has been provided by the state to date. This raises serious concerns about a lack of public transparency.

Proponents of the now-defunct Twin Tunnels project also failed to seriously consider a western route. Instead, they spent more than \$280 million in pursuit of a multibillion-dollar boondoggle that will never be built. Enclosed are my May 8, 2019 letter to Governor Newsom and my February 7, 2020 public comment on the “draft Water Resilience Portfolio” outlining the numerous advantages of a western route for any new Delta conveyance project.

Governor Newsom’s executive order (N-10-19) issued on April 29, 2019, directed state agencies to reassess both the 2016 California Water Plan and “current planning to modernize conveyance through the Bay-Delta with a single new tunnel project.” I do not see how your Department can fulfill that gubernatorial directive without at least considering a western route as you prepare the environmental impact report for the Delta conveyance project.

Significant feasibility and scoping work for the western option has already been completed in the Department's November 2009 conceptual engineering report, as part of the state's then-Delta Habitat Conservation and Conveyance Program, and the analysis for the Bay-Delta Program (CALFED) in October 1997.

Any effort to modernize the Delta water system as directed in the Governor's executive order must include an honest and complete study of the western conveyance route. Again, I urge you to fully consider the western option and analyze its pros and cons relative to the "central tunnel corridor" and "eastern tunnel corridor" proposals in any final environmental impact report.

Please do not hesitate to contact me to discuss these matters further. I submit this letter as part of the public scoping period for the Department's environmental planning process for the proposed Delta conveyance project. Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, reading "John Garamendi". The signature is fluid and cursive, with a large initial "J" and "G".

JOHN GARAMENDI  
Member of Congress

CC: The Honorable Gavin Newsom, Governor of California  
Secretary Wade Crowfoot, California Natural Resources Agency



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May 8, 2019

The Honorable Gavin Newsom  
Governor of California  
State Capitol  
Sacramento, CA 95814

Dear Governor Newsom:

I am very pleased by the Department of Water Resources' formal withdrawal of permitting applications for the Twin Tunnels (WaterFix Project), following your April 29 executive order. As your Administration begins the renewed environmental review and planning process for a smaller, single conveyance project, I urge you in the strongest possible terms to consider an alternative route along the westside of the Delta. Enclosed is my "Little Sip, Big Gulp: A Water Plan for All of California," detailing the westside proposal.

A westside route utilizing the Sacramento Deep Water Ship Channel and then continuing southward to the Tracy pumps, using existing conveyance wherever possible, is the best way to minimize impacts on productive agricultural land, flood risk, and the environment. Indeed, a westside route for a single, right-sized pipeline at no more than 3,000 cubic feet per second (CFS) design capacity is the *only* project that can earn the support of Delta communities and landowners, including me.

The Sacramento Ship Channel ends 25 miles south near Rio Vista, where a pressurized pipeline spanning a mere 12 miles beneath the Sacramento and San Joaquin Rivers could deliver water along the eastside of the Old River channel leading to the Tracy pumps. The westside, single conveyance proposal was originally developed with support from environmental groups and Delta water users when I served in state government during the early 1990s. Now nearly three decades later, the westside proposal has withstood the test of time and may finally come into its own with your support.

Proponents of the now-defunct Twin Tunnels proposal failed to even consider a westside route, instead spending more than \$280 million in pursuit of a multibillion-dollar boondoggle that will never be built. This money could have instead funded much-needed upgrades and repairs to Delta levees, which must be maintained to provide flood protection and support continued water conveyance southward.

Again, I urge you to give all due consideration to a westside route for the smaller, single conveyance project. I stand ready to work with you to advance a westside route that meets our state's future water needs and safeguards the Delta. Thank you for your leadership and consideration.

Sincerely,

A handwritten signature in blue ink that reads "John Garamendi".

JOHN GARAMENDI  
Member of Congress

CC: Director Karla Nemeth, California Department of Water Resources

JOHN GARAMENDI  
CALIFORNIA, 3<sup>RD</sup> DISTRICT

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February 7, 2020

Secretary Wade Crowfoot  
California Natural Resources Agency

Secretary Jared Blumenfeld  
California Environmental Protection Agency

Secretary Karen Ross  
California Department of Food and Agriculture

Dear Secretaries Crowfoot, Blumenfeld, and Ross:

I welcome this opportunity to formally comment on the draft Water Resilience Portfolio developed pursuant to Governor Newsom's executive order (N-10-19). As a former state legislator, Deputy Secretary of the Interior during the Clinton Administration, and Lieutenant Governor, I am very pleased to see the state refocus on meeting California's long-term water needs.

**Sites Reservoir Project:**

I strongly support the Newsom Administration's stated commitment in the draft Portfolio to accelerate state review of the Sites Reservoir Project. I am pleased to see the state give Sites Reservoir the attention and prioritization it deserves. California has not built a new major reservoir in decades, despite continued population growth, increasing demands on our limited water supply, and uncertainty due to climate change bringing more erratic rainstorms, less snowpack, and prolonged drought. Our state's largest reservoir, the Sierra snowpack, continues to be significantly reduced even during wet years, making it critical to capture more water from rainfall. Accelerated state review of Sites Reservoir, as outlined in the draft Portfolio, is what is required to get this off-stream reservoir built.

Sites Reservoir will address many water supply and environmental challenges by increasing off-stream storage. Flood flows on the Sacramento River will be diverted into the reservoir and stored for later ecological and consumptive uses. Importantly, Sites

Reservoir will allow more cold water to be held back in federal and state reservoirs for release during drier months to support endangered salmon and other fish species.

To date, the Joint Powers Authority has secured more than \$1.2 billion in public funding for the Sites Reservoir Project, including \$816 million from the state's Water Storage Investment Program (2014 Proposition 1) and \$449 million in low-interest financing from the U.S. Department of Agriculture announced in 2018. Additional non-government funding commitments sufficient to build the reservoir have been made by water agencies in northern and southern California.

In Congress, I am working to secure additional federal funding from the Bureau of Reclamation for Sites Reservoir. The state's accelerated review of this off-stream reservoir is essential to securing federal participation in the project. I urge you to prioritize Sites Reservoir in the final Portfolio and stand ready to support the Governor's efforts for this project.

### **Delta Conveyance:**

I am pleased that the draft Water Resilience Portfolio reaffirmed the Governor's commitment to abandon the Twin Tunnels (WaterFix) project and consider alternatives. Unfortunately, the planning and scoping process for the now-defunct Twin Tunnels failed to adequately consider a western route and instead focusing solely on the eastern alignment for the tunnels. On May 9, 2019, I wrote to Governor Newsom urging him to consider a smaller conveyance project along the westside of the Delta. In the letter, I outlined the following:

- Utilize the Port of West Sacramento and the Deep Water Ship Channel as the first segment of the western conveyance facility, by installing a fish screen and low-head pump at the existing lock on the Sacramento River and allow water to flow into the port and channel.
- Build a lock at the southern end of the Ship Channel 25 miles south near Rio Vista to separate the Sacramento River water in the channel from the water and species in the Delta, thereby safeguarding smelt or other endangered fish from entrainment in the pump located north of the lock. This ship lock would also provide passage for ships transiting to the Port of West Sacramento.
- Construct a pressurized pipeline, sized between 3,000 to 4,000 cubic feet per second (CFS), from the pump north of the ship lock to carry water to three new reservoirs (Bacon Island, Holland Tract, and Webb Tract) in the central Delta,

which are already owned by the Metropolitan Water District of Southern California and could be permitted for water storage. These islands are strategically lined up to provide direct access to the pumps for the Central Valley and State Water Projects near Tracy. An alternative is to locate the pipeline along the eastside of the Old River channel to the Tracy pumps.

Locating the conveyance facility on the westside of the Delta and using existing conveyance, wherever possible, may prove to be less expensive and certainly would avoid the eastern alignment's damaging impacts on historic communities, the fragile Delta ecosystem, and productive agricultural land. The western alignment would result in less land subsidence and flood risk.

Any effort to modernize the Delta water system must include an honest and complete study of the western conveyance route. Attention must be paid to the November 2009 conceptual engineering report completed for the Department of Water Resources on the western isolated conveyance facility. This 2009 report was part of the state's Delta Habitat Conservation and Conveyance Program. As noted in the report, an analysis for a proposed conveyance project along the western perimeter of the Delta utilizing the Sacramento Deep Water Ship Channel was also completed in October 1997 for the Bay-Delta Program (CALFED) and found to be viable.

The eastside canal option contemplated in these state documents was the infamous "Peripheral Canal," which was soundly rejected by California voters in a 1982 ballot referendum (Proposition 9). In subsequent years, the open canal and eastside route became the extraordinarily expensive Twin Tunnels (WaterFix) project.

Proponents of the now-defunct Twin Tunnels failed to seriously consider a westside route, instead spending more than \$280 million in pursuit of a multibillion-dollar boondoggle that will never be built. This money could have funded much-needed upgrades and repairs to key Delta levees that provide the channel through which water flows to the Tracy pumps for the Central Valley and State Water Projects. The existing water supply system and every proposed alternative depend upon these levees and channels for most of the water pumped from the Delta estuary. These key Delta levees must be maintained.

As you finalize the Water Resilience Portfolio, I urge you to carefully consider an alternative route along the westside of the Delta as detailed on pages 7-14 of my enclosed "Little Sip, Big Gulp: A Water Plan for All of California." Much of the feasibility and scoping work for this western option has already been done for you by the state in the

aforementioned documents and analyses. I stand ready to work with you to advance a westside route that meets our state's future water needs and safeguards the Delta.

**Permitting for Environmental Projects:**

Lastly, I was pleased to see that the draft Portfolio directs state agencies to “support the development of expedited and cost-effective permitting mechanisms for common types of restoration and enhancement projects.” The current permitting regime is not well equipped to deal with projects designed to improve habitat for endangered species or increase their abundance.

In my Congressional district, the Lookout Slough Tidal Habitat Restoration and Flood Improvement Project in Yolo and Solano Counties provides a case study for why a better permitting mechanism is necessary. This multi-benefit project for the Department of Water Resources will provide for increased flood capacity in the Yolo Bypass and restore 3,000 acres of Delta smelt habitat, as called for in the 2008 biological opinions.

After three years under development, this restoration project is now at a place where permits are being submitted. Despite input from multiple agencies throughout this process, these same agencies are reportedly contemplating sequential review of permits rather than parallel review. A sequential review is unnecessary and could extend the permitting timeline by more than a year. Any delay would be frustrating, given that this project seeks to implement habitat restoration required under the 2008 biological opinions, now more than a decade later.

Projects like Lookout Slough designed to provide ecological benefits should not be forced into the same permitting process as projects with detrimental environmental impacts that must be mitigated. An expedited and cost-effective permitting mechanism for environmental projects as outlined by the draft Portfolio (section 13.2) would help to address this problem and get more habitat restoration projects underway.

As you finalize the Water Resilience Portfolio, I hope you give weight to these critical issues for our state. Please do not hesitate to contact me to discuss these matters further. I look forward to reviewing the final portfolio. Thank you for your consideration.

Sincerely,



JOHN GARAMENDI  
Member of Congress