

## NOTICE OF DETERMINATION

<b>TO:</b>	Office of Planning and Research 1400 Tenth Street, Rm. 113 Sacramento, CA 95814	<b>FROM:</b>	Responsible Agency Name:  Delta Conveyance Design and Construction Joint Powers Authority 980 9th Street, Suite 2400 Sacramento, CA 95814  Contact: Graham Bradner, Executive Director  Phone: (888) 853-8486
			Lead Agency:  Department of Water Resources 1516 9 <sup>th</sup> St. Sacramento, CA 95814
		<b>Contact:</b>	Marcus Yee
		<b>Phone:</b>	(916) 699-8405

**SUBJECT:** Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.


State Clearinghouse Number: 2020010227
<b>Project Title:</b> Delta Conveyance Project
<b>Project Applicant:</b>  California Department of Water Resources (“DWR”) 1516 9th St. Sacramento, CA 95814 (916) 699-8405
<b>Specific Project Location:</b> See Attachment 1 and Figure 1
<b>General Project Location:</b> Counties of Alameda, Contra Costa, Sacramento, San Joaquin, Solano, Yolo
<b>Project Description:</b>  The Delta Conveyance Project (“DCP”) seeks to develop new diversion and conveyance facilities in the Sacramento-San Joaquin Delta (“Delta”) to restore and protect the reliability of State Water Project (“SWP”) water deliveries and, potentially, Central Valley Project (“CVP”) water deliveries south of the Delta. The proposed water conveyance facilities would divert up to 6,000 cfs of water from two new north Delta intakes along the Sacramento River between Freeport and the confluence with Sutter Slough. Water would be conveyed via a single tunnel on an eastern alignment directly to a new pumping plant and aqueduct complex between Byron Highway and Mountain House Road near Mountain House in the south Delta and discharged to the Bethany Reservoir for delivery to existing SWP export facilities (Figure 1). This complex would be called the Bethany Complex and the DCP is designated in the EIR as Alternative 5—Bethany Reservoir Alignment, 6,000 cfs, Intakes B and C.  On December 21, 2023, DWR, as the Lead Agency, certified the Final Environmental Impact Report (“FEIR”) for the DCP. There remains additional necessary design, planning, and permitting work prior to DCP implementation and construction. In January 2024, the Delta Conveyance Design & Construction Authority (“DCA”) Board of Directors approved the Eighth Amendment to the Joint Exercise of Powers Agreement to extend the Planning Phase under that

agreement through the conclusion of design, planning, and permitting work for the DCP. To assist DWR's continued work as part of the Planning Phase, DWR has requested that DCA undertake exploratory field investigations to inform planning and design work and other related DCP activities. On April 19, 2024, DCA considered the FEIR certified by DWR for the DCP, made responsible agency findings under State CEQA Guidelines sections 15091 and 15096, adopted a mitigation monitoring and reporting program, adopted a statement of overriding considerations, and issued an approval authorizing its Executive Director to issue task orders, contracts, expenditures, and other approvals necessary to undertake exploratory field investigations to inform planning and design work and other actions related to the DCP as directed by DWR.

Identify the person or entity undertaking the project, including any private applicant, any other person undertaking an activity that receives financial assistance from the Public Agency as part of the project, and any person receiving a lease, permit, license, certificate, or other entitlement of use from the Public Agency as part of the project. Not applicable.

This is to advise that DCA, as the Responsible Agency, issued an approval for the above described project on April 19, 2024 and has made the following determinations regarding the above described project:

1.	The project [ <input checked="" type="checkbox"/> will <input type="checkbox"/> will not] have a significant effect on the environment.	
2.	<input checked="" type="checkbox"/>	An Environmental Impact Report was prepared and certified for this project pursuant to the provisions of CEQA and reflects the independent judgment of the Lead Agency and the Responsible Agency.
	<input type="checkbox"/>	A Negative Declaration was prepared for this project pursuant to the provisions of CEQA and reflects the independent judgment of the Lead Agency.
	<input type="checkbox"/>	A Mitigated Negative Declaration was prepared for this project pursuant to the provisions of CEQA and reflects the independent judgment of the Lead Agency.
3.	<input checked="" type="checkbox"/>	Mitigation measures [ <input checked="" type="checkbox"/> were <input type="checkbox"/> were not] made a condition of the approval of the project.
4.	<input checked="" type="checkbox"/>	A Mitigation Monitoring or Reporting Plan [ <input checked="" type="checkbox"/> was <input type="checkbox"/> was not] adopted for this project.
5.	<input checked="" type="checkbox"/>	A Statement of Overriding Considerations [ <input checked="" type="checkbox"/> was <input type="checkbox"/> was not] adopted for this project.
6.	<input checked="" type="checkbox"/>	Findings [ <input checked="" type="checkbox"/> were <input type="checkbox"/> were not] made pursuant to the provisions of CEQA.
This is to certify that the Final EIR with comments and responses and record of project approval is available to the General Public at: 1516 9 <sup>th</sup> St., Sacramento, CA 95814 or <a href="http://www.deltaconveyanceproject.com">http://www.deltaconveyanceproject.com</a> and at the following location:		
	Custodian: Delta Conveyance Design and Construction Joint Powers Authority	Location: 980 9th Street, Suite 2400 Sacramento, CA 95814

<b>Date:</b> June 6, 2024	
	<b>Signature</b>
	<b>Name:</b> Graham Bradner
	<b>Title:</b> Executive Director

**Clerk's File Stamp:**

Authority cited: Sections 21083, Public Resources Code.  
Reference Section 21000-21174, Public Resources Code.

# Attachment 1

## **Project Location**

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The project area consists of the construction footprint of the project facilities. The physical footprint of the Project would lie primarily within the boundaries of the statutorily defined Delta. Additionally, certain facilities that would be constructed under the Project would be located southeast of the statutory Delta (see Figure 1, Project Location).

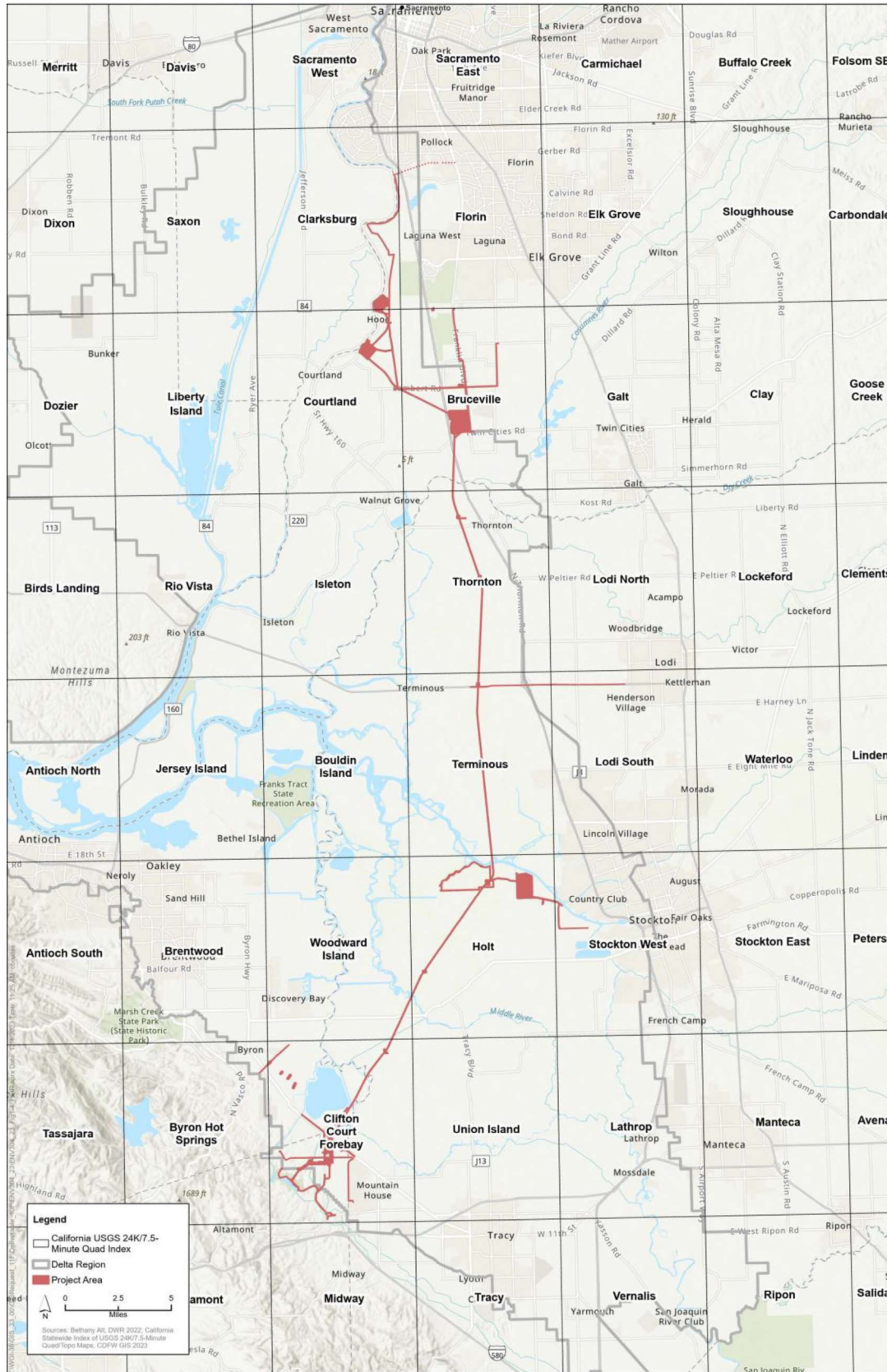


Figure 1. Project Location

## Attachment 2

# Project Description

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The Project consists of the construction, operation, and maintenance of new State Water Project (SWP) water diversion and conveyance facilities in the Delta that would be operated in coordination with the existing SWP facilities.

The Project would include the following key components and actions.

- Two intake facilities along the Sacramento River in the north Delta near the community of Hood with on-bank intake structures that would include fish screens.
- A concrete-lined tunnel, and associated vertical tunnel shafts, to convey flow from the intakes about 45 miles to the south to the Bethany Reservoir Pumping Plant and Surge Basin at a location south of the existing SWP Clifton Court Forebay.
- A Bethany Reservoir Pumping Plant to lift the water from inside the tunnel below ground into the Bethany Reservoir Aqueduct for conveyance to the Bethany Reservoir Discharge Structure and into the existing Bethany Reservoir.
- Other ancillary facilities to support construction and operation of the conveyance facilities including, but not limited to, access roads, concrete batch plants, fuel stations, and power transmission and/or distribution lines.
- Efforts to identify geotechnical, hydrogeologic, agronomic, and other field conditions that will guide appropriate construction methods and monitoring programs for final engineering design and construction.

Volume 1, Chapter 3, *Description of the Proposed Project and Alternatives*, of the Final Environmental Impact Report (EIR) provides further information on the above components and actions and related activities required as part of the Project (e.g. park-and-ride lots).

The EIR evaluates Project operations based on the Project design and what was known and reasonably foreseeable when the EIR was prepared, but DWR acknowledges that: (1) operations will not occur for well over 15 to 20 years due, in part, to the time required to complete construction of the project, and (2) new information of substantial importance or substantial changes could occur with respect to Project design or the circumstances under which the Project is undertaken. Under these conditions, prior to the commencement of operations, DWR would evaluate whether subsequent CEQA review is required before undertaking any discretionary actions that may be required to change Project design or operational criteria such that they are sufficiently protective to environmental resources.