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**Notice of Preparation of an
Environmental Impact Report for Long-Term Operations of the State Water
Project**

STANISLAUS CO. CLERK-RECORDER

Alan Loerg

CALIFORNIA DEPARTMENT OF WATER RESOURCES

To: Agencies and Interested Parties

Date: April 19, 2019

Subject: Notice of Preparation of an Environmental Impact Report for Long-Term Operations of the State Water Project

CEQA Lead Agency Contact

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The Department of Water Resources (DWR) will prepare an Environmental Impact Report (EIR) for Long-Term Operations of the State Water Project (SWP). The EIR will be prepared pursuant to the California Environmental Quality Act (CEQA), California Public Resources Code sections 21000, et seq., and the CEQA Guidelines, Title 14 of the California Code of Regulations sections 15000, et seq. DWR, as the project proponent, will be the lead agency in accordance with CEQA.

Purpose of the Notice of Preparation

The purpose of a notice of preparation (NOP) is to notify responsible and trustee agencies involved in approving or funding a project; the Office of Planning and Research, federal agencies involved in approving or funding a project, and interested parties that an EIR will be prepared. The NOP provides information about the proposed project and its potential environmental impacts to allow recipients the opportunity to provide a meaningful response related to the scope and content of the EIR. Responsible and trustee agencies should respond to the NOP with the following information: "[t]he significant environmental issues and reasonable alternatives and mitigation measures that the responsible or trustee agency, or the Office of Planning and Research will need to have explored in the draft EIR"; and "[w]hether the agency will be a responsible agency or trustee agency for the project." (CEQA Guidelines, § 15082, subd. (b)(1).)

On August 2, 2016, DWR and Reclamation requested reinitiation of consultation with both the USFWS and NMFS on the CVP and SWP coordinated long-term operations. Reinitiation of consultation is ongoing and is expected to update the system-wide operating criteria consistent with ESA requirements, to review the existing RPAs included in the 2008 USFWS and 2009 NMFS Biological Opinions to determine their continued substance and efficacy in meeting the requirements of the ESA, and to investigate the potential of including new and relevant conservation measures for listed species to mitigate project impacts. Reclamation is pursuing a separate environmental review process under the National Environmental Policy Act related to the reinitiation of consultation.

DWR also operates the SWP in compliance with the California Endangered Species Act (CESA). DWR has obtained consistency determinations from the California Department of Fish and Wildlife (CDFW), pursuant to section 2080.1 of the California Fish and Game Code, that the 2008 USFWS and 2009 NMFS Biological Opinions are consistent with the requirements of CESA for aquatic species listed under both the ESA and CESA (i.e., Delta smelt, winter-run Chinook salmon, and spring-run Chinook salmon). CDFW's determinations represent that no further authorizations are necessary under CESA to take those dually listed species in accordance with the 2008 USFWS and 2009 NMFS Biological Opinions. DWR also holds an Incidental Take Permit from CDFW pursuant to section 2081 of the California Fish and Game Code covering incidental take of Longfin smelt, which is only listed under CESA. The Incidental Take Permit for Longfin smelt expires on December 31, 2019.

DWR intends to seek a new Incidental Take Permit from CDFW pursuant to section 2081 of the California Fish and Game Code. The new Incidental Take Permit will cover all aquatic species that are listed under CESA and are subject to incidental take from long-term operation of the SWP (Delta smelt, Longfin smelt, winter-run Chinook salmon, and spring-run Chinook salmon). It is expected that CDFW will rely on this EIR when issuing a decision on DWR's Incidental Take Permit application.

Seeking an Incidental Take Permit for these four species represents a new approach to CESA coverage for SWP long-term operations, as DWR is currently operating pursuant to consistency determinations under section 2080.1 of the Fish and Game Code. An Incidental Take Permit would provide CESA authorization for SWP operations regardless of whether there are changes to federal law during the term of the Incidental Take Permit. If there are changes to CVP operations during the term of the Incidental Take Permit, DWR may seek modifications to the Incidental Take Permit as provided for in CDFW's regulations, to authorize SWP operations that are coordinated with CVP operations. Issuance of the Incidental Take Permit must meet the criteria set forth in section 2081 of the California Fish and Game Code.

Project Description

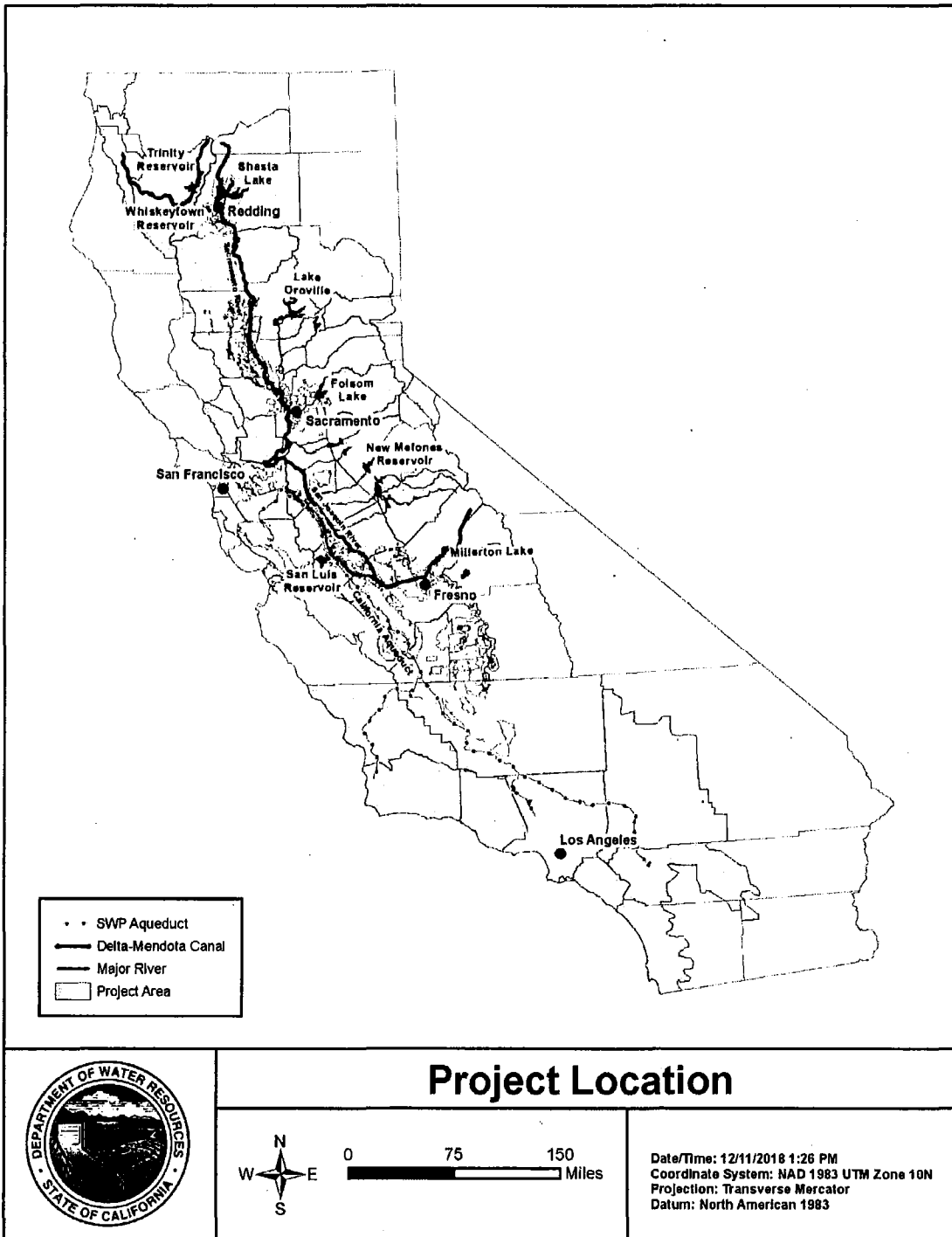
Under the project, the SWP will continue to be operated to provide flood control and water supply for agricultural, municipal, industrial, recreational, and environmental purposes consistent with applicable legal requirements. SWP operations also will continue to be closely

The EIR will contain a detailed discussion of the potential impacts to the following resource categories. As the proposed project and alternatives are refined and analyses performed, additional resource categories, as identified in Appendix G of the State CEQA Guidelines, may be identified for evaluation within the EIR.

- **Biological Resources**
 - **Fisheries and aquatic resources:** Long-term operations will potentially have both beneficial and adverse effects on fish, including CESA and ESA listed species. Operations affect hydrodynamic conditions in the Delta, which, in turn, could affect habitat suitability, entrainment, food supply, predation, migration, and other factors that could influence survival and reproduction of several special-status fish species.
 - **Terrestrial resources:** The EIR will also analyze potential direct and indirect effects to terrestrial species from changes in operations.
- **Surface water hydrology:** Changes in operations could affect surface water hydrology in the Delta and its tributaries, floodplains, and reservoirs within the EIR project area.
- **Water supply:** Water supplies of water users in the EIR project area may be affected by changes in operations and will be addressed in the EIR through evaluation under various water year types with consideration of the effects of climate change on hydrodynamic conditions. SWP operations would not change DWR's water rights or impact the water rights of any other legal user of water.
- **Surface water quality:** Changes in operations could affect water quality of surface waters in the project area and will be addressed in the EIR. The SWP will continue to meet all regulatory requirements, including compliance with water rights decision D-1641.
- **Groundwater:** Groundwater resources and quality may be affected in service areas where water users also use groundwater.
- **Recreation:** Potential changes to surface water hydrology due to changes operations or implementation of potential new and relevant mitigation measures could affect recreational opportunities in reservoirs or other waterways within the EIR project area.

Public Scoping Meetings

Two public scoping meetings will be held to inform interested parties about the proposed project and to solicit input on the scope and content of the EIR.



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Figure 1. Location of SWP and CVP Facilities, Service Areas, and Associated Waterways (CVP facilities and service areas are shown for informational purposes)