

CENTRAL VALLEY FLOOD PROTECTION BOARD

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May 8, 2020

Carrie Buckman
Environmental Program Manager
Department of Water Resources
1416 Ninth Street, P.O. Box 942836
Sacramento, California 94236-0001

Subject: Request to initiate project review pursuant to Title 33, USC Section 408 for the proposed Delta Conveyance Project

Dear Ms. Buckman:

Per your request, Board staff prepared a Statement of No Objection to initiate U.S. Army Corps of Engineers' (USACE) review pursuant to Title 33, USC Section 408 (Section 408) for the Department of Water Resources' proposed Delta Conveyance Project (DCP). As you know, the USACE requires a Statement of No Objection from the non-federal sponsor for the Federal-State flood control system before the USACE initiates the evaluation of a project's impact on the Federal-State flood control system. At the Board's March 27, 2020 Board meeting staff requested the Board authorize sending the letter in the standard form drafted. However, at the Board's March meeting, stakeholders voiced many concerns about the project and the request, and the Board ultimately postponed taking action on the request for the DCP to allow staff to consider stakeholder comments as well as gain a better understanding of the DCP's potential effects on the Federal-State flood control system.

At this time, Board staff is revising the initiation request. We appreciate your willingness to meet with staff and respond to our questions regarding the DCP. We understand at this point in the project design there are still many unknowns. However, our primary concern is the impact this project may have on the Federal-State flood control facilities. Accordingly, please be prepared to provide specific analyses to determine any potential impacts to SPFC facilities that may occur as a result of the proposed DCP. This includes direct impacts to facilities under construction as well as indirect impacts from the project to surrounding facilities. Recall, that as a responsible agency under the California Environmental Quality Act, the Board will need to have adequate information to decide whether to issue a permit at a future date. Therefore, please note that at the time of permit application submittal, the Board will require sufficient analysis related to any impacts and mitigation that may occur from the DCP. Specifically, proposed work that contemplates modifications to SPFC facilities and any work that may affect

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the SPFC levees or the hydrology of the water ways including: possible increases or decreases in water surface elevation due to construction activities and encroachments; any work including dewatering and vibrations from both pile driving and heavy machinery that may destabilize the SPFC levees; and potential levee damage resulting from heavy machinery construction activities and associated haul routes. The simplest way to ensure the Board can consider all of this information prior to permit issuance is to include specific flood facilities impacts in a section of the environmental document.

In the interim, as noted, staff intends to post the modified USACE initiation letter to our website prior to the May 22, 2020 Board meeting. The Board will consider the modified letter at its May 22, 2020 Board meeting. As always, we appreciate your cooperation and look forward to working with you to ensure impacts to flood facilities are considered as the DCP develops. If you have any questions, please feel free to contact Mr. Ali Porbaha of my staff at (916) 574-2378 or by email at mohammad.porbaha@cvflood.ca.gov.

Sincerely,

Greg Harvey

Greg Harvey, Chief
Plan Implementation and Compliance Branch

Enclosure: 33 USC § 408 Request from DWR Delta Conveyance Office dated March 17, 2020.

cc: (via electronic file)

Ali Porbaha, Central Valley Flood Protection Board
Kevin Lee, USACE
Andrea Buckley, Central Valley Flood Protection Board
Ken Bogdan, Department of Water Resources
Kristina Reese, Department of Water Resources