

DEPARTMENT OF WATER RESOURCES

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To: Delta Conveyance Design and Construction Authority Stakeholder Engagement Committee

From: Carrie Buckman, Environmental Program Manager

Date: January 17, 2020

Subject: Role of the Stakeholder Engagement Committee during the Environmental Impact Report process

During the December meeting of the Design and Construction Agency's (DCA) Stakeholder Engagement Committee (SEC), stakeholders requested additional information about how the SEC's role would be described and documented within the Department of Water Resources' (DWR's) Environmental Impact Report (EIR).

First, I would like to describe the roles and responsibilities of the DCA and DWR in relation to the SEC. DWR and DCA are two separate entities. DWR, as the owner and operator of the State Water Project, is the project proponent for the proposed Delta Conveyance Project. In compliance with the California Environmental Quality Act (CEQA), DWR is acting as lead agency for the preparation of an environmental impact report (EIR) to analyze the proposed project and makes the decision on whether to approve the project after the CEQA process is complete. The DCA is a joint powers authority working under DWR's oversight, assisting DWR with the design of the proposed project and alternatives to be analyzed in the EIR.

DWR has requested the DCA design the proposed project facilities with a focus on ways to reduce or avoid construction-related local effects. The DCA has organized the SEC to provide valuable input in understanding these local effects and the ways they might be minimized or avoided. This work is expected to result in recommendations by the DCA to DWR for design of the proposed project and suggestions on construction methodology. DWR will then determine the contents of the EIR both in relation to the proposed project description and the environmental analysis as to whether there are residual construction-related local effects that are considered significant impacts requiring mitigation. Therefore, the work that the DCA performs, including work informed by the SEC, necessarily will be utilized in the EIR and become part of DWR's record for preparing the EIR.

DWR is attending the SEC meetings as a resource to provide information in a spirit of cooperation and collaboration. While DWR staff attends the SEC meetings, DWR does not organize or otherwise lead the SEC. The SEC is organized by the DCA and its focus is related to the design aspects of the project. As such, the work of the SEC will be

reflected in the DCA's record supporting the conceptual design for potential project components. Therefore, where the EIR references the conceptual designs and includes them in the EIR's administrative record, it is expected that the record will necessarily also include reference to SEC input. In terms of how the EIR specifically describes the role of the SEC in DWR's process, EIRs also typically include information on public involvement, consultation, and coordination that occurred during the EIR's development. This may be in an introductory chapter of the EIR, as background information in an appendix, or as a separate report that becomes part of the EIR's administrative record.

DWR, as the lead agency, plans to include a similar chapter that will focus on the public involvement processes associated with the EIR development. This chapter will include descriptions of agency meetings associated with permitting efforts and other public or stakeholder outreach efforts for the Delta Conveyance Project and similar efforts. It is expected that any reference to the SEC in this chapter would include a description of the Committee and clear explanation of the SEC's role and how it was limited to providing input to the DCA's design and construction process, a process separate from public outreach directly undertaken by DWR as lead agency.

As previously described in DCA documentation, participation in the SEC does not preclude involvement in DWR's public outreach process for EIR preparation, which is a separate legal process conducted by the lead agency. DWR seeks and would appreciate stakeholders' involvement in both processes and understands that participation in the SEC does not constitute agreement or approval of any Delta Conveyance Project. Because the ultimate decision on the project description and environmental analysis of residual construction related local environmental impacts is the sole responsibility of DWR as the lead agency, there is no implication of tacit approval by SEC members. The role that any SEC member played in the DCA's process would not preclude any SEC member from criticizing the EIR in any aspects and, if appropriate, challenging DWR's CEQA compliance through litigation.

Many SEC members will likely comment as individuals or on behalf of their respective stakeholder groups on the Draft EIR and DWR will respond to these comments in the Final EIR. In responses to comments, DWR will not specifically cite SEC meeting discussions or materials as a response but may use materials developed for the SEC to provide a full response in the Final EIR.