

# Response to Contra Costa Water Districts Comments Dated November 16, 2023



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**To:** File  
**Date:** November 17, 2023  
**From:** Alicia Forsythe, Environmental Planning and Permitting Manger  
**Subject:** Response to Contra Costa Water District’s Comments Dated  
November 16, 2023

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A handwritten signature in black ink that reads "Alicia Forsythe".

This memorandum responds to the written comments from Contra Costa Water District (“CCWD”), provided via email to the Sites Project Authority (“Authority”) on the evening of November 16, 2023. The Authority’s Board of Directors is considering certification of the Final EIR/EIS and approval of the Project at its November 17, 2023, meeting. The Authority appreciates the opportunity to work through CCWD’s concerns and the time and effort that CCWD staff have committed to resolving CCWD’s water right concerns.

CCWD’s comment letter states that CCWD appreciates the “opportunity to review the proposed Final Revised Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement (RDEIR/SDEIS) for the Sites Reservoir Project (Project)”. However, such a document does not exist. The Authority has prepared a Revised Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement (“RDEIR/SDEIS”), which was released for public review in November 2021 and the comment period closed in January 2022. The Authority recently prepared and released the Final Environmental Impact Report/Environmental Impact Statement (“Final EIR/EIS”) for the Sites Reservoir Project (“Project”) on November 2, 2023. The Authority assumes that CCWD is commenting on the Final EIR/EIS in its November 16 letter.

CCWD’s November 16 letter expresses concerns relative to the Project’s potential impacts to water quality in the Sacramento-San Joaquin Delta (“Delta”) and how those changes in Delta water quality may impact CCWD’s operations. The analysis of water quality was included in Chapter 6, Surface Water Quality in the Final EIR/EIS. As described in Section 6.3, Method of Analysis, salinity was analyzed in the Final EIR/EIS using the CALSIM 2 and subsequent DSM2 modeling framework. Section 6.3.2.6, Salinity discusses this analysis in depth. Changes in Delta salinity are then analyzed and described in detail in the impact analysis (Section 6.4, Impact Analysis and Mitigation Measures).

CCWD’s letter provides information on CCWD’s specific water quality concerns in an attachment. This attachment is wholly based on the Water Availability Analysis (“WAA”) conducted for the Authority’s water right application. This analysis is not relevant to the Final

EIR/EIS analysis of impacts. The WAA was developed in support of the Authority's application for storage at Sites Reservoir and focuses on the ability to divert water into Sites Reservoir for beneficial use. The State Water Board can issue a permit to appropriate water when there is "unappropriated water available to supply the applicant" (Wat. Code, § 1375, subd. (d)). The WAA was developed to address this specific requirement in the Water Code and was not used in the Final EIR/EIS water quality analysis as it is an analysis specific to the water right proceedings. In addition, some of the analyses in the WAA have assumptions and approaches that do not meet the requirements of CEQA and NEPA and are not appropriate for an impact analysis. For example, some of the analyses in the WAA focus only on diversions to storage and do not simulate Sites Reservoir operations and subsequent releases.

It is also important to note that, consistent with CEQA, the Final EIR/EIS analyzed impacts based on the significance criteria included in the Final EIR/EIS and for water quality, those criteria are provided in Section 6.3.3. Thresholds of Significance. These criteria were based on the CEQA Checklist and identify that an impact on surface water quality would be considered significant if the Project would:

- Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface water quality
- Be placed in a flood hazard or seiche zone, risking release of pollutants due to Project inundation
- Conflict with or obstruct implementation of a water quality control plan
- Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner that would create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff

The Final EIR/EIS, using CALSIM 2 modeling and DSM2, finds that changes in Delta salinity as a result of the Project are small, with changes ranging from -3% to +2% in the south Delta (near CCWD's intakes) and all values remaining well below the water quality standard of 1,000  $\mu\text{S}/\text{cm}$  (page 6-75). As a sidenote but relevant to responding to CCWD's comments, Sites understands that CCWD has similarly analyzed its own project effects on Delta water quality (e.g. Los Vaqueros expansion) and has determined that the impact of changes at these levels on others from a CCWD project does not constitute a significant impact.

CCWD's letter asserts that the Project could result in changes to its operations that could:

1. Degradation in the quality, and hence reduction in amount, of the water available and suitable for diversion by CCWD at its Mallard Slough Intake.
2. Degradation in the quality of the water available for diversion by CCWD at its Rock Slough, Old River, and Middle River intakes, which would impact CCWD by reducing opportunities to fill Los Vaqueros Reservoir (LV), requiring CCWD to release more water

out of LV, or forcing CCWD to incur additional monetary costs for pumping from more expensive intake(s).

3. Changes in the timing, quantity, or availability of the water available for diversion by CCWD under CCWD's Los Vaqueros Water right.

These issues have been brought up in CCWD's protest to the Authority's water right application. Although the Authority makes no finding on the relevance and substance of these issues here, the Authority notes that these are generally more relevant to a water right proceeding in which an existing water right holder (CCWD in this case) can file a protest against a water right application (the Authority's application) based on injury to prior rights held by the protestant. CCWD's entire letter seems to be inappropriately conflating the requirements of the Water Code for water right applications with the requirements of CEQA. However, these are two wholly separate and distinct processes and the requirements of each are unique and distinct.