

Project Objectives and Purpose and Need

The BDCP/California Water Fix sets out a strategy for the Delta designed to restore and protect ecosystem health, water supply reliability, and water quality within a stable regulatory framework. The BDCP/California WaterFix reflects the outcome of a multiyear collaboration between the California Department of Water Resources (DWR), U.S. Bureau of Reclamation (Reclamation), state and federal fish and wildlife agencies, state and federal water contractors, nongovernmental organizations, agricultural and fishing interests, and the general public. The project objectives and purpose and need described in this chapter were developed as a part of this process. Chapter 3, *Description of Alternatives*, sets out the range of reasonable alternatives to meet the project objectives and purpose and need for the BDCP/California WaterFix EIR/EIS.

2.1 Overview

One of the primary challenges facing California is how to comprehensively address the increasingly significant and escalating conflict between the ecological needs of a range of at-risk Delta species and natural communities that have been and continue to be adversely affected by a wide range of human activities, while providing for more reliable water supplies for people, communities, agriculture, and industry.

This challenge must be addressed in decisions of DWR, the California Department of Fish and Wildlife (CDFW), and the State Water Resources Control Board (State Water Board), as they endeavor to strike a reasonable balance between these competing public policy objectives and various actions taken within the Delta, including the BDCP/California WaterFix. State policy regarding the Delta is summarized in the Sacramento–San Joaquin Delta Reform Act of 2009, which states:

it is the intent of the Legislature to provide for the sustainable management of the Sacramento-San Joaquin Delta ecosystem, to provide for a more reliable water supply for the state, to protect and enhance the quality of water supply from the Delta, and to establish a governance structure that will direct efforts across state agencies to develop a legally enforceable Delta Plan.” (California Water Code, Section 85001, subd. [c]).

The Delta “serves Californians concurrently as both the hub of the California water system and the most valuable estuary and wetland ecosystem on the west coast of North and South America.” (California Water Code, Section 85002).

The ecological health of the Delta continues to be at risk, and the conflicts between species protection and Delta water exports have become more pronounced, as amply evidenced by the continuing court decisions regarding the intersection of the federal Endangered Species Act (ESA), the California Endangered Species Act (CESA), and the operations criteria of the State Water Project (SWP) and the federal Central Valley Project (CVP). Other factors, such as the continuing subsidence of lands within the Delta, increasing risk of seismic activity and levee failures, and sea level rise and potentially wider variations in hydraulic conditions associated with climate change, serve to further exacerbate these conflicts. Simply put, the system as it is currently designed and operated does not appear to be sustainable from either an environmental or an economic perspective, and evaluating a fundamental, systemic change to the current system is necessary. This change is necessary if

1 California is to “[a]chieve the two coequal goals of providing a more reliable water supply for
2 California and protecting, restoring, and enhancing the Delta ecosystem.” (California Public
3 Resources Code Section 29702, subd. [a]).

4 DWR and several state and federal water contractors, collectively referred to as the project
5 proponents, are applying for permits under state and federal endangered species laws and propose
6 to implement the California WaterFix. For the California WaterFix alternatives (Alternatives 4A, 2D
7 and 5A), DWR is the lead agency for compliance with CEQA and Reclamation is the lead agency for
8 compliance with NEPA. Should a BDCP alternative be selected, DWR would be the lead agency for
9 compliance with CEQA, and Reclamation, the U.S. Fish and Wildlife Service (USFWS), and the
10 National Marine Fisheries Service (NMFS) would be co-lead agencies for compliance with NEPA.

11 **2.2 Regulatory Background**

12 The CEQA project objectives document the reasons the project proponents are undertaking the
13 proposal and what objectives they intend to achieve by that proposal. NEPA requires that an EIS
14 include a statement of “purpose and need” to which the federal agency is responding in proposing
15 the alternatives, including the proposed action (40 Code of Federal Regulations [CFR] 1502.13). The
16 project objectives and the purpose and need statement are the starting points for the state and
17 federal agencies in developing the reasonable range of alternatives to be evaluated in detail in the
18 EIR/EIS (State CEQA Guidelines Sections 15124[b], 15126.6[a]; 40 CFR 1502.14). The following
19 sections present the project objectives for the BDCP/California WaterFix in compliance with the
20 requirements of CEQA and the purpose and need statement in compliance with the requirements of
21 NEPA. Both the project objectives and the purpose and need statement serve to explain why the
22 proposed project is being considered and to assist in the decision-making process. The overall project
23 objectives and purpose and need for the proposed project is the same for DWR and Reclamation;
24 however, DWR’s proposed action includes the construction of new conveyance facilities and related
25 operational changes, and Reclamation’s proposed action only includes operational changes.
26 Therefore, the project objectives and purpose and need are presented in separate sections below.

27 **2.3 Project Objectives**

28 CEQA requires that an EIR contain a “statement of the objectives sought by the proposed project.”
29 Under CEQA, “[a] clearly written statement of objectives will help the Lead Agency develop a
30 reasonable range of alternatives to evaluate in the EIR and will aid the decision makers in preparing
31 findings or a statement of overriding considerations. The statement of objectives should include the
32 underlying purpose of the project” (State CEQA Guidelines Section 15124[b]). Here, as the CEQA
33 lead agency, DWR is adopting project objectives separately from the federal agencies’ purpose
34 statement as set forth in Section 2.4, as well as the description of project need as set forth in Section
35 2.4.1.

36 DWR’s fundamental purpose in proposing the proposed project is to make physical and operational
37 improvements to the SWP system in the Delta necessary to restore and protect ecosystem health,
38 water supplies of the SWP and CVP south of the Delta, and water quality within a stable regulatory
39 framework, consistent with statutory and contractual obligations.

1 The fundamental purpose is informed by past efforts taken within the Delta and the watersheds of
 2 the Sacramento and San Joaquin Rivers, including those undertaken through the CALFED Bay-Delta
 3 Program and Delta Risk Management Strategy. The fundamental purpose, in turn, gives rise to the
 4 following project objectives.

- 5 • Address adverse effects to state and federally listed species related to:
 - 6 ○ The operation of existing SWP Delta facilities and construction and operation of facilities for
 7 the movement of water entering the Delta from the Sacramento Valley watershed to the
 8 existing SWP and CVP pumping plants located in the southern Delta.
 - 9 ○ The implementation of actions to improve SWP and/or CVP conveyance that have the
 10 potential to result in take of species that are listed under the ESA and CESA.
- 11 • Improve the ecosystem of the Delta by reducing the adverse effects to certain listed species of
 12 diverting water by siting additional intakes of the SWP and coordinated operations with the CVP.
- 13 • Restore and protect the ability of the SWP and CVP to deliver up to full contract amounts, when
 14 hydrologic conditions result in the availability of sufficient water, consistent with the
 15 requirements of state and federal law and the terms and conditions of water delivery contracts
 16 and other existing applicable agreements.

17 In addition to the project objectives enumerated above, the project objectives listed below guide the
 18 development of the proposed project and alternatives.

- 19 • To meet the standards identified in the ESA and the California Fish & Game Code, including the
 20 CESA or NCCPA, by, among other things, minimizing and fully mitigating the impacts of take, and,
 21 if possible, protecting, restoring, and enhancing aquatic and terrestrial natural communities and
 22 ecosystems that support listed and sensitive species within the geographic scope of the proposed
 23 project.
- 24 • To make physical improvements to the conveyance system in anticipation of rising sea levels and
 25 other reasonably foreseeable consequences of climate change.
- 26 • To make physical improvements to the conveyance system that will minimize the potential for
 27 public health and safety impacts resulting from a major earthquake that causes breaching of
 28 Delta levees and the inundation of brackish water into the areas in which the SWP and CVP
 29 pumping plants operate in the southern Delta.
- 30 • To develop projects that restore and protect water supply and ecosystem health and reduce
 31 other stressors on the ecological functions of the Delta in a manner that creates a stable
 32 regulatory framework under the ESA and either the CESA or NCCPA.
- 33 • To identify new operations and a new configuration for conveyance of water entering the Delta
 34 from the Sacramento River watershed to the existing SWP and CVP pumping plants in the
 35 southern Delta by considering conveyance options in the north Delta that can reliably deliver
 36 water at costs that are not so high as to preclude, and in amounts that are sufficient to support,
 37 the financing of the investments necessary to fund construction and operation of facilities and/or
 38 improvements.

39 **2.4 Project Purpose and Need**

40 Just as CEQA requires an EIR to include a statement of project objectives as described above, NEPA
 41 requires that an EIS include a statement of purpose and need to which the federal agency is
 42 responding in proposing the alternatives, including the proposed action (40 CFR 1502.13).

1 The need for this project is to improve California's water conveyance system to respond to increased
 2 demands upon and risks to water supply reliability, water quality, and the aquatic ecosystem. The
 3 Delta has long been an important resource for California, providing municipal, industrial,
 4 agricultural and recreational uses, fish and wildlife habitat, and water supply large portions of the
 5 state. However, by several key criteria, such as declines in populations of several fish species,
 6 seismic risk to levees and the Delta infrastructure, continuing land subsidence, and rising sea level,
 7 the Delta is now widely perceived to be in crisis. The operations of the CVP are currently
 8 constrained in the South Delta. Reclamation can increase its operational flexibility to provide water
 9 supply and minimize and avoid adverse effects to listed species by coordinating CVP operation with
 10 the proposed new SWP facilities and conveyance.

11 The federal agency purpose of the proposed action is to improve the movement of water entering
 12 the Delta from the Sacramento Valley watershed to the existing SWP and CVP pumping plants
 13 located in the southern Delta in a manner that minimizes or avoids adverse effects to listed species,
 14 supports coordinated operation with the SWP, and is consistent with the Project Objectives
 15 described above in Section 2.3, which in summary includes:

- 16 1. Restoring and protecting aquatic, riparian and associated terrestrial natural communities and
 17 ecosystems of the Delta, and
- 18 2. Restoring and protecting the ability of the SWP and CVP to deliver up to full contract amounts of
 19 CVP Project water, when hydrologic conditions result in the availability of sufficient water,
 20 consistent with the requirements of applicable state and federal law and the terms and
 21 conditions of water delivery contracts and other existing applicable agreements.

22 **2.4.1 Project Need**

23 The Delta has long been an important resource for California, providing municipal, industrial,
 24 agricultural and recreational uses, fish and wildlife habitat, and water supply for large portions of
 25 the state. However, by several key criteria, such as declines in populations of several fish species,
 26 seismic risk to levees and the Delta infrastructure, continuing land subsidence, and rising sea level,
 27 the Delta is now widely perceived to be in crisis. Improvements to the water conveyance system are
 28 needed to respond to increased demands upon the system and risks to water supply reliability,
 29 water quality, and the aquatic ecosystem. CVP operations are currently constrained in the south
 30 Delta. Reclamation can increase its operational flexibility to provide water supply and minimize and
 31 avoid adverse effects on listed species by coordinating CVP operation with the proposed new SWP
 32 facilities and conveyance.