

**DEPARTMENT OF WATER RESOURCES**

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(916) 653-5791



April 20, 2020

Mr. Mike Conroy  
PCFFA and Institute for Fisheries Resources  
Post Office Box 29370  
San Francisco, CA 94129

Dear Mr. Conroy:

Thank you for your recent inquiry about the scoping deadline for the proposed Delta Conveyance Project.

The COVID-19 pandemic underscores the need to protect public health and safety. For the Department of Water Resources (DWR), this means continuing essential functions such as reliable water delivery, flood protection, dam safety, infrastructure maintenance and environmental enhancement, while maintaining the highest standards for transparency.

The California Environmental Quality Act (CEQA) generally requires a lead agency preparing an environmental impact report (EIR) to provide 30 days for entities to respond to a notice of preparation related to the scope of the EIR. For Delta Conveyance, DWR initially provided 60 days for comments. This initial public comment period occurred almost entirely before the worry and health risks caused by COVID-19 and related stay-at-home orders. However, DWR then extended this period by an additional 30 days to accommodate requests for delay.

While the pandemic makes it clear that we must find new ways to operate and engage under current restrictions, we cannot and should not pause efforts that are critical to the state. Climate change, sea level rise, flashy storms, atmospheric rivers and earthquakes will not pause for a pandemic. While work continues during this crisis, DWR will not do so at the expense of public involvement and transparency. To respond to these unprecedented times, the Department is working to strengthen and expand public outreach tools to make information accessible and participation possible.

Following the close of scoping, DWR will consider feedback received as it develops the draft EIR. The next opportunity for significant public review and comment on DWR documents related to the proposed Delta Conveyance Project is unlikely to be any sooner than early 2021 when the EIR is published. In addition, federal agencies are working to identify a lead agency for preparation of a document to analyze the proposed Delta Conveyance Project in compliance with the National Environmental Policy Act (NEPA). It is expected that the federal lead agency will provide for a separate scoping period, possibly this summer, as part of the environmental documentation process under NEPA. In addition to formal comment periods, the state is always open to conversations and feedback even outside of a formal comment period.

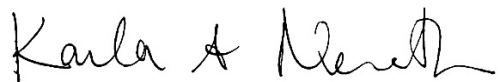
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The expansion of online and telephone resources during this time may create enhanced opportunities to engage and participate from home in ways not previously available or utilized. As DWR rolls up its sleeves to digest the comments received through the scoping process and begins to prepare the environmental analysis for the Draft EIR, the downtime following scoping for Delta Conveyance will allow for diligent and creative opportunities to respond to any communities who may have an interest in our analytical approach and tools.

And we are hopeful that in the meantime significant progress will be made in California's fight against the virus.

Thank you and stay well.

Sincerely,

A handwritten signature in black ink, appearing to read "Karla A. Nemeth". The signature is fluid and cursive, with a large initial "K" and "N".

Karla A. Nemeth  
Director

cc: Regina Chichizola, Save CA Salmon  
Sherri Norris, CA Indian Environmental Alliance  
Wade Crowfoot, Secretary for Natural Resources  
Susan Tatayon, Delta Stewardship Council



April 16, 2020

Karla Nemeth, Director  
California Department of Water Resources  
1416 Ninth Street, 11th Floor  
Sacramento, CA 95814

**Request for DWR to provide reasonable accommodations for public review and comment on policies during the COVID19 pandemic**

Dear Director Nemeth,

Like all Californians, the Pacific Coast Federation of Fishermen's Associations, Institute for Fisheries Resources, California Indian Environmental Alliance and Save California Salmon are all being impacted by the COVID-19 pandemic. We appreciate the Department of Water Resources ("DWR") April 13 Blog post entitled *Amid COVID-19, Essential Work Continues with Commitment to Public Engagement and Transparency*<sup>1</sup>, particularly your acknowledging the importance of it being "incumbent on us to provide ongoing access to public information and opportunities for public engagement and comment." We are writing to ask the California Natural Resources Agency, WR, and Delta Stewardship Council to temporarily suspend all activity on, or related to, the Delta Conveyance Project (DCP) during the pendency of the Governor's stay-at-home order. Without such action, the Delta tunnel engineering design will not be informed by the meaningful public input the DCA has committed to consider. We also ask that DWR extend public comment periods by at least 45 days beyond the end of the declared emergency.

We fully support the letter sent to Governor Newsom by Restore the Delta on April 9. We write separately to speak for our rural communities and individual members who face challenges similar to those mentioned by Restore the Delta. Our organizations represent hundreds of rural people, residents of Indian reservation and trust lands, and fishermen and women that do not have access to resources such as high-speed internet, grid power or easily accessible grocery stores. Many impacted Northern Californians can only participate in public meetings and processes by physically appearing or congregating in public places that provide reliable internet, computer, and phone access (many of which are currently closed). Our communities also face economic and food insecurity directly related to water resource and fishery issues.

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<sup>1</sup> See - <https://water.ca.gov/News/Blog/2020/April/COVID-19-Essential-Work> (last accessed)

Individual and community participation is an integral part of public processes. We, as representatives of communities that rely on access to clean water and healthy salmon stocks for economic and subsistence purposes, believe our participation is necessary and important. Many of our members who provide essential services to the State, including as first responders and government employees, are overwhelmed with duties critical to public safety during this time of crisis. Given underlying health concerns and sparse medical facilities, our rural communities and individual members are primarily focused on staying alive. Our members who are not involved in providing essential services are also focused on their economic survival and well-being. This is causing our communities and members significant emotional distress, just like other residents in poor rural and urban neighborhoods. They, rightfully, have higher priorities than worrying about how one of California's largest infrastructure projects will impact their community, water supply, and environment.

This request is not only based on our inability to access the public process, it is also about our priorities. Earlier this year, after rural North State residents and Tribal members expressed concern that their voices were not being heard, DWR scheduled a hearing in Redding on the proposed DCP. The majority of public comments made at the hearing were in opposition to the project; including over 200 people from at least seven tribes. Clearly there is great interest in this Project and its potential impacts on our rivers. Given the lack of technological resources, many interested persons are not currently able to effectively engage in the administrative process.


As a matter of public priorities during the COVID-19 emergency, actions such as consideration of new water storage and conveyance projects (as opposed to maintenance and other emergency actions) are non-essential and should therefore be curtailed. Governor Newsom has made commitments to California's native and rural communities to right past wrongs and support public participation. It is time for all parts of the 'One California' to live up to these commitments rather than limiting our members' ability to engage in the public processes that impact them.

We thank you for considering our request to suspend Delta Conveyance Project public processes until 45 days after the COVID-19 crisis subsides to levels where our members and their communities can effectively participate in the public processes.

Sincerely,



Mike Conroy  
Pacific Coast Federation of Fishermen's Associations and  
Institute for Fisheries Resources  
PO Box 29370, San Francisco, CA 94129-0370



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Save California Salmon  
P.O. Box 142,  
Orleans, CA 95556

Sherri Norris  
California Indian Environmental Alliance  
6323 Fairmount Ave Ste #B,  
El Cerrito, CA 94530

Cc:

The Honorable Wade Crowfoot, Secretary, California Natural Resources Agency  
Susan Tatayon, Chair Delta Stewardship Council, Governor Gavin Newsom