

**DEPARTMENT OF WATER RESOURCES**

1416 NINTH STREET, P.O. BOX 942836  
SACRAMENTO, CA 94236-0001  
(916) 653-5791



April 20, 2020

Delta Counties Coalition

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.

Delta Counties Coalition

April 20, 2020

Page 2

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.

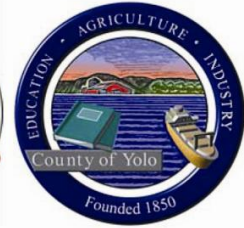
Thank you and stay well.

Sincerely,

A handwritten signature in black ink that reads "Karla A. Nemeth". The signature is written in a cursive, flowing style.

Karla A. Nemeth  
Director

cc: Governor Gavin Newsom  
Wade Crowfoot, Secretary for Natural Resources  
Kathryn Mallon, Delta Conveyance Authority



### **Delta Counties Coalition**

Contra Costa County · Sacramento County · San Joaquin County · Solano County · Yolo County

*"Working together on water and Delta issues"*

April 7, 2020

Via Email: [Wade.Crowfoot@resources.ca.gov](mailto:Wade.Crowfoot@resources.ca.gov)  
Mr. Wade Crowfoot  
Secretary, California Natural Resources Agency  
1416 Ninth Street, Suite 1311  
Sacramento, CA 95814

### **Re: Request for Stay of Public Processes for Delta Conveyance Planning During Novel COVID-19 Pandemic**

Dear Secretary Crowfoot,

The Delta Counties Coalition (DCC) respectfully requests that you direct the Department of Water Resources (DWR) to pause all Delta Conveyance Project planning and engineering design processes that require Delta stakeholder engagement during the COVID-19 crisis, until the public can fully participate. We request that you ask the Delta Conveyance Design and Construction Authority (DCA) to pause its processes that require public participation, including Stakeholder Engagement Committee meetings, so that the Delta tunnel engineering design can be informed by meaningful public input. We also ask that you direct DWR and other resource agencies to extend public comment periods by at least 45 days beyond the end of the declared emergency.

It is clear to the DCC that meaningful public engagement on the Delta Conveyance Project, including conceptual engineering design, environmental review, and permitting is not possible at this time. Our counties are currently focused on fighting the COVID-19 pandemic, which is both a national and state emergency. County staff must prioritize supporting their Emergency Operation Centers and conducting other activities necessary to address COVID-19. All county workers are designated as emergency and/or disaster response workers and are being reassigned or called to Emergency Operations Centers as needed to help with essential services, including our water resources staff. In addition, many are caring for loved ones, including the elderly relatives and children no longer able to attend school.

Thus far, there has been little indication that Delta conveyance related activities are making the appropriate adjustments to address the very real effects of the ongoing COVID-19 crisis on public processes. At the last DCA Board meeting on March 19, tribal representatives noted that due to the pandemic, tribal consultation under AB 52 had ceased. Tribal representatives and other members of the public requested that the DCA delay further meetings to allow the public to focus on primary health and safety concerns. Yet the DCA still plans to have a Board meeting on April 16, 2020 and a Stakeholder Engagement Committee meeting on April 22, 2020. DWR's Delta Conveyance Project website indicates that the DCA will "work to arrange for remote participation for both committee members and the public for future meetings." In addition, DWR attempted to have the Central Valley Flood Control Board issue a Letter of No Objection to initiate the Section 408 permitting process with the USACE on its consent calendar on March 26, 2020. Upon objection from flood control and other interests, this item was continued to the Flood Board's next meeting on April 24th, which we must assume will also be by webcast only.

The DCC believes that disruptions caused by COVID-19 will deprive citizens, local communities, and other stakeholders the opportunity to engage with agencies on important matters, and this includes the Delta Conveyance Project. We also feel that virtual meetings are an inadequate substitute to a temporary stay of public processes around Delta conveyance. Remote meeting options are most appropriate for situations where an agency must conduct its business without delay, for instance in relation to the COVID-19 crisis and other operational necessities. Public participation via webcast or telephone cannot provide the robust public input necessary for the controversial Delta Conveyance Project. Many residents of the rural Delta and in underserved urban areas adjacent to the Delta lack reliable internet service to participate in meetings held via webcast.

We hope that you will exercise your authority to protect the right of the public to meaningfully participate, once this crisis ends. Thank you for considering this request and we look forward to your response.

Sincerely,



Don Nottoli  
Supervisor, Sacramento County



Skip Thomson  
Supervisor, Solano County



Karen Mitchoff  
Supervisor, Contra Costa  
County

Secretary Crowfoot  
April 7, 2020  
Page 3



Oscar Villegas  
Supervisor, Yolo County



Chuck Winn  
Supervisor, San Joaquin  
County

cc: Governor Gavin Newsom  
DWR Director Karla Nemeth (Karla.Nemeth@water.ca.gov)  
DCA Executive Director Kathryn Mallon (KathrynMallon@dcdca.org)