

DEPARTMENT OF WATER RESOURCES

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April 20, 2020

Ms. Barbara Barrigan-Parrilla
Executive Director
Restore the Delta
42 Sutter Street, Unit 506
Stockton, CA 95205

Dear Ms. Barrigan-Parrilla:

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.

Ms. Barbara Barrigan-Parrilla

April 20, 2020

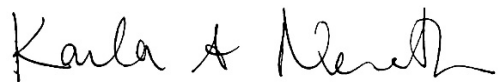
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The expansion of online and telephone resources during this time may create enhanced opportunities to engage and participate from home in ways not previously available or utilized. As DWR rolls up its sleeves to digest the comments received through 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 that reads "Karla A. Nemeth". The signature is written in a cursive, flowing style.

Karla A. Nemeth
Director

cc: See attached list.

Governor Gavin Newsom
Stockton City Mayor Tubbs
Tim Strohane, Policy Analyst, Restore the Delta
Kathryn Phillips, Director and Policy Advocate, Sierra Club California
Brandon Dawson, Water Policy Analyst, Sierra Club California
Joaquin Esquivel, Chair, State Water Resources Control Board
Leslie Gallagher, Executive Director, Central Valley Flood Protection Board
Kathryn Mallon, Executive Director, Delta Conveyance Design and Construction
Authority
Doug Obegi, Natural Resources Defense Council
Dillon Delvo, Little Manila Rising
Nicholas Hatten, LGBTQ+Social Justice
Tama Brisbane, With Our Words
Sammy Nunez, Fathers & Families of San Joaquin
Adam Keats, Adam Keats Law



Via email: karla.Nemeth@water.ca.gov and wade.crowfoot@resources.ca.gov

March 27, 2020

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

Wade Crowfoot, Secretary
California Natural Resources Agency
1416 Ninth Street, 13th Floor
Sacramento, CA 95814

Subject: Cessation of Delta Conveyance Project Actions During Novel Coronavirus Pandemic

Dear Secretary Crowfoot and Director Nemeth:

We write to demand—respectfully—that the California Natural Resources Agency and Department of Water Resources suspend and cease all Delta Conveyance Project (DCP) activity that entails actions by state and federal agencies on the DCP during the duration of the Novel Coronavirus Pandemic emergency. There is plenty of other work that may proceed in the absence of such actions from other agencies. But there is no justification for DCP to seek and receive benefit of other agencies' actions for which public participation is critical, and during the pandemic, scarce and distracted.

Our request is about priorities and perspective: In the midst of a viral pandemic for which no human on Earth at its emergence had known immunity, the vast majority of the California public will be focused on surviving and coping with personal and social health and economic effects of the spread of COVID-19, the disease caused by transmission of the Novel Coronavirus. To continue seeking public approvals for a major infrastructure project at this time appears to us, whether intended or not, duplicitous. It smacks of "never let a good crisis go to waste" thinking. As a matter of public priorities during the pandemic, such actions are non-essential and should therefore be curtailed.

This morning it came to our attention that DWR is seeking a "Statement of No Objection" from the Central Valley Flood Protection Board to signal to the US Army Corps of Engineers in Sacramento to proceed with the Corps' 408 levee protection assurance process in relation to the DCP. This proposed action was not noticed in any

significant way to the public other than via the CVFPB's web site. We have in a separate letter requested that the Board pull this item from its consent calendar, and we copied you both on this request.

It strikes us as reasonable that design work and preparation of the Draft Environmental Impact Report on the DCP could continue under our demand as elements of "working from home." We are simply insisting that all public processes toward actions supporting the DCP cease which otherwise advance the project at this time and for the duration of the pandemic emergency. **The public simply must not be left behind in the DCP process just because of a viral pandemic that was not of their making.**

Public outreach and input is essential to ensuring that the state is held fully accountable as it proceeds with planning the DCP. Whether intentional or not, allowing a seemingly pro-forma action as this "Statement of No Objection" to go forward without explanation or notice to the public is unacceptable when California is under a statewide "stay-at-home" order for social and physical distancing. Many people, including RTD members and community coalition friends, are stressing about how to cope and survive the pandemic. **It is unacceptable to allow this high-profile project to now fly under the radar during the Novel Coronavirus Pandemic without public participation in significant public agency decisions about it.**

Thank you for considering this demand.

Sincerely,



Barbara Barrigan-Parrilla
Executive Director



Tim Stroshane
Policy Analyst



Kathryn Phillips
Director and Policy Advocate
Sierra Club California



Brandon Dawson
Water Policy Analyst
Sierra Club California

cc: Governor Gavin Newsom
Mayor Michael Tubbs
E. Joaquin Esquivel, Chair, State Water Resources Control Board
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