



April 9, 2020

RE: Delta Protection Commission Meeting – April 9, 2020, Agenda Item 9: Delta Conveyance Project Update

Dear Delta Protection Commissioners,

Our comments are related to the continuance, and acceleration of the planning, design, permitting and process of the Delta Conveyance Project.

We request that the Delta Protection Commission join the California Indian Environmental Alliance to insist that the California Natural Resources Agency, the Department of Water Resources (DWR), the Delta Conveyance Design and Construction Authority (DCA), and all related entities suspend all Delta Conveyance Project (DCP) planning, permitting and project-related actions during the duration of the Novel COVID-19 Coronavirus Pandemic emergency.

In light of the recent COVID-19 pandemic, we are asking that all planning and action items related to the Delta Conveyance Project be suspended until regular planning and meetings can take place; once the COVID-19 virus shelter in place order has been lifted via Governor Gavin Newsome. To move forward at this time does not constitute a good faith effort of engagement, and it will not allow for true meaningful Tribal engagement, or engagement from the general public.

It is our understanding that similar requests have been advanced to DWR and other agencies by multiple California Tribes, non-profits and community-based organizations, and that these requests have to date only resulted in an extension of the comment deadline for the scoping period for the "Delta Conveyance Project" to April 17, 2020. Since that time the shelter in place order has been extended past that deadline to April 30, 2020.



At the same time, we are alarmed that the following activities, as listed in the Item 9 staff report, are still continuing without proper public participation:

- Delta Conveyance Environmental Impact Report (EIR) Notice of Preparation (NOP) and related environmental review documents
- Delta Conveyance Design and Construction Authority (DCA) and Stakeholder Engagement Committee (SEC)
- Water Resilience Portfolio (WRP)

According to AB52, the state is required to invite and engage in consultation with Tribes regarding Tribal cultural resources. We understand that Tribes had been invited to engage in consultation before this pandemic, and that Tribes were just beginning to initiate that process with the expectation that meaningful consultation could take place early in the planning process and would include basic tenants of consultation. It is our understanding that Tribes have not agreed to the advancement of this project or deliberated with state agencies about what assurances need to be in place. We are acutely aware that that the process to arrive at agreements through consultation cannot continue meaningfully under existing Covid-19 conditions.

Our request is about priorities and perspectives: the vast majority of the California public is 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 COVID-19 Novel Coronavirus. At this time key decision-makers for many Tribal communities are focused on keeping their family members and elders protected from this virus. We know that meaningful stakeholder engagement and tribal consultation cannot happen while we are worried about survival of ourselves and for our loved ones. Continuing the planning process and actions during this time reflects negatively on state and federal levels of government. By agencies moving forward California is sending a message that our state disregards the existence of Tribal Peoples, and the lives of community members in general by using this deadly pandemic as an “opportunity” to move forward. This is not the message that the State of California and its agents should be promoting. Instead the state should allow families to focus on physical safety and reinitiate the process when meaningful participation is possible.

Public outreach and input is essential to ensuring that the state is held fully accountable as it proceeds with planning the Delta Conveyance Project. An example of an activity of this project



that should not move forward during this pandemic includes a seemingly pro-forma action by DWR to the Central Valley Flood Protection Board. DWR has requested a “Statement of No Objection” to signal the US Army Corp of Engineers in Sacramento to proceed with the Corps’ 408 Levy Protection Assurance Process in relation to this Project. To advance this request without clear explanation or notice to the public at this time is unacceptable.

The state should further cease actions because shifts to our priorities for Delta Protection and regional budgets may be necessary after the full impacts of the pandemic have been evaluated. It is short-sighted to allow this high-profile project to advance at this time. These are significant public agency decisions that should not be made without public and tribal participation, when California is under a statewide “shelter in place” order for social and physical distancing for health and safety of California families.

Please join us in recommending that activities for the advancement of the Delta Conveyance Project cease until public and tribal participation can resume fully.

Thank you,



Sherri Norris
California Indian Environmental Alliance

[Redacted contact information]

