



# Delta Independent Science Board

DELTA STEWARDSHIP COUNCIL

Date: December 30, 2020

To: Honorable Gavin Newsom  
Governor of California  
State Capitol  
Sacramento, California 95814

From: Delta Independent Science Board

Subject: **Independent Science and Oversight in the California Delta**

Dear Governor Newsom:

More than a decade ago, the Legislature created the Delta Independent Science Board to provide “effective *independent* science” (italics in original bill analysis) and oversight of agency scientists working in the Sacramento-San Joaquin Delta. The Board’s creation responded to decades of so-called “combat science” between state agencies and stakeholder scientists. In the years before the Delta Reform Act passed, the Department of Water Resources had sued the State Water Resources Control Board, challenging its science in the Delta.

Since its creation, the Board has completed over 30 scientific reviews, averaging over 3,000 hours per year, with reports since 2015 accessible [here](#). The Board provides serious report-writing scientific review. Its responsibility for independent science offers your Administration and state government the opportunity for greater scientific credibility in one of the most contentious environmental challenges our state faces.

The Delta presents California with one of its most controversial and important sustainability challenges, at the nexus of climate change, ecosystem resilience, water supply, and flooding issues. Hundreds of state, local, and federal agencies and stakeholders have responsibilities for managing this resource – and they all see the Delta’s problems differently. The State needs broadly credible science to lead policy for these difficult and changing problems, and will need this science more in the future.

Earlier this year, State agency lawyers decided that “independent” Board members were required to be employees of the State. This decision contradicts the state law that created the Board and barred its members from direct affiliation with State agencies and programs that it reviews. The Delta Reform Act expresses the Legislature’s intent that the “nationally or internationally prominent scientists” NOT be employees of the agencies whose science they review.

Scientific review that is independent of the State’s regulatory agencies remains a critical factor in your future success in the Delta. Credible science can draw acceptance of Delta policies and

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minimize litigation that would instead promote combat science. Forcing the Board's members to accept employment and oversight by agencies and managers whose science the Board reviews would destroy that independence and undermine the credibility of the science from both the Board and the agencies it reviews. Challenges to State science could be compared to the current challenges to US EPA science reviewed by industry advocates on federal science advisory boards, which goes further and puts scientific review in the hands of the regulated industries.

This year, the Delta Independent Science Board's effort and scope have declined, from an in-depth scientific review organization to a largely volunteer group. The Delta Stewardship Council appointed Board members based on a competitive national search. Members then made a substantial professional commitment of their time, for meetings *and* scientific review outside meetings, with the understanding that their time would be compensated. Since the State reduced payments to a per-diem fee, member time commitments have dropped nearly 70%. You can expect to lose their expertise further and see the Board's eventual functional dissolution.

As the New Year begins, now is the time to resolve any misunderstanding or concerns of your agency lawyers as to the independence of the Delta Independent Science Board. You may wish to resolve this issue internally, or you may seek a clarification of existing state law from the Legislature, which created the Board independent from other State agencies.

We would be pleased to collaborate with your Administration and the Legislature in resolving this issue. Thank you for taking the time to consider our concerns.

Sincerely,



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Secretary Wade Crowfoot, California Natural Resources Agency  
E. Joaquin Esquivel, Chair, State Water Resources Control Board  
Karla Nemeth, Director, California Department of Water Resources  
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Honorable Toni G. Atkins, Senate President *pro Tempore*  
Honorable Anthony Rendon, Speaker of the Assembly  
Honorable Henry I. Stern, Chair, Senate Water & Natural Resources Committee  
Honorable Eduardo Garcia, Chair, Assembly Water, Parks & Wildlife Committee