



Delta Counties Coalition

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

"Working together on water and Delta issues"

March 29, 2022

Richard Atwater, President, and Board of Directors
Delta Conveyance Design and Construction Authority
980 9th Street, Suite 2400
Sacramento, CA 95814

Re: **Comments on Conclusion of DCA Stakeholder Engagement Committee**

Dear President Atwater and Board Members,

The Sacramento-San Joaquin Delta Counties Coalition (DCC) works collaboratively to provide one voice for the protection and betterment of the Sacramento-San Joaquin River Delta System on behalf of their four million residents. The DCC's primary objectives are to secure a more reliable water supply for the region and the State, improve the Delta ecosystem, and protect and enhance Delta communities.

This letter pertains to the conclusion of the Delta Conveyance Design and Construction Authority's (DCA) Stakeholder Engagement Committee (Committee), which was discussed at the DCA's January 20, 2022 meeting. The Committee was formed in 2019 to solicit and incorporate stakeholder feedback for the DCA's conceptual design work in furtherance of the Delta Conveyance Project/Delta Tunnel.

The DCC opted not to participate in the DCA's Committee due to concerns about the process, as explained in an October 2, 2019 letter.¹ Among DCC's concerns were the restrictive scope of the DCA's Committee and, more generally, the narrow focus of the DCA itself, which committed to constructing an isolated conveyance facility on the Sacramento River in its formation documents. The DCC explained at that time that limiting the Committee to technical, engineering and design issues appeared to skip a step in the decision-making process and conflicted with the Governor's instruction for the water resilience portfolio report to "first inventory and assess current planning to modernize conveyance through the Bay Delta with a new single tunnel project."

In 2020, the DCC commented again on its concerns that a meaningful analysis of non-tunnel alternatives was not occurring in the Delta Conveyance planning process. The DCC was also concerned about the overstatement of the value of the DCA's Committee, as well as the ways in which the outcomes of the process may be used and referenced in the future.² At no point has the DCA's Committee considered any changes to Delta Tunnel that would include non-tunnel alternatives

¹ Available at: <https://delta.saccounty.gov/content/Documents/2019-10-02%20DCA%20Stakeholder%20Engagement%20Committee.pdf>.

² Available at: <https://delta.saccounty.gov/content/Documents/2020-10-27%20DCC%20Ltr%20to%20DWR%20and%20DCA%20re%20AIts%20and%20Scope%20of%20SEC.pdf>.

or that would move any of the project components that DWR and/or the DCA had determined were “immovable”.

At its January 20, 2022 meeting, the DCA considered an agenda item to “Sunset the Stakeholder Engagement Committee”, which did in fact occur. A White Paper regarding the DCA’s Committee process was included in the meeting packet as Item 7(c).³

The White Paper provides “examples of SEC member input that was incorporated into the project conceptual designs being considered in DWR’s environmental process” on page 7. It should be noted that some or all of these changes may also be required as a result of the project’s environmental review and/or permitting processes. While the DCA’s Committee process was presented as separate from legal and regulatory requirements, in fact, reducing or avoiding impacts to the extent feasible is required by the California Environmental Quality Act. In addition, permitting requirements applicable to special status species and wetlands, for instance, also require minimization and avoidance.

Given that the DCA’s Committee was not formed to meet any regulatory requirements, the DCA’s Committee process should not be used as evidence of compliance with legal or regulatory requirements as planning for the Delta Tunnel proceeds. For instance, the DCA’s Committee process, and the changes in design that may be incorporated into conceptual designs considered in DWR’s environmental review process are not evidence that the project respects local land uses (i.e., is “sited to avoid or reduce conflicts with existing uses . . . when feasible”) under Delta Plan Policy DP P2. As pointed out by the DCC and others at the outset of the DCA itself as well as the DCA’s Committee, a major flaw in the current planning process is the failure to consider alternatives, including those that do not include isolated conveyance, or alternatives that would place intakes or other facilities in locations to reduce conflicts with existing land uses in the Delta.

Thus, the DCC expects that the DCA’s Committee process, including any design changes that may be somehow linked to a DCA Committee suggestion, will not be presented (or accepted) as evidence of compliance of any regulatory requirement, including consistency with the Delta Plan. The DCC also notes that most, if not all, of the DCA’s Committee suggestions appear not to have resulted in changes to the conceptual Tunnel project DWR is now reviewing, which was a continuing source of frustration for Committee participants.

Thank you for considering these comments. If you have any questions, please contact us through our coordinator, Natasha Drane, at 916-874-4627 or dranen@saccounty.gov.

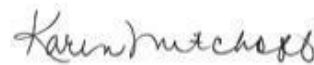
Sincerely,



Patrick Kennedy, Supervisor
Sacramento County



Mitch Mashburn, Supervisor
Solano County

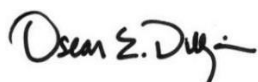


Karen Mitchoff, Supervisor,
Contra Costa County

³ <https://www.dcdca.org/wp-content/uploads/2022/01/2022-01-20-DCA-Jan-BOD-Packet-V.F-1.pdf>.

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Oscar Villegas, Supervisor
Yolo County



Chuck Winn, Supervisor
San Joaquin County

cc: Wade Crowfoot, Secretary, Natural Resources Agency
Graham Bradner, Executive Director, Delta Conveyance Design and Construction Authority
Carrie Buckman, Environmental Manager for Delta Conveyance, Department of Water Resources
Jessica Pearson, Executive Officer, Delta Stewardship Council
Jeff Henderson, Deputy Executive Officer, Delta Stewardship Council
Erik Vink, Executive Director, Delta Protection Commission
Michael George, Delta Watermaster