

September 26, 2019

To: Erik Vink

From: Michael Brodsky and Osha Meserve

Re: Delta Stakeholder Engagement Committee

We are writing to express our concerns about the Delta Stakeholder Engagement Committee.

While we applaud Governor Newsom, the Resources Agency and DWR for recent statements pledging to take seriously the concerns of Delta Communities, the proposed stakeholder committee, administered by the Delta Conveyance Design and Construction Authority ("DCDCA"), is not designed to engage Delta stakeholders in a meaningful way.

The DCDCA was formed by State Water Contractor agencies to construct the tunnel project, defined as the "Conveyance Project" in DCDCA documents. The DCDCA is controlled by the member State Water Contractors, who have vested interests that are different, and largely opposed to, those of in-Delta interests. In addition, the Metropolitan Water District of Southern California controls four of the seven director positions. The member State Water Contractors have a vested interest in minimizing the costs of the project and any mitigation, and have shown little interest in consideration of the many feasible alternatives to constructing new isolated conveyance in the form of a single-tunnel version of WaterFix.

Despite the fact that no specific conveyance project has been proposed, the DCDCA and DWR are already planning a single-tunnel version of WaterFix, including extensive geotechnical investigations along possible tunnel routes. The next significant step in that process is the issuance of a Notice of Preparation ("NOP"), anticipated around the end of this year. The NOP will define the proposed "Conveyance Project", and give Delta stakeholders a specific project to which they can respond. Water Contractors are currently conducting extensive negotiations with DWR about the content of the NOP. After issuance of the NOP, the rest of the CEQA process will focus on review of that project. Yet the Delta Stakeholder Engagement Committee will not take any input on what the NOP will contain, thus shutting Delta stakeholders out of the most essential decisions, including alternatives to isolated conveyance.

We know from previous experience with WaterFix that the planned location of massive intakes in the heart of our Delta Legacy Communities is not acceptable. We know also that a tunnel route through the center of the Delta, with muck dumps on Delta Islands and massive barge and truck traffic is unacceptable. We also know that a tunnel that diverts significant flow at times when it deprives the Delta of needed fresh water is unacceptable. These impacts cannot be mitigated by engineering fixes or a Delta Communities fund. Yet these basic operating and construction decisions will be made by Water Contractors, and the Stakeholder Committee will only be given the opportunity for input on relatively minor details after the major decisions are already made.

We are concerned that the DCDCA may ultimately use the existence of a stakeholder committee to justify a project even though stakeholders actually had no meaningful input on a project that will harm the Delta for generations to come. Thus, we believe that the Stakeholder Engagement Committee as currently proposed may be harmful, rather than helpful, to Delta communities. In any case, anyone who does decide to participate should request that the Committee scope be broadened to inform the development of alternatives to an isolated conveyance project. Participants should also make clear the reasons for their participation and the fact that participation does not indicate support for, or consent to, whatever Conveyance Project the DCDCA and DWR may pursue.

Osha Meserve



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