



## PUBLIC COMMENT ON AGENDA ITEMS

### **Delta Protection Commission**

Thursday, April 9, 2020

#### **Regular Agenda**

9. Receive update on Delta Conveyance Project environmental review and Delta Conveyance Design and Construction Authority (DCA) Stakeholder Engagement Committee – Carrie Buckman (California Department of Water Resources) and Kathryn Mallon (DCA)

#### Request for Comment Submitted

- 1) Deirdre Des Jardins, California Water Research

#### Comments Submitted

- 1) On behalf of Malissa Tayaba, Director of Traditional Ecological Knowledge, Shingle Springs Band of Miwok Indians
- 2) JoAnne "Jo-Joe" Lee, California Indian Environmental Alliance (CIEA)
- 3) Matthew Moore, Tribal Historic Preservation Officer, United Auburn Indian Community of the Auburn Rancheria  
Rebecca Allen, Tribal Historic Preservation Director, United Auburn Indian Community of the Auburn Rancheria

**From:** [Krystal Moreno](#)  
**To:** [Submit@DPC](mailto:Submit@DPC)  
**Cc:** [Malissa A. Tayaba](#); [James Sarmento](#)  
**Subject:** Malissa Tayaba Public Comments 4.9.2020 Delta Protection Commission  
**Date:** Thursday, April 9, 2020 12:23:31 PM

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***Submitted on behalf of Malissa Tayaba, Director of Traditional Ecological Knowledge,  
Shingle Springs Band of Miwok Indians:***

Dear Commissioners:

We request that all hearings, meetings and public comment periods related to the Delta Conveyance Project be postponed until the current national COVID-19 health pandemic is over. At a time when lives are being lost, people are sick and/or caring for sick loved ones, cities are sheltering in place, counties and tribal governments have shut down, Californians are losing their jobs, and the citizens of our state grapple with this very real and frightening crisis, we feel that true public engagement, as well as meaningful consultation with tribes, cannot be adequately accomplished under these unprecedented circumstances.

At the federal level, on April 1<sup>st</sup>, 14 House Committee Chairs wrote a letter to the Office of Management and Budget (OMB) requesting an immediate extension of public comment periods, hearings and meetings due to the COVID-19 pandemic, urging that OMB direct agencies to extend public comment periods by at least 45 days beyond the end of the declared national emergency. We encourage California to do the same. If not all agency hearings, meetings, and public comment periods can be postponed or extended, then we'd like to request that at the very least the Delta Conveyance Project be postponed.

For the record, we have already made this request for postponement directly to the Department of Water Resources, as well as the Delta Conveyance Design and Construction Authority Board to no avail. Thank you for your time.

Best,

Malissa Tayaba  
Director, Traditional Ecological Knowledge  
Shingle Springs Band of Miwok Indians  
[REDACTED]

**Krystal Moreno**  
TEK Program Manager  
TEK Department  
[REDACTED]  
[REDACTED]  
[REDACTED]



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Shingle Springs Band of Miwok Indians | P.O. Box 531, Shingle Springs, CA 95682

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**From:** [JoAnne Lee](#)  
**To:** [Submit@DPC](mailto:Submit@DPC)  
**Subject:** Delta Conveyance Project Delay Letter  
**Date:** Thursday, April 9, 2020 2:24:33 PM  
**Attachments:** [Insistence of Delta Conveyance Project Delay \(1\).pdf](#)

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Good afternoon,

I hope this email finds you well and in good spirits. The California Indian Environmental Alliance (CIEA) is submitting our Insistence of Delta Conveyance Project Delay letter to the Delta Protection Commission (DPC) to be included on item 9 of the agenda for the April 9, 2020 Delta Protection Commission meeting. Thank you in advance for incorporating our comments within the agenda.

Best Regards,  
the CIEA Team

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JoAnne "Jo-Joe" Lee, BA  
California Indian Environmental Alliance (CIEA)  
Mailing: PO Box 2128, Berkeley, CA 94702



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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

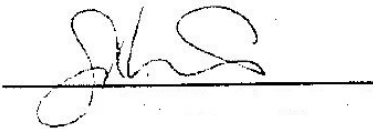


that should not move forward during this pandemic includes a seemingly pro-forma action by DWR to the Central Valley Flood Protection Board. DWR has requested a “Statement of No Objection” to signal the US Army Corp of Engineers in Sacramento to proceed with the Corps’ 408 Levy Protection Assurance Process 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]



**From:** [Rebecca Allen](#)  
**To:** [Submit@DPC](mailto:Submit@DPC)  
**Cc:** [Matthew Moore](#); [Rebecca Allen](#)  
**Subject:** Delta Protection Commission, comments on Item 9  
**Date:** Thursday, April 9, 2020 2:44:35 PM

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## Comment for Item 9. Delta Conveyance Project Environmental Review

The United Auburn Indian Community respectfully requests that all hearings, meetings and public comment periods related to the Delta Conveyance Project be postponed until the current national COVID-19 health pandemic is over. We hope that the Department of Water Resources is truly committed to meaningful tribal consultation, as well as other public engagements. This postponement is critical. We cannot overstate the impact that such a dramatic change in water conveyance and water supply that project would cause. Such a dramatic project should be undertaken in the best of circumstances, and not be hidden in the midst of a pandemic.

Submitted by:

Matthew Moore, Tribal Historic Preservation Officer  
Rebecca Allen, Tribal Historic Preservation Director  
United Auburn Indian Community of the Auburn Rancheria

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Rebecca Allen, Ph.D., RPA  
UAIC Tribal Historic Preservation Director

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