

Karen Mann
4815 Discovery Point
Discovery Bay, CA 94505

November 6, 2020

Kathryn Mallon, Executive Director
Delta Conveyance Design and Construction Authority
1121 L Street, Suite 1045
Sacramento, CA 95814



Dear Ms. Mallon,

I recently saw a letter from Angelica Whaley, dated September 23, 2020, taking issue with the failure of the SEC to give any real consideration to the concerns of Delta Stakeholders so far.

I agree that this committee has not meaningfully addressed any of the concerns of Delta Stakeholders. We have been strangled by your rules that do not allow us to talk about the things that are really important to us and then barraged with a mass of hyper-technical details about tunnel construction that we are asked to comment on.

I think it is fair to say that 80% of the materials presented to the Stakeholder Committee by the construction engineers are not well understood by committee members, thus further limiting any comment to minor items such as the location of a particular access shaft or barge landing because this kind of item is really the only thing that is presented in a way that is understandable by a layperson.

You then label these minor construction details as “key stakeholder concerns” and say they have been addressed. Franz Kafka and George Orwell would both blush at the masterful barrage of bureaucratic mind control deployed by the DCA, as reflected in the glossy reports and minutes produced by you. Make no mistake, we understand that the purpose of these materials is to mislead Governor Newsom and ultimately the courts into thinking you have meaningfully engaged with Delta stakeholders when you have not.

Back in 2019, when DWR abandoned California Waterfix, DWR Director Nemeth issued a series of proclamations regarding the single-tunnel project promising that the “Newsom administration wants to engage with Delta communities to hear their ideas and concerns.” This Committee is supposed to carry that out. But you have not allowed us to speak our ideas and concerns at all.

Instead, you tell us that anything we want to discuss is part of the CEQA process and not to be discussed at these meetings. So where is the Newsom Administration’s effort to engage with Delta communities to hear their ideas and concerns? It doesn’t exist.

At best, so far you have presented to us a proposal for what the DCA wants to build. Now it is time for you to hear our ideas and concerns. I therefore request that you begin, starting with the next meeting, an earnest stakeholder process that includes the following:

- 1) Provides for the Committee to meet and discuss its concerns and ideas.
- 2) Provides for the committee to formulate its own recommendations on issues it wants addressed.
- 3) Provides for the DCA to respond to the concerns and ideas stated by the Stakeholder Committee. A response means responding to the concern. It does not mean saying “you can’t talk about that here.” The DCA is an organ of the Water Contractors. The Water Contractors can respond to the real issues, including: moving the intakes; disposing of the tunnel muck by hauling it to appropriate licensed disposal facilities instead of making up the name “reusable tunnel material” and dumping it on our farmland and islands when your own engineers have told you this material is waste and cannot be reused; developing and considering a Natural Systems Alternative that would reduce the size of the project and its intakes, reducing construction and operating impacts on Delta communities; requiring increased conservation by Water Contractors as a permit condition of any new point of diversion such that the size of the project and construction and operating impacts on Delta communities would be reduced; a design concept that would allow for diversions only at periods of high flow and would thus allow for more flexible siting of the intakes [e.g. intakes could be located in the Yolo Bypass], reducing construction and operating impacts on Delta communities; recognizing that a primary function of the SWP is to repel salinity in the Delta and orienting the project to repel salinity in the Delta and enhance water quality in the Delta, rather than abandoning the south and central Delta to salt water as is the direction of your current plan; and many more issues that you have silenced us on when we tried to bring them up.

Let me take moving the intakes as one example of stonewalling by the DCA. Although you admit that the location of the intakes is a construction feature theoretically within the purview of this Committee, you have said the location of the intakes is largely a matter of administrative requirements and no alternative intake locations can be considered (no locations other than intake locations 2, 3, and 5). Translated into English, what this means is that you believe you can build new intakes at the proposed locations by applying to the State Water Resources Control Board for a change in the point of diversion, which would not initiate a new water right. You believe that if you consider any other location, you would have to apply for a new water right, which is a higher administrative hurdle. We are concerned about you destroying our legacy communities, including decimating the small town of Hood, with your current plan. If you have to go through more administrative process to move the intakes, then that is what you will have to do. If the cost or administrative processing involved in moving the intakes is too great for the project to bear, then the project is simply not feasible and should be abandoned.

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One productive use of time and resources of this Committee would be to identify intake locations that are less harmful to Delta communities; yet we are prohibited by you from doing so.

Let's take another example: how the project can best respond to salinity intrusion into the Delta. That's the stated reason for the project. Strengthening the levees is the obvious response to fears of levee collapse, one source of salt water intrusion the project is designed to overcome. Yet, we are not allowed to talk about strengthening the levees. Our Committee would be well suited to explore ways in which levees could be strengthened that would be a win-win (such as set-back levees that could enhance recreation). In addition to strengthening key levees, some levees might be breached preemptively to avoid catastrophic levee failure. Again, our committee is well suited for exploring which islands might be flooded as a win-win (enhancing recreation and providing security for water supplies). As for rising sea levels due to climate change, we know from previous modeling that an increased outflow scenario will repel salinity intrusion. Yet the plan is to move the intake location far enough upstream so that the south and central Delta can be sacrificed to salt water without interrupting exports. Is the irony of depriving our Delta farmers of fresh water for their crops so Central Valley farmers can have uninterrupted supply lost on you? Why not protect the central and south Delta from salt water intrusion so all of our farmers can continue irrigating their crops? Ms. Mallon, were you even aware that a primary purpose of the SWP is to repel salinity in the Delta?

In closing, I want to ask that you not further patronize me with a circular response that "this committee is not set up for that, send in your comments on the EIR with those concerns." This is where the rubber meets the road: you are either going to take us seriously or accept the reality that this Committee has been nothing but a sham and cannot be portrayed otherwise.

Sincerely,



Karen Mann
SEC Member