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Sent: Tuesday, February 14, 2023 10:31 PM

To: Delta Council ISB DeltaCouncilISB@deltacouncil.ca.gov

Subject: Comments on Delta Conveyance EIS and Voluntary Agreements (Agenda item 3 and 4)

Dear members of the Delta Independent Science Board,

I have a tie conflict that precludes my giving oral comments at your February 15th meeting. I am therefore submitting them by email. Please include them in your record of the meeting.

COMMENTS ON THE DELTA CONVEYANCE EIS (Agenda Item 3)

- 1) The goal of the Delta Conveyance (also known as the Delta Tunnel) is to assure that the water agencies served by the State Water Project (SWP) have an adequate, viable water supply. The Draft EIS offers a series of alternatives for the routing the tunnel and indicates which of these is the preferred alternative. It also includes a 'no project alternative' of doing nothing. This is not an adequate framework to address the goal of the project. The EIS should also include an alternative dealing with how the water agencies could have an adequate water supply through each of those agencies adopting local and regional water resilience measures including: water conservation, recycling, storm water capture, and ground water management. By ignoring the possibility of a local resiliency alternative the Draft EIS ignored the vulnerabilities and deficiencies of the existing SWP infrastructure including that the tunnel relies on what are already unsustainable water exports from the Delta and the risk of major damage to the SWP if there were to be a major earth quake or major climate related disaster resulting in major damage to the SWP or the tunnel itself that would make it impossible to move water from the Delta to the various water agencies.
- 2) The Draft EIS does not reflect that the Delta is already at risk of significant ecological collapse and of saltwater intrusion due to the amount of water that is currently being pumped south and that this has already led to significant water quality problems in the form of toxic algal blooms. It also does not reflect that drought and heat will worsen as the climate crisis worsens leading to even less water availability from the Delta than is currently the case. It also does not recognize that extreme weather events, predicted to happen as the climate crisis worsens, will increase the risk of parts of the existing SWP becoming too damaged to function.
- 3) Tunnel construction has the potential to cause severe impacts to endangered species, both aquatic and non aquatic, including endangered salmon and endangered sand hill cranes as well as to native plants and other wildlife. Impacts

during construction will include loud noise, increased sediment, spilling of contaminants and loss of habitat, including wetlands, vernal pools, nesting places. Construction could continue for as long as 12 to 14 years or, if the tunnel is like many other state projects, significantly longer than these estimates. There is no adequate way to mitigate this.

- 4) Tunnel construction also has the potential to have significant impact on local communities, many of which are environmental justice communities. Impacts include years of construction noise and heavy construction traffic as well as poor air quality. They also include loss of businesses, farms and homes, some of these to eminent domain and some of these to the impossibility of living or keeping a business going in the midst of all the construction. Some of the buildings lost will likely be historic resources. Again, there is no way to adequately mitigate this.
- 5) The estimated cost of the tunnel is approximately \$16 billion, but that cost is likely to rise due to inflation and construction delays. The plan appears to be for local and regional water agencies that opt into getting water from the tunnel to pay the costs of its construction and operation. Many of those who will get their water from the tunnel are low income and already struggling to pay their water bills, so building a project as hugely expensive as the tunnel is an environmental justice issue. Additionally, money that water agencies spend to pay for the tunnel is money that could have been used for local resiliency projects and also money that could have been used to help prepare for the episodic extremely heavy rains and resultant flooding that are predicted to occur between periods of drought
- 6) Whatever concerns impacted indigenous communities may have about the impact of the tunnel on cultural and sacred sites, I support them in those concerns. California tribal members should not have to endure any more losses than they already have endured.

COMMENTS ON VOLUNTARY AGREEMENTS (Agenda Item 4)

- 1) The State Water Quality Control Board is supposed to set scientifically based water quality objectives and determine how they will be met. The scientific data on which they were based should be publicly available. The voluntary agreements lack this.
- 2) The voluntary agreements try to use non-flow habitat as a substitute for increased water flows. Flow is a key driver of environmental processes in rivers and there is no scientific basis for treating low flow habitat as a substitute for flow.
- 3) The agreements ignore data that show that increase flows can lower temperature and increase fish survival.
- 4) The agreements do not include information necessary to determine whether they will meet goals for species viability.
- 5) The agreements do not consider how to reduce harmful algal bloom that impact fish, wildlife and people including EJ communities and tribes

- 6) The agreements were executed between state water officials and water agencies. They do not include representatives of tribes or of environmental justice communities that will be impacted by them,