

From: Bob Wright bwrightatty@gmail.com
Sent: Wednesday, February 22, 2023 9:03 PM
To: Delta Council ISB DeltaCouncilISB@deltacouncil.ca.gov

Subject: USACE DEIS Legal Deficiencies--Supplemental DEIS Required

Dear Delta Independent Science Board:

[Attached](#) please find our short letter--5 pages of text--on behalf of 8 public interest organizations informing the EPA that the U.S Army Corps of Engineers has prepared a Draft EIS on the massive Delta Conveyance Project in California-- ***that does not cover the impacts of Project operations***. So, the adverse environmental impacts resulting from the reductions in freshwater flows through the already impaired San Francisco Bay-Delta Estuary are not analyzed. We transmitted our letter to the EPA Thursday night (February 16, 2022), and received a thank you the next morning saying our letter would be distributed to EPA persons reviewing the Army Corps' Draft EIS. We believe the Board would regard obtaining a Draft EIS that covers Tunnel Project ***operations*** to be a top priority.

Our letter cites legal authorities establishing that a legally sufficient Draft EIS must cover the impacts of actually ***operating*** the massive Tunnel Project.

Our purpose is to provide this information to the Board well in advance of the March 16, 2023, close of the comment period on the Draft EIS in the hope that you will conclude and so advise the Army Corps, as we have done, that ***the Corps must prepare a Supplemental Draft EIS that does cover Project operations***.

Our letter to the EPA is of public record so it may be shared with anyone.

I would do my best to answer any questions you may have.

E. Robert Wright, Counsel
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