

DELTA PROTECTION COMMISSION

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 California State Assembly

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 California State Senate

August 6, 2020

Chair Elizabeth Canuel and Members
 Delta Independent Science Board
 980 Ninth Street, Suite 1500
 Sacramento, CA 95814

**Re: Best Available Science for “Delta as Place” Considerations in Delta
 Conveyance Project EIR**

Dear Chair Canuel and Science Board Members:

The Delta Protection Commission (Commission) is a California State agency created by the Delta Protection Act of 1992, which declared the Delta “a natural resource of statewide, national, and international significance, containing irreplaceable resources, and that it is the policy of the state to recognize, preserve and protect those resources of the Delta for the use and enjoyment of current and future generations” (Public Resources Code section 29701). The Act directed the Commission to regulate land use in the Delta to ensure that the populous metropolitan areas surrounding the Delta did not overrun this natural resource and forever alter the irreplaceable agricultural, recreational, natural and cultural features that make the Delta the unique place that it is.

The Delta Reform Act identifies the Commission as a “forum for Delta residents to engage in decisions regarding actions to recognize and enhance the unique cultural, recreational, and agricultural resources of the Delta” (Public Resources Code section 29703.5(a)). It directs the Commission to recommend ways to protect and enhance the Delta’s unique values to the Delta Stewardship Council. The Delta Protection Act outlines a process for the Commission to review and provide comments and recommendations to the Council on any significant project or proposed project within the scope of the Delta Plan that may affect the unique values of the Delta (Public Resources Code section 29773(a)).

Furthermore, federal law designates the Commission as the local coordinating entity for the newly-authorized Sacramento-San Joaquin Delta National Heritage Area (NHA), and charges it with preparing and submitting to the Secretary of the Interior an NHA management plan. That plan is underway and is due to the Secretary of the Interior by March 2022.

The Delta Protection Commission believes that use of best available science is essential to decisions about Delta isolated conveyance. We value the Independent Science Board's (ISB) role in reviewing application of best available science in the Delta Conveyance Project EIR. In the Commission's comments on the Notice of Preparation for the Delta Conveyance Project EIR, we proposed that among the guiding principles for the report should be the use of best available science. The Commission believes the EIR must employ adaptive management where impacts within the Delta are uncertain. Data must be carefully collected and shared for review. Evaluations of impacts to agriculture, tourism, transportation, housing, cultural assets, and other Delta resources must be peer-reviewed, as should economic studies used to consider mitigation measures' feasibility. Where impacts are uncertain, effects during the construction period should be monitored so that mitigation can be adjusted based on actual conditions.

The ISB's review of the Delta Conveyance Project draft EIR is central to assuring Delta people that the project fulfills this requirement. We are encouraged that your board is considering review of the EIR. More detailed suggestions for your consideration are in the attachment to this letter.

Please let me know if we can provide further information about our suggestions. Thank you for your consideration.

Sincerely,



Erik Vink
Executive Director

Attachment

cc: Chair Oscar Villegas and Members, Delta Protection Commission