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Staff of the Department of Water Resources
P.O. Box 942836
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Dear Staff of the Department of Water Resources:

I write as a concerned citizen of the State of California and of the City of Stockton to present scoping comments for the Notice of Project (NOP) announced by the Department of Water Resources (DWR) in partnership with the Delta Conveyance Authority (DCA) JPA, for the construction of a single-tunnel conveyance system to reroute water from the Sacramento River near Courtland, underneath the Eastern rim of the Delta, and into the State Water Project's infrastructure near Mountain House, California. I wish to express the utmost concern with this project and its potential impacts on the environmental and economic impacts on the residents of the California Delta, San Joaquin County, and the greater Northern California Megaregion. Broadly, this project represents a serious threat to equity and social justice for California communities. Specifically, I list eleven questions for consideration in the California Environmental Quality Act (CEQA) review process.

1. To what extent will the project's impact on cultural heritage sites in California Delta communities be evaluated by the DWR? Specifically, excellent documentation from Spanish and English language sources exists that the project's intake site north of Courtland was the Miwok village of Ochejamne. The project proposed would also travel through the Miwok lands of the Unisumne and Guaypem villages, and the Yokuts lands of the Tauquimne, Jalalon, Tamcan and Nototomne groups. The project plans to create a fore bay near Mountain House would likely flood the archaeological site of the Tamcan village. Does the DWR care about the heritage of the native peoples of the Delta? If so, how does the project plan to reconcile the potential obliteration of the cultural heritage of Miwok and Yokuts communities in California? How does the project plan to recompense the Central Valley Miwok community descended from the Miwok and Yokuts peoples of San Joaquin County and the Delta? How does the DWR plan to identify and respect native people's burial sites the project may pass through? Will the DWR evaluate the historicity of other non-native Delta sites affected by the Project?

2. To what extent do the DWR and DCA plan to consider the environmental impacts of construction on air quality in the greater Delta? How will the construction process create more CO2 emissions from increased traffic on Delta roads and highways, and how will the massive amount of waste product from the drilling of the tunnel be controlled so as to avoid a sharp increase in PM2.5 concentrations in Delta air? Communities in Southeast Stockton, near where planned project site near Rough & Ready Island, suffer from some of the highest rates of asthma in the state. How do the DWR and DCA plan to mitigate the degraded air quality in Stockton that will inevitably result from the project? Does the DWR have a plan for measuring and avoiding degraded respiratory health outcomes as a result of this project?
3. How do the DWR and DCA plan to consider the environmental impacts of the construction process on water quality in the Delta? Specifically, how might increased barge flow, construction and drilling in water ways, and potential industrial runoff in waterways from construction, result in the import of invasive species into Delta water ways, cause turbidity disturbances during drilling, or lead to chemical waste drainage in delta water?
4. To what extent will the DWR and DCA analyze the economic impacts of increased trucking on delta roadways? How will the increased traffic of trucks, sometimes in excess of 200 trucks per day, affect the lives and livelihoods of communities in Sacramento, San Joaquin, Contra Costa, and Alameda Counties who rely on highways in the secondary and primary zones of the Delta for work?
5. To what extent will the DWR and DCA consider the potential economic impacts of the project on farmers in the California Delta? How will the project potentially degrade long-term water quality in the delta, and for the hundreds of thousands of people in San Joaquin, Contra Costa, and Sacramento Counties who rely on delta water, such as residents of the City of Stockton? In the event of marked water quality decline, how will the DWR and State of CA compensate affected consumers? Will the State pay for the healthcare of those adversely affected?
6. To what extent has the DWR evaluated the impacts of the project on the property values of residents in the primary and secondary zones of the Delta, especially with respect to the decline in quantity and quality of water in Delta waterways, but also as a result of the industrialization of the Delta, increased traffic due to construction and maintenance, and the loss of viable farmland expected as a result of this project? Do the DWR and State of CA plan to forecast these impacts? Do the DWR and State of CA plan to compensate Delta

communities for the long-term (50-100 year timescales) decline in property value that the project will likely precipitate?

7. To what extent does the DWR plan to forecast the economic impacts of the project on the logistics industries that rely on Delta agriculture? How will this project impact the strategic economic posture of the Cities of Stockton, Brentwood, Tracy, and Lathrop? How will this project impact the economic vitality of the Port of Stockton? Will the DWR forecast the long-term impacts on industries that ship products of the Delta?
8. To what extent does the DWR plan to compensate Delta communities for the lost potential income from the exploitation of natural gas deposits in the Delta, made inaccessible due to their proximity to State infrastructure?
9. To what extent does the DWR plan to forecast and mitigate the environmental impacts of the project on Delta ecosystems? How will Delta Smelt and other Delta species, such as salmonids and aquatic flora, be affected? Will the DWR accept analysis on this matter from scientists not employed by the State of California?
10. To what extent do the DWR and DCA plan to forecast and mitigate the health impacts of construction noise on communities along the path of the project, including but not limited to the inhabited communities of Courtland, Walnut Grove, Elk Grove, Lodi, Terminous, Stockton, Lathrop, Discovery Bay, and Mountain House? Does the DWR plan to consider the latest research on industrial noise and cognitive development in children in their project planning?
11. To what extent will the DWR and State of California examine the project under the lens of the Equal Protection Clause in the Fourteenth Amendment of the US Constitution? The clause states that no state shall "deny to any person within its jurisdiction the equal protection of the law." Under modern-day interpretation of this constitutional clause, the enforcement of laws must not lead to inequality of opportunity. If a rational basis review is performed under judicial auspices, and the construction and operation of a single tunnel is shown to lead to an inequality of opportunity between Delta communities and communities receiving water exports derived from the tunnel, will the DWR and State of CA cease and desist project operation?

Sincerely,

Phillip Merlo