DELTA PROTECTION COMMISSION
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www.delta.ca.gov

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Board of Supervisors

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California State Senate

November 25, 2015

Michael Jewell, Regulatory Division Chief
US Army Corps of Engineers, Sacramento District
1325 J Street, Room 1350
Sacramento, California 95814-2922

Subject: California WaterFix - Public Notice SPK-2008-00861

Dear Mr. Jewell:

Thank you for your acknowledgment of the Delta Protection Commission (Commission) October 21 letter requesting public meetings in the Delta on the California WaterFix permit.

With respect, I do not believe that the previous public meetings on the California WaterFix project RDEIR/SDEIS (conducted in July 2015) were relevant to the requested Corps permit; those meetings focused on the broad impacts of the proposed tunnel project and the adequacy of the proposed RDEIR/SDEIS documents. They did not provide specific information on proposed dredging and filling of Delta waterways, nor did they provide an opportunity for the public to understand the Corps' permit process; further, they preceded the application submittal by several months. There have been significant questions raised about the inconsistencies in the Corps application relative to the information presented in the RDEIR/SDEIS that would warrant a public airing.

As a forum for Delta interests to learn more about the permitting required for the California WaterFix project, the Commission will conduct a panel presentation at its next meeting on January 21, 2016 in Sacramento. Representatives from both the Department of Water Resources and the State Water Resources Control Board have already agreed to participate and describe their role in the permit process. I would like to invite you, Project Manager Zachary Simmons or any member of your staff to participate in that meeting to describe the Corps process.

I thank you for your consideration of this request.

Sincerely,

Erik Vink
Executive Director

Enclosure

cc: Chair Mary Piepho and members of the Delta Protection Commission
Honorable John Garamendi, U.S House of Representatives
Honorable Jerry McNerney, U.S House of Representatives
Honorable Doris Matsui - U.S House of Representatives
Honorable Mike Thompson, U.S House of Representatives
Honorable Jared Huffman, U.S House of Representatives
Honorable Mark DeSaulnier, U.S House of Representatives
Mike Bradbury, California Department of Water Resources

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT
1325 J STREET
SACRAMENTO CA 95814-2922

RECEIVED NOV 23 2015

REPLY TO
ATTENTION OF

November 19, 2015

Regulatory Division SPK-2008-00861

Delta Protection Commission
Attn: Mr. Erik Vink
2101 Stone Boulevard, Suite 210
West Sacramento Ca 95691

Dear Mr. Vink:

We are responding to your request for this office to hold a public hearing regarding the California Department of Water Resource's application for a Department of the Army (DA) permit to construct and operate the proposed California WaterFix project.

Based on comments received by this office during the public notice period, which ended November 9, 2015, we have determined a public hearing is not necessary at this time. Specific material matters at issue in the DA permit application have not been identified that would warrant a public hearing. A public hearing is unlikely to produce new information which is not already available or cannot be adequately provided to this office through written correspondence or by telephone. We note you can provide a comment at any time to this office and it will be considered and retained in our administrative record.

As part of this determination, we also considered the opportunities the public has been afforded in providing input on the project including the recent Recirculated Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement (EIR/EIS). In addition to written comments, which were due on October 30, 2015, two public meetings were held in Sacramento on July 28th and Walnut Grove on July 29th. As a cooperating agency on the EIR/EIS, this office participated in the meetings and will consider all comments received by the US Bureau of Reclamation and California Department of Water Resources, prior to adopting the EIS.

This office will make a decision to issue or deny a DA permit for the project after completion of the EIR/EIS. We will fully consider and address all comments received during the public notice period. In addition to complying with other laws, including the federal Endangered Species Act and the National Historic Preservation Act, we must determine the proposed activity is not contrary to the public interest as part of the permit decision.

We appreciate your interest in our regulatory program and involvement in the permit process. Please refer to identification number SPK-2008-00861 in any correspondence concerning this proposed project. If you have any questions, please contact Zachary Simmons at our Sacramento office, 1325 J Street, Room 1350, Sacramento, California 95814-2922, or by email at *Zachary.M.Simmons@usace.army.mil*, or by telephone at 916-557-6746. For more information regarding our program, please visit our website at *http://www.spk.usace.army.mil/Missions/Regulatory.aspx*.

Sincerely,

Michael S. Jewell
Chief, Regulatory Division