

Congress of the United States
Washington, D.C. 20510

September 20, 2022

Col. Chad W. Caldwell
Sacramento District Commander
U.S. Army Corps of Engineers
1325 J Street
Sacramento, CA 95814

Subject: SPK-2019-00899 – Delta Conveyance Project Section 106 Consultation

Dear Colonel Caldwell:

We write in support of the detailed comments submitted by the Delta Protection Commission and Contra Costa, Sacramento, San Joaquin, and Yolo Counties in March 2022, for the Section 106 consultation under the National Historic Preservation Act for the State of California's proposed Delta Conveyance Project: i.e., the single tunnel.

As you know, the Army Corps is the lead federal agency for the permitting process under the National Environmental Policy Act and the Clean Water Act. As such, you are responsible for ensuring a fulsome Section 106 consultation process under the National Historic Preservation Act. To date, we are very disappointed to learn that the Army Corps has not responded to the Delta Protection Commission's or the Delta Counties' written comments, requests for subsequent meetings, or provided access to the State's application materials for the Delta Conveyance Project necessary to evaluate the scope of historic properties identified.

The Army Corps' continued failure to accommodate these reasonable requests undermines the Section 106 consultation process under the National Historic Preservation Act. Furthermore, the Army Corps cannot develop an accurate Draft Environmental Impact Statement under the National Environmental Policy Act without first examining the proposed Delta Conveyance Project's glaring impacts on the Delta's historic communities identified by the Delta Protection Commission and the Delta Counties.

Under the National Historic Preservation Act, a Section 106 review typically takes place in consultation with the respective State Historic Preservation Officer and federally recognized tribes impacted by a proposed project. However, the Army Corps recognized the Delta Protection Commission and Contra Costa, Sacramento, San Joaquin, and Yolo Counties as additional consulting parties, given the direct impact of tunnel construction on historical sites.

Accordingly, the Army Corps must afford the Delta Protection Commission and the Delta counties substantial and meaningful opportunities to consult on historic preservation issues, including the scope of the project area impacting historic properties, the project's adverse effects, and measures that should be considered to avoid or reduce that harm. To date, the Army Corps has not provided those opportunities to the additional consulting parties.

We urge you to ensure that the Army Corps accommodates with these reasonable requests and improves consultation with the Delta Protection Commission and the Delta Counties. The Army

Corps' actions to date are unresponsive, inadequate, and undermining any credibility for the Section 106 consultation process under the National Historic Preservation Act for the State's proposed Delta Conveyance Project.

Thank you for your attention to this matter. We look forward to your response.

Sincerely,



John Garamendi
Member of Congress



Josh Harder
Member of Congress



Jerry McNerney
Member of Congress



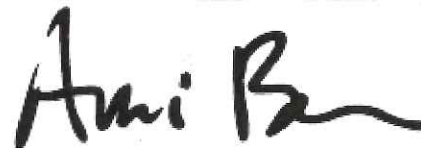
Jared Huffman
Member of Congress



Mark DeSaulnier
Member of Congress



Mike Thompson
Member of Congress



Ami Bera, M.D.
Member of Congress

Attachments:

DCC Member Letter to Corps, dated March 30, 2022
DPC Letter to Corps, March 29, 2022