



DELTA DEFENDERS

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March 30, 2020

Sent via email

Susan Tatayon, Chair
Delta Stewardship Council
980 9th Street, Suite 1500
Sacramento, CA 95814

Re: The DSC's Draft Public Participation Plan must include consideration of public health emergencies and disasters

Dear Chair Tatayon,

We write to respectfully request that the Delta Stewardship Council's Draft Public Participation Plan be revised and recirculated to address the DSC's public participation processes during public emergencies and disasters.

As you know, the COVID-19 pandemic is the worst pandemic in 100 years. As a result of the pandemic, on March 4, the Governor declared a statewide public health emergency. On March 19, the Governor ordered that individuals living in California to shelter in place. On March 22, the President declared California a major disaster area because of economic impacts of the stay at home order. On March 27, the President signed an unprecedented \$2 Trillion Coronavirus Aid, Relief, and Economic Security Act to address impacts of the COVID19 pandemic in the United States. The funds have yet to be distributed.

Public health impacts of the pandemic are continuing to increase. On Monday, March 30, Governor Newsom announced at his press conference that hospitalizations for

COVID-19 have doubled in California since Friday, from 746 to 1,432 patients. And patients in the ICU have tripled from 200 to 597 patients. On March 30, the Bay Area stay at home order is now expected to continue through May. The effects of the COVID-19 crisis are still increasing and will get worse. (See graphs in Exhibit A.)

The Delta Stewardship Council's February 27, 2020 Draft Public Participation Plan was prepared during the beginning of the COVID-19 pandemic. But it includes *no* discussion of how the Delta Stewardship Council will adapt its public participation processes to the COVID-19 crisis.

The Draft Public Participation Plan states that the Council will

- Evaluate the most current best practices in public engagement and work to continually innovate its public participation program in order to be accessible to a broad range of audiences.
- Value and promote equity, inclusion, and diversity in the development and implementation of the Council's public engagement processes.

"Best practices," "equity," and "inclusion" in public engagement clearly include *not* attempting to do public engagement during a major disaster. But when a stakeholder requested a delay in the deadline to submit comments on the Draft Public Participation Plan, the response by staff was:

We appreciate your desire to comment on the Plan but, with the final Plan being presented at the April Council meeting, we cannot extend the deadline.

If you are unable to provide comments before the deadline, there will be a final opportunity to comment when it is presented at the Council meeting on April 30. You can do so either during the Council meeting or beforehand via email.

This response shows a failure at all levels of the Delta Stewardship Council to consider the very real impacts of the COVID-19 crisis on Delta residents, Delta businesses, o Delta communities. And it shows that without clear guidance in the DSC's Public Participation Plan, the DSC will simply fail to provide any real accommodation or flexibility in deadlines. What will the Council do during and after other major disasters, such as a major flood on the Sacramento or San Joaquin River, or a major earthquake in the Bay Area? Making meetings accessible via internet does not address the public's lack of capacity to participate.

While the Governor's Executive Order EO-N-29-20 provided that state agencies could meet the open meeting requirements of the Bagley-Keene Act through teleconferencing, it did not mandate that agencies simply continue business-as-usual during a major disaster. In interpreting this order, it should be considered that the stated purpose was to allow agencies address the COVID-19 pandemic:

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19 pandemic.

We respectfully submit that the stated purpose was *not* for state agencies to mindlessly continue public outreach processes during the COVID-19 pandemic.

We request that the Delta Stewardship Council revise and recirculate the Draft Delta Public Participation Plan to address appropriate public outreach processes during the COVID-19 crisis and other potential major disasters and public emergencies.

Sincerely,

/s/

Donis Pacini Whaley

Donis Pacini Whaley

Facilitator, Delta Defenders



Deirdre Des Jardins

Director, California Water Research

cc:

engage@deltacouncil.ca.gov

The Honorable Wade Crowfoot, Secretary, California Natural Resources Agency

Oscar Villegas, Chair, Delta Protection Commission

Don Nottoli, Vice Chair, Delta Protection Commission

Erik Vink, Director, Delta Protection Commission

Skip Thomson, Solano County Supervisor

Chuck Winn, San Joaquin County Supervisor

Diane Burgis, Contra Costa County Supervisor

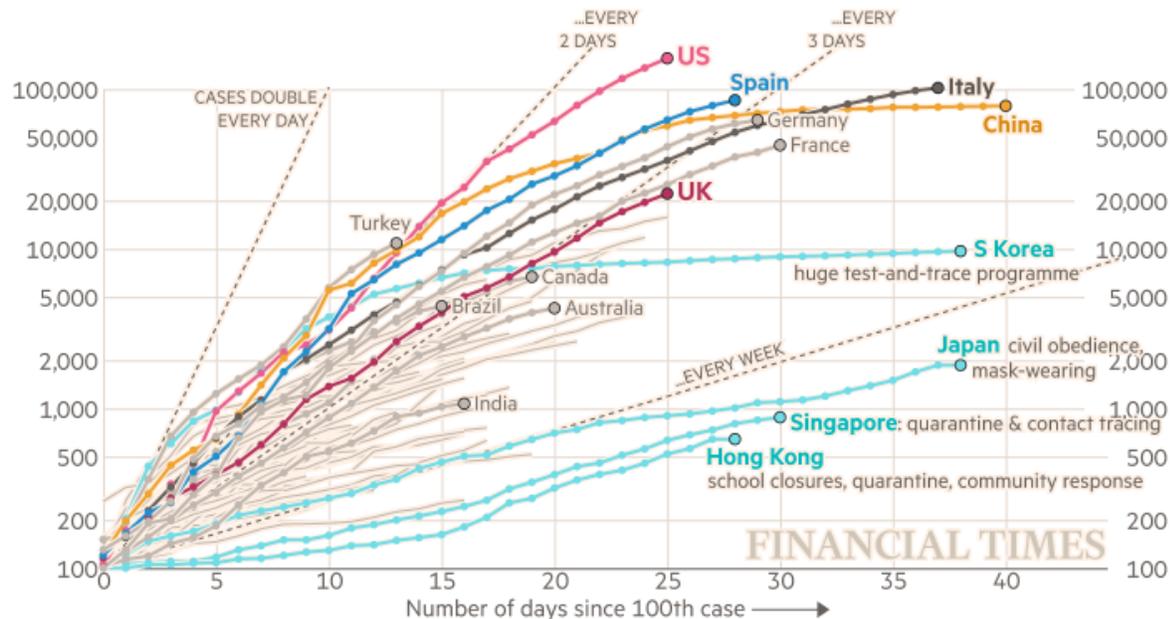
Snapshot of COVID-19 Pandemic on March 30, 2020

As of March 30, 2020, COVID-19 cases in the United States are doubling every 2-3 days, according to graphs of COVID-19 data reported by Johns Hopkins University's Center for Systems Science and Engineering.¹ There are currently 164,620 cases in the US.

The graphs below are produced from the John Hopkins data by John Burn-Murdoch at the Financial Times².

Country by country: how coronavirus case trajectories compare

Cumulative number of confirmed cases, by number of days since 100th case



FT graphic: John Burn-Murdoch / @jburnmurdoch
 Source: FT analysis of Johns Hopkins University, CSSE; Worldometers; FT research. Data updated March 30, 19:00 GMT
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Graphs of the John Hopkins data show COVID-19 cases in California are currently doubling every 3 days. There are currently 7,391 confirmed cases in California. Cases in New York are currently doubling every 2 days or less. There are currently 67,384 cases in New York.

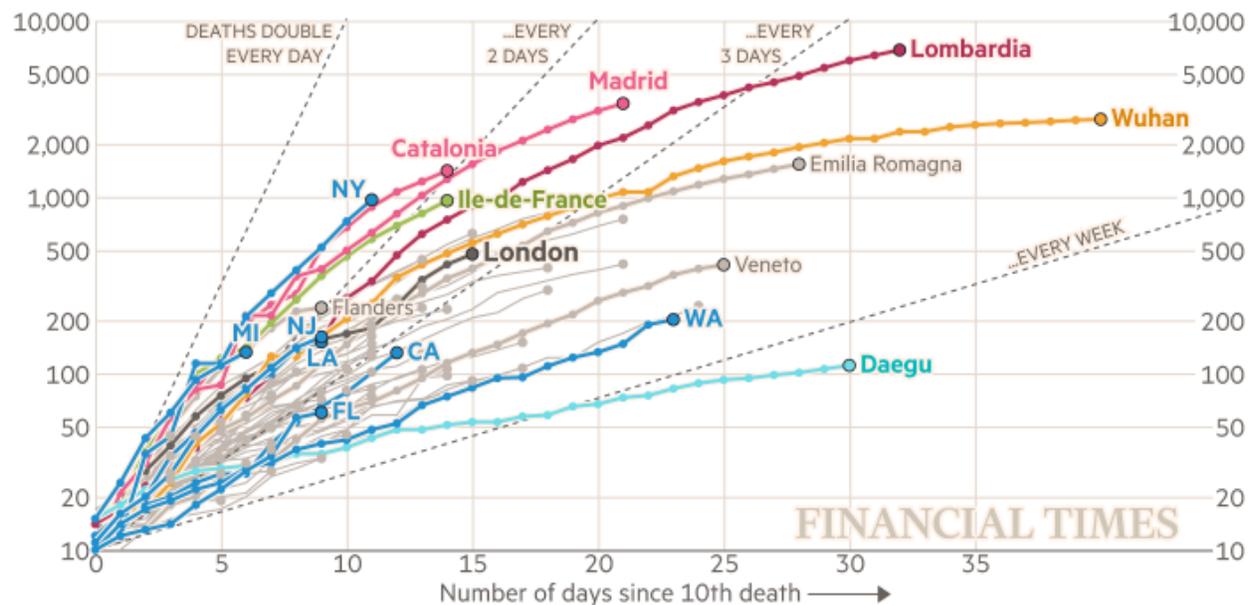
¹ Available at <https://gisanddata.maps.arcgis.com/apps/opsdashboard/index.html#/bda7594740fd40299423467b48e9ecf6>.

² Available at <https://www.ft.com/coronavirus-latest>.

New York, Catalonia and Madrid could pass Lombardia as the worst affected subnational regions

Cumulative number of deaths, by number of days since 10th death

Showing US states and selected subnational regions in Italy, Spain, China, France, S Korea and UK



FT graphic: John Burn-Murdoch / @jburnmurdoch

Sources: NHS; Covid Tracking Project; Providencialdata19; Santé Publique France; Berliner Morgenpost; OpenZH; Stockholm University; Leuven University. Data updated March 30, 19:00 GMT

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The California Budget and Policy Center estimated jobs lost in the industries hardest hit by the coronavirus crisis.³ Recreation, lodging, and restaurants are a large part of businesses in the Delta. Delta residents that own or work at these businesses are in crisis.

³ Available at <https://calbudgetcenter.org/resources/covid19-industries-hit-hardest/>.

California Jobs in Industries Most Immediately Impacted by COVID-19-Related Business Reductions and Closures

Industry	Number of California Jobs, 2019
Leisure and Hospitality	
Arts, Entertainment, and Recreation	321,433
Hotels and Other Lodging	238,133
Special Food Services	77,933
Drinking Places (Alcoholic Beverages)	33,817
Full-Service Restaurants	654,400
Limited-Service Eating Places*	699,842
Retail Trade	
Retail Excluding Grocery, Pharmacy, and General Merchandise Stores	1,056,350
Transportation and Warehousing	
Air Transportation	58,783
Truck Transportation	133,242
Warehousing and Storage	148,108
Other Services	
Personal Care Services**	85,233
Private Educational Services	
Child Day Care Services	77,683
Total Nonfarm	17,466,650

* Includes fast-food, fast casual, takeout sandwich, and pizza shops.

** Includes barber shops, beauty salons, nail salons, and other personal care services.

Note: Number of jobs reflects 2019 annual average of non-seasonally-adjusted monthly employment data

Source: Budget Center analysis of Employment Development Department data



California Budget
& Policy Center

Independent Analysis. Shared Prosperity.