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**STATE AND FEDERAL AGENCIES SUPPRESS PUBLIC COMMENT
ON PERIPHERAL TUNNELS:
BROWN ADMINISTRATION DECIDES WHAT THE PUBLIC CAN AND CAN'T KNOW
*Tunnels Opponents Accuse Brown Administration of "Fraud and Deceit";
File "Demand" Letter to Halt Suppression***

Sacramento, CA - Conservation, community and fishing organizations today called on the Brown Administration to stop the suppression of opposing viewpoints on the proposed peripheral tunnels project. Friends of the River, the Environmental Water Caucus, and Restore the Delta submitted a formal Demand letter to the State and Federal agencies demanding that they immediately commence posting all comment letters on the BDCP web site as they are received. Informed public debate is the hallmark of our democracy. The tunnels opponents said the Brown Administration began hiding critical comments from the public, and has required "private" conversations with critics at its so-called "public, open-house meetings" currently taking place.

The modern equivalent of the venerable town hall/public park assembly is the ability to view comments from the public via the Internet regarding proposed major governmental actions. Access to this information for the Bay Delta Conservation Plan (BDCP) was abruptly stopped on December 13, 2013.

For the past several years, comments received on the BDCP have been posted on the BDCP website hosted jointly California Natural Resources Agency, the Department of Water Resources (DWR) and the Bureau of Reclamation (baydeltaconservationplan.com). This process encouraged thoughtful discussion, and often included responsive correspondence from the agencies. Now, just as the public review period begins for the draft BDCP and the Environmental Impact Report/Statement and the public needs the *most* access to this information, the agencies have decided to stop posting public comments.

Bob Wright, Senior Counsel for Friends of the River, said, “If we lived in Communist China, we might expect thoughtful or critical public comment to be suppressed. But in an open society such as ours, this type of Internet suppression is the antithesis of public discourse. The government would not be suppressing the speech of project opponents and hiding it from the public on its website if the government actually believed its own claims about the benefits of the project. A core evil of fraud and deceit is concealing information from the target victims, in this case, the public of the State of California. Americans have fought and died in wars to protect our freedom of speech and our democracy.”

EMPTY PROMISES OF TRANSPARENCY

According to often-repeated statements by Natural Resources Agency Secretary John Laird and others, the BDCP development process would be fair, open, and transparent. The posting of comments on the BDCP web site was the agencies’ only real demonstration of that promise. Last month, however, that ended. According to the website:

“In order to maintain the integrity of the formal public review period, incoming correspondence will not be available via the website beginning December 13, 2013 through the close of the public comment period April 14, 2014.” (<http://baydeltaconservationplan.com/library/Correspondence.aspx>.) That announcement followed a sentence, which stated that ***“The BDCP encourages public participation.”***

INFORMED PUBLIC DEBATE IS THE HALLMARK OF OUR DEMOCRACY

Once a medium is designated for public assembly or speech, the government may restrict access only through reasonable restraints on time, manner, and place, and in general, access may not be denied based on content. Public debate is at the heart of our public process. Correspondence is easily scanned and posted on an established web site, so this could not have been done for workload reduction purposes.

The excuse - “integrity of the public review period” - is bogus. The formal responses to comments on the EIR/S will be provided in the Final EIR/S and posting comments as before does not interfere with that process in any way. Notably, the Delta Stewardship Council continued to post public correspondence throughout its recent public review process, thereby facilitating exchange of information and ideas about the plan it was developing.

“For the BDCP agencies to stop posting public comments now (whether positive or negative), effectively ends what little transparency remained in the BDCP process. Now it is even clearer than before that powerful interests (not the public) will decide the important issues behind closed doors and the public will only see what the BDCP proponents want it to see,” said Nick di Croce, co-chair of the

Environmental Water Caucus. “The only thing posted on the BDCP website will now be whatever the BDCP proponents decide best promotes their vision for the future of the Delta.”

The action is also contrary to CEQA and NEPA policies promoting the full disclosure of environmental impacts of a proposed project. The failure to continue posting public comments as they are received also further compounds the extraordinary challenge to the public posed by the short time the public has been given by BDCP to review more than 40,000 pages in 120 days.

“The so-called public meetings on the EIR/EIS are no more than workstations where people can ask questions and provide comments to court reporters where no one can hear anyone else’s concerns,” said Barbara Barrigan-Parrilla, executive director of Restore the Delta. “Now, with no public comments being posted on the website, the proponent agencies completely control the flow of information, contrary to basic democratic principles.”

SUPPRESSING PUBLIC DEBATE WILL STIFLE PUBLIC PARTICIPATION

Serious questions have been raised about the financial feasibility and environmental sustainability of the peripheral tunnels project – the BDCP. The project will turn the Delta into a construction zone for 10 years and ultimately re-route a large portion of the Sacramento River into massive underground tunnels, to the detriment of fish and wildlife. Though the water supplied would only be for certain areas of the state, the general public will be asked to finance almost a third of the project’s costs – in large part with bonds that cost the public twice as much once they are paid back. Public debate of such a destructive and expensive, publicly financed project is essential. Today the Internet is the modern equivalent of the venerable town hall assembly. At the very least, transparency of comments from the public should be provided. The web publication of comments as they are received must be re-established by the Resources Agency, DWR and the Bureau of Reclamation. To do otherwise runs contrary both to the promises of the agencies promoting the BDCP and to the past practice of the BDCP website.

The complete Demand letter is available [here](#).

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