

DEIRS Ltr#	Cmt#	Comment	Response
1900	1	I am reaching out to you with the hope that you will take my concerns seriously, that you care about what your constituents have to say. The legitimacy of our democracy depends not only on individual efforts at civic participation, but a genuine consideration of commentary and feedback on your part.	This comment letter is in part a form letter that has been submitted by many commenters. To locate the response to the form letter portion of the comment, please refer to the index of commenters in Chapter 4 of Volume II of the Final EIR/EIS, and cross reference the Form Master letter number shown there with the index of Form Masters also provided in Chapter 4 of Volume II of the Final EIR/EIS. The text below responds to the specific substantive portions of the comment letter that were submitted by the commenter. The lead agencies believe strongly in the important role of citizens in public review processes such as these. More information about how comments are reviewed, considered, and responded to is provided in Master Response 42.
1901	1	The Sacramento-San Joaquin River Delta estuary is the largest and most important aquatic ecosystem in the western United States and is in decline because of increasing water diversions, loss of habitat, competition from non-native species and poor water quality because of pesticides, herbicides and other pollutants. The Sacramento and San Joaquin rivers are the main arteries that provide the lifeblood of fresh water that sustains the ecological balance of the Delta. That fresh water is a commodity that is valuable beyond measure and powerful interests are behind a plan to take control of that water. Their plan is to build 40-foot diameter twin tunnels to divert 15 percent to 60 percent of the Sacramento River's flow of clean, fresh water 35 miles under the Delta from Courtland to Tracy where it would be delivered to Agriculture and Southern California water users. Gov. Jerry Brown's proposed Bay Delta Conservation Plan combines the twin tunnels that will take water away from the Delta with a plan to revise and restore the Delta through 22 conservation measures. The two plans would have opposing results but proponents of the BDCP lump the plans together and claim without the BDCP, fish populations and water deliveries will decline. They include the twin tunnels as a contributing factor to their projections even though taking fresh water flow away from the Delta cannot possibly help the Delta's ecology. Restoring the Delta will require more fresh water, not less. Smelt monitoring has shown when fresh water flows' decrease, smelt populations decrease. Longfin and delta smelt are at the base of the Delta's food chain, are harbingers of the Delta's health and are near extinction. Decreasing the flow of fresh water through the Delta would be the death knell of the area. Restoration of the Delta should start with a plan to rebuild and reconfigure the antiquated network of Delta levees to provide a better water delivery system that would combine the water sources of the Delta's entire water shed. That plan should include increasing the bypass of Sacramento River water between Walnut Grove and White Slough to infuse clean water with San Joaquin River water that has high concentrations of salt, pesticides and selenium. Comprehensive restoration of the Delta estuary should include protection and restoration of habitat, recovery of endangered species, improving water quality and sedimentation	The preferred alternative is now Alternative 4A (California WaterFix Project) and no longer includes an HCP. The premise of the California WaterFix is that it will provide environmental benefits while stabilizing water supplies for a large population of California residents, consistent with statutory policy as found in the Delta Reform Act of 2009 (see, e.g., California Public Resources Code, §§ 85001(c), 85002, 85004(a), 85020.) Refer also to Master Response 31 (Compliance with the Delta Reform Act). The California WaterFix proposes to secure California water supplies and improve the Delta ecosystem by implementing a 9,000 cfs water diversion point in the north Delta, where its operations will provide for improved flows. Implementing the conveyance facilities would help resolve many of the concerns with the current south Delta conveyance system, and would help reduce threats to endangered and threatened species in the Delta, including entrainment at the south Delta export facilities. Mitigation to minimize construction and operational-related impacts to fish species, including Delta and longfin smelt is found in Chapter 11, Appendix A of the RDEIR/SDEIS. The commenter should also refer to the following Master Responses: Master Response 5 (Overview of Restoration and Enhancement Activities), Master Response 34 (Beneficial Use of Water), Master Response 35 (MWD Water Supply), Master Response 25 (Upstream Reservoir Effects), and Master Response 17 (Impacts on Smelt). Section 4 of the RDEIR/SDEIS covers the new sub-alternatives and Appendix A Chapter 8 provide a thorough analysis of important water quality constituents of concern at multiple locations throughout the Delta and the impacts that could result from implementing any of the action alternatives. The effects of BDCP or the California WaterFix on salinity conditions in the Delta are assessed through the comprehensive analysis under each alternative of predicted changes in the specific constituents of bromide (Impacts WQ-5 & WQ-6), chloride (Impacts WQ-7 & WQ-8), and electrical conductivity (Impacts WQ-11 & WQ-12), which contribute to salinity. Regulatory water quality objectives (or guidance values) exist for these constituents for protection of agricultural water supply, municipal and industrial drinking water supply, and fish and wildlife beneficial uses. In addition to potential effects associated with the proposed project and alternatives, modeling results for the No Action Alternative indicate that, with or without BDCP, rising sea levels will bring saline tidal water further into the Delta than occurs at present. The Delta ecosystem is in steep decline, which jeopardizes the Delta's ability to provide water supplies and support fisheries. Over the last 150 years, the Delta has been altered by a system of manmade levees, reservoirs, and dredged waterways constructed to support farming and urban development and to provide flood protection for local towns and cities. The natural flows in the Delta also are altered by operation of the SWP and CVP, which deliver water to millions of Californians. Hence, the Delta is threatened by continuing land subsidence and flooding. For additional discussion of these critical issues, please refer to Appendix 6A regarding floods and levees and Master Response 16 (Seismic Issues and Subsidence). Appendix 3A of the Draft EIR/EIS describes the range of conveyance alternatives considered. Appendix 1B describes the potential for additional water storage, and Appendix 1C describes conservation, water use efficiency, and other sources of water supply including desalination. While these elements are not proposed as part of the project, the Lead Agencies recognize that they are important tools in managing California's water resources. Refer to Master Response 4 regarding the selection of alternatives analyzed and Master Response 6 regarding demand management. For information on alternatives to the project including conservation, the commenter can refer to Master Response 4 (Alternatives Development), Master Response 6 (Desalination/Demand Management in BDCP), Master Response 7 (Desalination), and Master Response 37 (Storage). Note that a variety of proposals were explored including the types of alternatives

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		and rehabilitating ecological processes. High-tech screen installations to prevent fish kill at hundreds of pumping stations throughout the Delta should be prioritized to reduce the massive number of fish that are killed. Florida's plan to restore 18,000 square miles of water resources, including the Florida Everglades, provides a good example for managing the Delta. After decades of encroachment, pollution and water diversions, including turning a river meandering through the Everglades into a straight canal, a plan has been developed to revitalize Florida's natural environment by capturing 1.7 billion gallons of fresh water per day that flow to the Atlantic Ocean and the Gulf of Mexico. Brown, the California natural resources agency, the state water board and other California leaders should follow Florida's example by using the \$25 billion projected cost of the twin tunnels to rebuild the Delta levee infrastructure, use more fresh water leaving the Delta and restore tidal marshes. A water desalination process being developed using graphene filtration screens could soon make fresh water available and affordable in Southern California and globally.	identified by the commenter.
1901	2	The Sacramento-San Joaquin River Delta estuary is an invaluable natural resource that needs to be preserved through conservation and maintaining the flow of fresh water through the Delta so the plan to build the twin tunnels must be stopped	The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental impact analysis provided in the EIR/EIS documentation. The proposed project was developed to meet the rigorous standards of the federal and state ESAs, and as such the proposed project is intended to be environmentally beneficial. By establishing a point of water diversion in the north Delta and new operating criteria to improve water volume, timing, and salinity, the proposed project is designed to improve native fish migratory patterns and allow for greater operational flexibility. The plan does not increase the amount of water to which DWR holds water rights or for use as allowed under its contracts. The environmental documentation and project approval will be acted on by the decision makers from each lead agency at the conclusion of the environmental planning processes for both CEQA and NEPA.
1902	1	We need to keep Delta water right where it is for the wildlife!!!	This comment letter is in part a form letter that has been submitted by many commenters. To locate the response to the form letter portion of the comment, please refer to the index of commenters in Chapter 4 of Volume II of the Final EIR/EIS, and cross reference the Form Master letter number shown there with the index of Form Masters also provided in Chapter 4 of Volume II of the Final EIR/EIS. The text below responds to the specific substantive portions of the comment letter that were submitted by the commenter. The comment does not raise any environmental issue related to the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS. The proposed project was developed to meet the rigorous standards of the federal and state Endangered Species Acts, as such the proposed project is intended to be environmentally beneficial. By establishing a point of water diversion in the north Delta and new operating criteria to improve water volume, timing, and salinity the proposed project is designed to improve native fish migratory patterns and allow for greater operational flexibility.
1903	1	California must change the way we use water, not alter how the natural geology has delivers water to us. The water tunnels are a bad idea, on par with 1950s plan to fill in San Francisco Bay that was thankfully averted.	This comment letter is in part a form letter that has been submitted by many commenters. To locate the response to the form letter portion of the comment, please refer to the index of commenters in Chapter 4 of Volume II of the Final EIR/EIS, and cross reference the Form Master letter number shown there with the index of Form Masters also provided in Chapter 4 of Volume II of the Final EIR/EIS. The text below responds to the specific substantive portions of the comment letter that were submitted by the commenter. The proposed project is just one element of the state's long-range strategy to meet anticipated future water

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			needs of Californians in the face of expanding population and the expected effects of climate change. The proposed project is not a comprehensive, statewide water plan, but is instead aimed at addressing many complex and long-standing issues related to the operations of the SWP and CVP in the Delta, including reliability of exported supplies, and the recovery and conservation of threatened and endangered species that depend on the Delta. Although components such as desalination plants and water demand management have merit from a statewide water policy standpoint, and are being implemented or considered independently through the state, they are beyond the scope of the proposed project. It is important to note that the proposed project is not intended to serve as a state-wide solution to all of California's water problems, and it is not an attempt to address directly the need for continued investment by the State and other public agencies in conservation, recycling, desalination, treatment of contaminated aquifers, or other measures to expand supply and storage. For more information regarding demand management please see Master Response 6. For more information regarding purpose and need please see Master Response 3.
1904	1	I am opposed to this destroy the Delta plan. The result is Southern CA gets the fresh water, the Delta will get the salt water, and we get our property taxes raised. I do not want to pay for another construction mess like our Bay Bridge. I think that Governor Brown has too many wealthy cronies that will make a guaranteed profit from this in Southern California.	The proposed project was developed to meet the rigorous standards of the federal and state Endangered Species Acts; as such it is intended to be environmentally beneficial, not detrimental. By establishing a point of water diversion in the north Delta and new operating criteria to improve water volume, timing, and salinity, the proposed project is designed to improve native fish migratory patterns and allow for greater operational flexibility. It is projected that water deliveries from the federal and state water projects would be about the same as the average annual amount diverted in the last 20 years with project implementation. Please see Master Response 5 for more information on project funding and Master Response 14 for more information on salinity.
1905	1	Attending the BDCP symposium in Santa Clarita on Friday July 18th was more than just a wakeup call, it was an urgent call to action to everybody in a decision making capacity or anybody capable of passing along this urgent alarm.	The comment does not raise any environmental issue related to the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS.
1905	2	I wonder how many can relate to what the U.S. Geological Survey has reported - there is a 66% chance of an earthquake of magnitude 6.5 or greater by the year 2032. This magnitude in that region would pretty much destroy the capability of the Delta to be a source of fresh water after such an event. Are we gamblers or just plain unaware. If we are gamblers, who among us would play Russian Roulette with a gun at our heads, knowing there have been 3 shots with no bullets and now we are down to the final 3 chambers and we know there are 2 bullets inside. Isn't this analogy equivalent to our chances of having a horrible event before 2032? If we are just plain unaware, there should be public service announcements and billboards everywhere to let people know what we need to do to prevent a catastrophe.	The proposed project does not purport to protect existing levees from seismic ground shaking. Although the proposed project is not intended to provide enhanced flood protection, it does intend to reduce the vulnerability of the water delivery system by making it less reliant upon the Delta levee system (and associated risks thereto). Further, the proposed project does not envision a change in the state's flood protection policies or programs. For more information on levee stability and seismic risk please see Master Response 16. No issues related to the adequacy of the environmental impact analysis in the EIR/S were raised.
1905	3	Are the solutions unaffordable? How can you compare the cost with the devaluation of Southern California after a sustained loss of half the water we depend upon. The cost of water will have to increase to such a point that it will be undesirable to live in the arid land that currently depends on imported water. We need leaders with vision, who are not passing the baton to the future for a solution.	Socioeconomic effects of the various alternatives are described and assessed in Chapter 16 of the Draft EIR/EIS. A Draft BDCP Statewide Economic Impact Report has been published and indicates that the project would result in a substantial economic net benefit to the State. The project was initiated by former Governor Arnold Schwarzenegger, who was twice elected by a majority of California voters. The process has continued under the administration of his successor, Edmund G. Brown, Jr., who has publicly stated his tentative support first for Alternative 4 as set forth in the Draft EIR/EIS and now for Alternative 4A as described in the RDEIR/SDEIS, though he has acknowledged the need to complete environmental review and to obtain additional public input prior to making any final decisions on the project. Hence, the project has been initiated and carried forward by two Governors acting on a mandate from the voters of the State as a whole.
1906	1	This project is nothing more than the peripheral canal repackaged. Its stated intent is to	Since 2006, the proposed has been developed based on sound science, data gathered from various agencies

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		improve and restore the ecological balance of the delta but in fact it is simply to deliver northern California water to southern California municipalities and central valley agricultural concerns. It is time to realize that there are and need to be limitations placed on growth. This is particularly true now that we are in what appears to be a prolonged drought that if any thing is only going to become worse with increased global warming (a fact that was not addressed at all in the document).	and experts over many years, input from agencies, stakeholders and independent scientists, and more than 600 public meetings, working group meetings and stakeholder briefings. DWR's fundamental purpose of the proposed project is to make physical and operational improvements to the SWP system in the Delta necessary to restore and protect ecosystem health, water supplies of the SWP and CVP south of the Delta, and water quality within a stable regulatory framework, consistent with statutory and contractual obligations. By establishing a point of water diversion in the north Delta and new operating criteria with the goal of improving water volume, timing, and salinity, the proposed project is designed to establish a more natural east-west flow for migratory fish, improve habitat conditions, and allow for greater operational flexibility. Please see Master Response 3 for additional information regarding the purpose and need behind the proposed project and Master Response 36 for information on how the proposed project differs from the peripheral canal.
1906	2	While I do not have time to read the entire document, in what I did read little was done to address water reuse. If memory serves me correctly about 20-25% of California water is used to meet municipal water needs. Considerably more needs to be done to reclaim this water, e.g. both San Francisco and Los Angeles discharge waste into the ocean. Why isn't this water being recycled into agricultural use or processed to the point where it can be reused for human consumption?	Although components such as desalination plants and water demand management have merit from a statewide water policy standpoint, and are being implemented or considered independently through the state, they are beyond the scope of the proposed project. It is important to note that the proposed project is not intended to serve as a state-wide solution to all of California's water problems, and it is not an attempt to address directly the need for continued investment by the State and other public agencies in conservation, recycling, desalination, treatment of contaminated aquifers, or other measures to expand supply and storage. For more information regarding water demand management please see Master Response 6.
1906	3	No mention of desalinization as a water alternative. While this is more costly than taking water from the Delta, in San Francisco Bay this cost can [be] reduced significantly by using less salty water than ocean water.	Please see Master Response 4 for discussion of the scope of the proposed project and alternatives (such as desalination and water storage) that were not carried forward for analysis in this document due to the fact that they required actions beyond the scope of the proposed project. Issues related to desalination include land use impacts, costs, and substantial energy use requirements. Advances in technology have improved feasibility of desalination and as a statewide water use planning component, it will be evaluated by water agencies on a local/regional level. Please see Master Response 7 for further information regarding desalination.
1906	4	Little has been done to address water use reduction. Considerably greater effort needs to be made in shifting to drip irrigation systems and away from systems that permit massive evaporation.	The proposed project is just one element of the state's long-range strategy to meet anticipated future water needs of Californians in the face of expanding population and the expected effects of climate change. The proposed project is not a comprehensive, statewide water plan, but is instead aimed at addressing many complex and long-standing issues related to the operations of the SWP and CVP in the Delta, including reliability of exported supplies, and the recovery and conservation of threatened and endangered species that depend on the Delta. Although components such as desalination plants and water demand management have merit from a statewide water policy standpoint, and are being implemented or considered independently through the state, they are beyond the scope of the proposed project. It is important to note that the proposed project is not intended to serve as a state-wide solution to all of California's water problems, and it is not an attempt to address directly the need for continued investment by the State and other public agencies in conservation, recycling, desalination, treatment of contaminated aquifers, or other measures to expand supply and storage. Please refer to Master Response 6 and Appendix 1C for further information on water demand management, including increasing agricultural water use efficiency and conservation.
1906	5	No mention is made of the fact that agriculture is removing massive amounts of ground water and little if anything is being done to replenish these ground water reservoirs.	The commenter is thanked for their comment. The BDCP/California WaterFix project is being proposed to address the conflict between the ecological needs of a range of at-risk Delta species and natural communities, while providing for more reliable water supplies for people, communities, agriculture, and industry. The proposed project does not propose any changes to existing agricultural practices.

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1906	6	In short, (1) if we are going to spend money on tunnels for water, it should be tunnels to return treated waste water to the San Joaquin river, (2) on increasing water use restrictions to better use the water we have, (3) on limiting population growth by limiting the number of new water hookups (say no more than 0.2%/year to match only population growth), and (4) increasing the price of water significantly to encourage more conservation.	Although components such as desalination plants and water demand management have merit from a statewide water policy standpoint, and are being implemented or considered independently through the state, they are beyond the scope of the proposed project. It is important to note that the proposed project is not intended to serve as a state-wide solution to all of California's water problems, and it is not an attempt to address directly the need for continued investment by the State and other public agencies in conservation, recycling, desalination, treatment of contaminated aquifers, or other measures to expand supply and storage. Rates charged to water users by individual water agencies receiving SWP or CVP supplies are based on the independent rate-setting policies of those agencies. Implementation of the proposed project would not affect how agencies distribute water supply costs among their water customers. For more information regarding alternatives to the proposed project please see Master Response 4. For more information regarding demand management please see Master Response 6. For more information regarding growth inducement and other indirect effects please see Chapter 30 of the FEIR/EIS.
1908	1	I feel the tunnels plan is abusive to the environment on so many levels. Not only will more and more fresh water be diverted to those that waste and are not sufficiently restricted but the entire delta would be drastically jeopardized. Humans can always move or change their careers as needed but we must protect the natural state of the environment for those that cannot (nor would not) adapt and survive when we muck things up on "our" behalf. How many rivers and lakes must be drained dry before the humans in charge stop thinking in terms of the \$\$\$ bottom-line and realize that all of our bottom-lines depend on preserving the natural state that we all love so much?	This comment letter is in part a form letter that has been submitted by many commenters. To locate the response to the form letter portion of the comment, please refer to the index of commenters in Chapter 4 of Volume II of the Final EIR/EIS, and cross reference the Form Master letter number shown there with the index of Form Masters also provided in Chapter 4 of Volume II of the Final EIR/EIS. The text below responds to the specific substantive portions of the comment letter that were submitted by the commenter. The Lead Agencies do not have land use planning authorities (such as changing local land uses and zoning ordinances). The preferred alternative is now Alternative 4A (i.e., the California Water Fix Project) and no longer includes an HCP. The comments do not raise any environmental issue related to the 2013 Draft EIR/EIS or the 2015 RDEIR/SDEIS. Developed to meet the rigorous standards of the federal and state ESAs, the proposed project is intended to be environmentally beneficial. By establishing a point of water diversion in the north Delta and new operating criteria to improve water volume, timing, and salinity, the proposed project is designed to improve native fish migratory patterns and allow for greater operational flexibility.
1909	1	Can we still sign the letter against this horrible twin tunnel idea?	The comment does not raise any environmental issue related to the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS.
1910	1	This is certainly a waste of my tax dollars! Using my taxes to subsidize water for the wealthy farmers and agribusiness at the cost of a damaged delta and near extinction of fish species is the ultimate folly. The agricultural water districts are not even held accountable for how much water they consume now, why should we give more? i can think of many ways to better spend 25-60 billion of our tax dollars! NO! to this project. This thing smells rotten.	This comment letter is in part a form letter that has been submitted by many commenters. To locate the response to the form letter portion of the comment, please refer to the index of commenters in Chapter 4 of Volume II of the Final EIR/EIS, and cross reference the Form Master letter number shown there with the index of Form Masters also provided in Chapter 4 of Volume II of the Final EIR/EIS. The text below responds to the specific substantive portions of the comment letter that were submitted by the commenter. This comment addresses Alternative 4 (known also as the BDCP) or analysis contained within the draft BDCP Effects Analysis. Alternative 4 remains a viable alternative. However, a modified proposed project (Alternative 4A/California WaterFix) also is being considered. For additional detail on the primary issues being raised with regard to the BDCP or Alternative 4, as well as a discussion of the current status of the draft BDCP Effects Analysis, please see Master Response 5.
1912	1	These proposed tunnels would allow saltwater intrusion into the Delta. Pioneers must have thought the Delta was a Garden of Eden. Why destroy local farming in the Delta to benefit corporate farms in the San Joaquin? A really stupid idea. Remember the Governor's peripheral canal idea? We voted that down. Do we get to vote on these	This comment letter is in part a form letter that has been submitted by many commenters. To locate the response to the form letter portion of the comment, please refer to the index of commenters in Chapter 4 of Volume II of the Final EIR/EIS, and cross reference the Form Master letter number shown there with the index of Form Masters also provided in Chapter 4 of Volume II of the Final EIR/EIS. The text below responds

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		tunnels?	to the specific substantive portions of the comment letter that were submitted by the commenter. The preferred alternative is now Alternative 4A (i.e., the California WaterFix Project) and no longer includes an HCP. Refer to Master Response 36 as to how the BDCP or the California WaterFix Project is different from the previously proposed Peripheral Canal. The purpose and need for this project is further elaborated in Master Response 3. The issue of corporate agricultural concerns is beyond the scope of the project. The Lead Agencies do not have local land use planning authority or control or local zoning practices. The Lead Agencies acknowledge the discussion of community character in Chapter 16 of the Draft EIR/EIS and RDEIR/SDEIS Appendix A (Socioeconomics) that identifies the unique features of the Delta and describes the potential effects on Delta communities. Agricultural resources are evaluated in Chapter 14 of the Draft EIR/EIS and RDEIR/SDEIS Appendix A. Overall, when significant effects are identified in each of the environmental resource category, the Lead Agencies have proposed mitigation to reduce these effects to the extent feasible, including in the areas of salt water intrusion, agricultural resources and other resource areas (refer to the Executive Summary in the Draft EIR/EIS and in the RDEIR/SDEIS). Also, refer to Master Response 14 (Water Quality). The environmental documentation and project approval will be acted on by the decision makers from each lead agency at the conclusion of the CEQA and NEPA processes.
1913	1	At one point, developers must stop putting housing into places that do not have the water to sustain these homes. If people still insist on living in a desert, instead of stealing water that is the life blood of salmon and other species, they should have pay for expensive salt water recovery, leaving northern California water in northern California. Stop this, it is not the answer.	This comment letter is in part a form letter that has been submitted by many commenters. To locate the response to the form letter portion of the comment, please refer to the index of commenters in Chapter 4 of Volume II of the Final EIR/EIS, and cross reference the Form Master letter number shown there with the index of Form Masters also provided in Chapter 4 of Volume II of the Final EIR/EIS. The text below responds to the specific substantive portions of the comment letter that were submitted by the commenter. The Lead Agencies have no control over housing development in California. Please see Master Response 3 regarding the BDCP/CWF purpose and need.
1914	1	The idea of putting twin tunnels to take water out of the delta is a bad idea on so many levels. This state must look at the consequences of allowing more housing to go into desert areas where water would need to be imported. This kind of development should be regulated and limited, and those who still choose to live where water is so scarce will need to pay for such scarce resources as water, relying on reclaimed or de-salination since moving it from the delta where so many native species will be impacted is not the answer. Stop this insane scheme, keep the water resources in the areas where they are, keeping in mind that they are mainly scarce no matter what area of the state under discussion.	The preferred alternative is now Alternative 4A (i.e., the California WaterFix Project) and no longer includes an HCP. The comment does not raise any environmental issue related to the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS. By establishing a point of water diversion in the north Delta and new operating criteria with the goal of improving water volume, timing, and salinity, the project is designed to establish a more natural east-west flow for migratory fish, improve habitat conditions, and allow for greater operational flexibility. The project does not increase the amount of water to which DWR holds water rights or for use as allowed under its contracts. The Lead Agencies do not have land use/zoning authority to control development. See Master Response 3 (Purpose and Need), Master Response 26 (Changes in Delta Exports), Master Response 35 (Southern California Water Supply), and Master Response 34 (Beneficial Use of Water). Appendix 3A of the Draft EIR/EIS describes the range of conveyance alternatives considered. Appendix 1B describes the potential for additional water storage and Appendix 1C describes conservation, water use efficiency, and other sources of water supply. While these elements are not part of the project, they are important tools in managing California's water resources.
1916	1	We have lived on the Delta for years, and do not want these tunnels to be voted to go through. This is unfair to all of us homeowners that brought property on the Delta. Please stop this proposition. We ask you to help those of us who live in Northern California!	This comment letter is in part a form letter that has been submitted by many commenters. To locate the response to the form letter portion of the comment, please refer to the index of commenters in Chapter 4 of Volume II of the Final EIR/EIS, and cross reference the Form Master letter number shown there with the index of Form Masters also provided in Chapter 4 of Volume II of the Final EIR/EIS. The text below responds to the specific substantive portions of the comment letter that were submitted by the commenter. The issues raised by the commenters address the merits of the project and do not raise any issues with the environmental analysis provided in the EIR/EIS documentation.
1917	1	I am against the project because we already have a plan to shift water southward. We should fix the Delta for survival of drought and Global Warming with sea level rise but not	With respect to the drought, the proposed intakes would only be permitted to operate with regulatory protections, including river water levels and flow, which would be determined based upon how much water

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		shift water from the Sacramento River before it gets to the Delta. The fact that we have the uncertainty of drought and Global Warming to manage, this project should be stopped. Also, if such a project were to be built, the matter of control over the amount of water that will sent southward would always be fight in our legislature.	is actually available in the system, the presence of threatened fish species, and water quality standards. Flow criteria would be applied month by month and according to water year type. More information on the ranges of water project diversions, based on water year types and specific flow criteria, can be found in BDCP, Chapter 3 (Conservation Strategy). The anticipated hydrologic changes due to climate change (increased temperatures and more years of critical dryness, increased water temperatures, changes in precipitation and runoff patterns, sea level rise, and tidal variations) will constrain and challenge future water management practices across the State, with or without the BDCP. The State is addressing climate change through strategies and a decision-making framework as outlined in the California Climate Adaptation Strategy and Adaptation Planning Guide. However, no single project and indeed none of the BDCP alternatives would be able to completely counteract all of the impacts of climate change. More information on ways in which the BDCP proposes to improve resiliency and adaptability of the Delta to climate change can be found in Chapter 29, Climate Change, Draft EIR/EIS and Appendix 3E, Potential Seismic and Climate Change Risks to SWP/CVP Water Supplies, Draft EIR/EIS and for the new sub-alternatives in Section 4 of the RDEIR/SDEIS. Additionally, refer to Master Response 19 (Climate Change and GHG). Lastly, for control over the volume of water deliveries, the plan does not increase the amount of water to which DWR holds water rights or for use as allowed under its contracts. Water deliveries from the federal and state water projects under a fully implemented project would be about the same as the average annual amount diverted in the last 20 years.
1918	1	If exports do not allow the proper amount of water at the proper time to flow out the golden gate, as detailed in the national academy of sciences report completed several years ago, there will be no conservation, it will be death for our aquatic natives. Why cannot the State go with the findings of that report?	Please see Master Response 31 for a discussion of the SWRCB flow criteria. The SWRCB's flow criteria recommendations and how they were used to inform the planning process are discussed in detail in the 2013 Draft EIR/EIS Appendix 3A, Identification of Water Conveyance Alternatives, Conservation Measure I, and in Appendix 3I, BDCP Compliance with the 2009 Delta Reform Act. The BDCP Plan Area is defined by the boundaries of the legal Delta with the addition of the Suisun Marsh area. The EIR/EIS project area includes the Plan Area, upstream of the Delta region and the SWP and CVP export Service Areas because some of the effects of implementing the BDCP or its alternatives would extend beyond the BDCP Plan Area. The analysis in the EIR/EIS includes impacts to Delta outflows, which ultimately reach the San Francisco Bay as well as impacts to Southern California and the San Joaquin Valley. The analysis of impacts of the BDCP in the study area can be found in the EIR/EIS chapters 5-30.
1918	2	Why cannot this so-called conservation plan say how much maximum and minimum will be exported per day?	Please note that the BDCP is no longer the preferred alternative. The preferred alternative is now Alternative 4A and no longer includes an HCP. Alternative 4A has been developed in response to public and agency input. The EIR/EIS analyzes all alternatives, including Alternative 4A. The planning analysis presented in the EIR/EIS is based upon the CALSIM II monthly model which calculates and reports SWP and CVP water operations at an average monthly basis. The model cannot simulate changes that occur on a weekly basis by water users and SWP and CVP operations. In addition, the model cannot make decisions that occur in real-time, such as responses to water quality and the presence of fish. The regulatory requirements (see Chapters 3 and 5 and Appendix 5A, Section B of the Draft EIR/EIS and the regulations which are incorporated by reference) do include several criteria related to minimum and maximum flows that can be diverted by the SWP and CVP at the south Delta intakes. Additional criteria for the action alternatives are discussed in Chapter 3, Description of Alternatives. However, actual operations will depend upon availability of water, actual water demands, water quality, and presence of fish.
1918	3	No one who isn't a corporate farmer wants this, and it is sickening to see the BDCP- a document that does not describe what is being proposed in a meaningful way, as something that this state needs. What this state needs is someone that looks to conserve, not pump water down south, as that is not a part of conservation.	The project would allow the federal and state water projects to deliver water supplies reliably in a way less harmful to fish. The plan does not increase the amount of water to which DWR holds water rights or for use as allowed under its contracts. The preferred alternative is now Alternative 4A (i.e., the California WaterFix Project) and no longer includes an HCP. For other points raised by the commenter, refer to the following Master Responses: Master Response 3 (Purpose and Need), Master Response 5 (Conservation Measure 1 as a CM, Overview of Restoration and Enhancement Activities), Master Response 4 (Tunnel Alternative),

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			Master Response 34 (Beneficial Use of Water) and Master Response 35 (Southern California Water Supply). Other proposals have also been evaluated and described in Chapter 3 of the Draft EIR/EIS and Appendix 3A of the RDEIR/SDEIS. For a description of the process the Lead Agencies followed to develop and screen alternatives, including conservation, refer to the following Master Responses: Master Response 4 (Alternatives Development), Master Response 6 (Desalination/ Demand Management in BDCP), Master Response 7 (Desalination), and Master Response 37 (Storage). Appendix 1C, Demand Management Measures, EIR/EIS, describes conservation, water use efficiency, and other sources of water supply, including recycled water. While these elements are not part of the project, the Lead Agencies recognize that they are important tools in managing California's water resources. The project process has been initiated and carried forward by two Governors acting on a mandate from the voters of the State as a whole and not from "corporate farmers."
1918	4	National Environmental Protection Act is incomplete, does not even analyze the effects on SF Bay.	Impacts on Delta outflows (fresh water flowing to the SF Bay) are not significant. Results for the range of changes in Delta Outflow under Alternative 4A are presented in more detail in Appendix 5A, BDCP EIR/S Modeling Technical Appendix, of this Final EIR/EIS.
1918	5	Alternatives that are realistic are not proposed, as there are no reduced flow alternatives.	15 alternatives and 3 new sub-alternatives were analyzed in the 2013 EIR/EIS and the RDEIR/RSEIS respectively. Many additional proposals by public and private individuals and organizations have also been evaluated and described in Chapter 3 of the 2013 EIR/EIS and Appendix 3A, Identification of Water Conveyance Alternatives, Conservation Measure 1. Regarding development of alternatives for the EIR/EIS, a description of the process the Lead Agencies followed to develop and screen alternatives is provided in Master Response 4. For more information regarding supplemental modeling requested by the SWRCB related to increased delta outflows please see Appendix SE of the FEIR/EIS.
1918	6	There is no effect analysis! How can I comment on effects if you do not describe them? Maybe you should have presented a complete project so I can tell what is going to happen. I know if I turned in a document like this, I would be told to complete it before it goes to the public. Thanks for a piece of crap to comment on, you overpaid pigs who want to kill native aquatic life so you can get more money.	This comment addresses Alternative 4 (known also as the BDCP) or analysis contained within the draft BDCP Effects Analysis. Alternative 4 remains a viable alternative. However, a modified proposed project (Alternative 4A/California WaterFix) also is being considered. Numerous comments were received that focused on various elements of the BDCP. Where the comments focused on elements of the BDCP that overlap with the elements of Alternatives 2D, 4A, or 5A (e.g., CM1 as it comprises of the North Delta Diversions, tunnels, and supporting facilities), specific responses are presented. Where comments raised issues as to whether the BDCP and other HCP/NCCP alternatives in the 2013 Draft EIR/EIS were potentially feasible and could function as an alternative for purposes of meeting CEQA and NEPA's requirements to analyze a reasonable range of alternatives to the proposed project (e.g., issues regarding the BDCP Effects Analysis or financial feasibility), responses are presented generally in Master Response 5. Where comments submitted on the BDCP were focused on elements outside the scope of the environmental analysis or viability of the BDCP and other HCP/NCCP alternatives within the context of CEQA/NEPA (e.g., request of specific revisions to the BDCP related to mapping or references), no specific responses are provided and further consideration will be given to these comments, and any revisions to the Draft BDCP would only be made, if an HCP/NCCP alternative was ultimately approved at the conclusion of the CEQA/NEPA process.
1919	1	I am opposed to the BDCP for the twin tunnels for the following reasons: The tunnels will continue the de-watering of the Delta, and will contribute to further decline of native Delta species. The project will be an enormous financial burden on taxpayers, and will cause a cascade of environmental impacts throughout the region. In this time of dwindling water resources there is the danger of drawing down major Northern California reservoirs.	For issues related to major reservoirs, refer to Master Response 25. The preferred alternative is now Alternative 4A (California WaterFix Project) and no longer includes an HCP. Fifteen alternatives and three new sub-alternatives were analyzed extensively in the Draft EIR/EIS and the RDEIR/SDEIS, respectively. Four major alignments have been included in the environmental documentation: Through-Delta, East of the Sacramento River, West of the Sacramento River, and a Tunnel under the Delta. Other proposals by public and private individuals and organizations have also been evaluated and described in Chapter 3 of the Draft EIR/EIS and Appendix 3A of the RDEIR/SDEIS. Regarding the initial development of alternatives for the EIR/EIS, refer to Master Response 4. The BDCP Conservation Strategy and the California WaterFix Project

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			have been developed with the goals of minimizing and avoiding incidental take of covered species to the maximum extent practicable and to provide for the conservation of each of the covered species in the Plan Area. Chapter 5, Effects Analysis describes the anticipated effects of the Plan on covered fish and wildlife species in consideration of the covered activities, included changes in outflow. Chapter 11, Fish and Aquatic Resources, and Chapter 12, Terrestrial Biological Resources, Draft EIR/EIS, describe effects of the project and several alternatives on fish and wildlife species in the Plan Area (see also Section 4 and Appendix A-Chapters 11 and 12 in the RDEIR/SDEIS). The commenter is also referred to Master Responses: 5 (Overview of Restoration and Enhancement Activities), 14 (Water Quality), 34 (Beneficial Use of Water), and 17 (Impacts on Smelt). Socioeconomic effects of the alternatives are described and assessed in Chapter 16 of the Draft EIR/EIS. A Draft BDCP Statewide Economic Impact Report has been published and indicates that the project would result in a substantial economic net benefit to the State.
1920	1	The DEIR/EIS should not be certified because it contains inadequate analysis of heavy equipment traffic on levee roadways. Chapter 19, the Transportation analysis, addresses impacts to pavement, but does not address impacts to the levees underneath the pavement on levee roadways. These levees were not constructed to bear the weight or frequency of the loads that would be generated during the BDCP construction. The DEIR/EIS should analyze the baseline condition of the levees under impacted roadways, determine their ability to withstand heavy truck traffic, determine what, if any, measures that should be taken in advance of construction, and what repairs to the levees may be required post-construction to return the levees to their baseline condition. These levees protect lives and property --it is critical that they not be damaged by BDCP construction. A thorough analysis of levee conditions on impacted roadways should be made part of the DEIR/EIS.	Please note that the BDCP is no longer the preferred alternative. The preferred alternative is now Alternative 4A and no longer includes an HCP. Alternative 4A has been developed in response to public and agency input. Please see Appendix 6A, Section 6A.6.3.2, FEIR/EIS, for information on potential impacts to levee road integrity due to increases in construction traffic, and Chapter 19 (Transportation) for impacts to levee roads.
1921	1	We will not agree to ship our water to the south. Look at the Eel River; already depleted to a low grade when dry weather comes about, as it is being diverted to Mendocino and Sonoma County	This comment letter is in part a form letter that has been submitted by many commenters. To locate the response to the form letter portion of the comment, please refer to the index of commenters in Chapter 4 of Volume II of the Final EIR/EIS, and cross reference the Form Master letter number shown there with the index of Form Masters also provided in Chapter 4 of Volume II of the Final EIR/EIS. The text below responds to the specific substantive portions of the comment letter that were submitted by the commenter. The action alternatives would only export water allocated to the SWP and CVP under existing water rights, as limited by hydrologic conditions and regulatory requirements issued by the State and federal agencies.
1921	2	Capture water as you can, and we will capture and conserve for our water to last. Our fish are already dying in the Eel River that is trickle from the way it used to be when I was growing up. You must use inventions to convert ocean water to utilize and cut back on water use. Our water is not for sale or taking. You have allowed too many homes to be built in the desert, and now you see the problem with this. We must protect what we have left and conserve what we have left. Even up here, we need to incorporate water capturing devises to utilize, and conserve our water usage	While water storage is a critically important tool for managing California's water resources, it is not a topic that must be addressed in the EIR/EIS for the proposed project. This is because the proposed project does not, and need not, propose storage as a project component. Although the physical facilities contemplated by the proposed project, once up and running, would be part of an overall statewide water system of which new storage could someday also be a part, the proposed project is a stand-alone project for purposes of CEQA and NEPA, just as future storage projects would be. Appendix 1B, Water Storage, of the FEIR/EIS, describes the potential for additional water storage. Please see Master Response 4 regarding the selection of alternatives analyzed, Master Response 6 regarding demand management and Master Response 37 regarding water storage.
1921	3	In addition, the Fracking uses a kajillian million gallons of water to our flushing a toilet, and this must stop now	No issues related to the adequacy of the environmental impact analysis in the EIR/S were raised.

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1922	1	I absolutely oppose the construction of the twin Delta tunnels. My reasons for opposing the twin Delta Tunnels are: will continue the de-watering of the Delta; will contribute to the further decline of native Delta species will lead to the draining of major Northern reservoirs in CA such as the Trinity reservoir; will be an enormous financial burden on taxpayers will cause a cascade of environmental impacts throughout the region	The preferred alternative is now Alternative 4A (California WaterFix Project) and no longer includes an HCP. The project would not affect upstream water rights or Table A amounts; instead, the California WaterFix Project is designed to provide a more reliable water supply, in a way more protective of fish. It is projected that water deliveries from the federal and state water projects would be about the same as the average annual amount diverted in the last 20 years with project implementation. See Master Response 26 for additional information on possible effects to northern California. The Draft EIR/EIS and the RDEIR/SEIS analyze the cumulative impacts of related project s with the proposed project in each of the resource chapters for each alternative to predict foreseeable occurrences. For example, the proposed project operations do not require the reoperation of Shasta, Trinity, or Folsom reservoirs or any San Joaquin River and tributaries water storage facilities. All of the existing reservoir operation criteria will be met with the same frequency as conditions without the proposed project. Note that some changes in the seasonal release patterns at Oroville would occur under the proposed project primarily related to increased spring releases and reduced summer releases. However, this change in reservoir storage release patterns does not affect long-term storage and as with the other reservoirs, does not conflict with existing applicable operational criteria. Socioeconomic effects of the various alternatives are described and assessed in Chapter 16 of the Draft EIR/EIS. A Draft BDCP Statewide Economic Impact Report has been published and indicates that the project would result in a substantial economic net benefit to the State. For funding and costs, see BDCP Chapter 8, cost-benefit analysis on the project website, and Master Response 5.
1924	1	The BDCP is inadequate as a basis for issuing take permits. I have very serious concerns about the BDCP's settings and impacts, funding, and project objectives..., amongst others that are too numerous to list.	The Lead Agencies respectfully disagree that the plan does not comply with ESA (refer to Master Response 5) and is unsuitable for take permits (refer to Master Response 45). For other issues raised, refer to the following Master Responses: 1 (Environmental Baselines), 2 (Project Level versus Program Level), 5 (BDCP Cost and Funding) and 3 (Purpose and Need).
1924	2	SETTINGS and IMPACTS: There are multiple adverse impacts to the Delta, State of CA, and United States in Table 31-1 on pages 31-9 to 31-13 of Chapter 31 of the draft EIR/EIS. Most of the adverse impacts listed are irreparable and could devastate the climate, Delta region, biodiversity, agricultural economy, hydrology, groundwater quantity/quality, and mercury, chloride, bromide, pesticide concentrations, amongst others. Some adverse impacts were not listed; such as the negative impact to Bay/Delta/Coast tourism industry, biodiversity, and renewable resource economy (Chinook salmon fishing), amongst others. These adverse impacts (listed and unlisted) are not consistent with 2009 Delta Reform legislation calling for the meeting of coequal goals of water supply reliability and ecosystem restoration while protecting the Delta as an evolving place. Specifically, this objective is articulated in Water Code Section 85020 (b): "protect and enhance the unique cultural, recreational, and agricultural values of the California Delta as an evolving place."	The Federal and State Lead Agencies have done their best to make the EIR/EIS for the proposed project as fair, objective, and complete as possible. The Lead Agencies are following the appropriate legal process and are complying with CEQA and NEPA in preparing the EIR/EIS for the proposed project. These agencies readily acknowledge, however, that the document addresses a number of topics for which some scientific uncertainty exists. Such uncertainty can give rise to differing opinions as to what conclusions may be reached. Resource areas are addressed separately in the EIR/EIS under sections for each of the new project Alternatives, including surface water, groundwater, water quality, fish and aquatic resources, terrestrial biological resources, agricultural resources, air quality and greenhouse gases, and others. Where impacts are determined to be significant, environmental commitments and mitigation measures will be implemented to avoid and/or offset these effects, where possible. Refer to Master Response 31, and Appendix 3I and Appendix 3J of the Final EIR/EIS for information regarding compliance with the Delta Reform Act.
1924	3	FUNDING: Before take permits can be issued under a habitat conservation plan, funding must be shown to be sufficient for all proposed activities, and all financial contributors and planned allocation of funds must be identified. You should be very skeptical of any Implementing Agreement that BDCP planners eventually submit, given the fact that they have been unable to give the public a reasonable amount of time to evaluate the funding proposal before the close of the EIR/EIS comment period.	This comment addresses the 2014 Draft Implementing Agreement (IA), a document detailing the roles and responsibilities of the various agencies under the BDCP (Alternative 4).
1924	4	It is extremely important for water to flow through the Delta. To plan to remove the water before it reaches the Delta is a severe problem because it will not be able to flow through this area. When the water cannot flow through the Delta, everything will dry up causing it to become a marsh.	Please note that the BDCP is no longer the preferred alternative. The preferred alternative is now Alternative 4A and no longer includes an HCP. Alternative 4A has been developed in response to public and agency input. The proposed project is just one element of the state's long-range strategy to meet anticipated future water needs of Californians in the face of expanding population and the expected effects of climate change. For more information regarding BDCP compliance with the Delta Reform Act, refer to Master Response 31, and Appendix 3I and Appendix 3J of the Final EIR/EIS For more information regarding 4A consistency with

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			the Delta Plan please see Appendix 3J. Although components such as desalination plants and water demand management have merit from a statewide water policy standpoint, and are being implemented or considered independently through the state, they are beyond the scope of the proposed project. It is important to note that the proposed project is not intended to serve as a state-wide solution to all of California's water problems, and it is not an attempt to address directly the need for continued investment by the State and other public agencies in conservation, recycling, desalination, treatment of contaminated aquifers, or other measures to expand supply and storage. Please refer to Master Response 6 and Appendix 1C for further information on water demand management, including increasing agricultural water use efficiency and conservation. The California Water Action Plan recognizes that all Californians have a stake in the future of our state's water resources, and that a series of actions are needed to comprehensively address the water issues before us. The five-year agenda spells out a suite of actions in California to improve the reliability and resiliency of water resources and to restore habitat and species — all amid the uncertainty of drought and climate change. For more information regarding future developments of the California Action Water Plan please follow http://resources.ca.gov/docs/Final_Water_Action_Plan_Press_Release_1-27-14.pdf.
1924	4	Project Objectives: The 2009 Delta Reform legislation called for the meeting of coequal goals, but said, "The policy of the State of California is to reduce reliance on the Delta in meeting California's future water supply needs through a statewide strategy of investing in improved regional supplies, conservation, and water use efficiency." This language, included in Water Code Section 85201, makes sense for a 21st century economy. In the age of "big data analytics" why should we NOT upgrade our water systems with "smart" systems, and use tried and true methods, such as permeable paving, gray water systems, waterless urinals, rainwater capture, recharging groundwater basins, and retire drainage impaired farmland in the semi-arid desert of Western San Joaquin Valley? Instead, the BDCP relies on unsustainable Delta exports with proven disastrous economic consequences.	The proposed project is just one element of the state's long-range strategy to meet anticipated future water needs of Californians in the face of expanding population and the expected effects of climate change. For more information regarding BDCP compliance with the Delta Reform Act, refer to Master Response 31, and Appendix 3I and Appendix 3J of the Final EIR/EIS. For more information regarding 4A consistency with the Delta Plan please see Appendix 3J. Although components such as desalination plants and water demand management have merit from a statewide water policy standpoint, and are being implemented or considered independently through the state, they are beyond the scope of the proposed project. It is important to note that the proposed project is not intended to serve as a state-wide solution to all of California's water problems, and it is not an attempt to address directly the need for continued investment by the State and other public agencies in conservation, recycling, desalination, treatment of contaminated aquifers, or other measures to expand supply and storage. Please refer to Master Response 6 and Appendix 1C for further information on water demand management, including increasing agricultural water use efficiency and conservation. The California Water Action Plan recognizes that all Californians have a stake in the future of our state's water resources, and that a series of actions are needed to comprehensively address the water issues before us. The five-year agenda spells out a suite of actions in California to improve the reliability and resiliency of water resources and to restore habitat and species — all amid the uncertainty of drought and climate change. For more information regarding future developments of the California Action Water Plan please follow http://resources.ca.gov/docs/Final_Water_Action_Plan_Press_Release_1-27-14.pdf.
1924	5	The primary conservation measure for BDCP -- CM1 Water Facilities and Operations -- calls for exports of 4.71 - 5.59 million acre feet per year (Chapter 9, Table 9-3. Take Alternatives Overview, page 9-14.) Average annual Delta exports of 5 million acre feet in the first decade of the 21st century of saw historic and simultaneous declines in fisheries. Not only are these plans not consistent with Water Code Section 85201, but they represent economically devastating consequences for Northern and Coastal California economies. The Delta has more long-term value supporting biodiversity, renewable resources like Chinook salmon, steelhead, smelt, anchovies, sturgeon, and multiple fisheries that support multi-million dollar annual economies. The annual California Chinook salmon industry supports a multi-billion dollar annual economy... dependent on the amount of water flowing through the Delta into the Pacific ocean.	This comment addresses Alternative 4 (known also as the BDCP) or analysis contained within the draft BDCP Effects Analysis. Alternative 4 remains a viable alternative. However, a modified proposed project (Alternative 4A/California WaterFix) also is being considered. Numerous comments were received that focused on various elements of the BDCP. Where the comments focused on elements of the BDCP that overlap with the elements of Alternatives 2D, 4A, or 5A (e.g., CM1 as it comprises of the North Delta Diversions, tunnels, and supporting facilities), specific responses are presented. Where comments raised issues as to whether the BDCP and other HCP/NCCP alternatives in the 2013 Draft EIR/EIS were potentially feasible and could function as an alternative for purposes of meeting CEQA and NEPA's requirements to analyze a reasonable range of alternatives to the proposed project (e.g., issues regarding the BDCP Effects Analysis or financial feasibility), responses are presented generally in Master Response 5. Where comments submitted on the BDCP were focused on elements outside the scope of the environmental analysis or

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		What is the present value of a locally sourced superfood, wild Chinook salmon, in perpetuity? How does that value compare with growing nuts, grapes, and row crops (most of which are sold overseas for cash) in salty desert soils with publicly subsidized water?	viability of the BDCP and other HCP/NCCP alternatives within the context of CEQA/NEPA (e.g., request of specific revisions to the BDCP related to mapping or references), no specific responses are provided and further consideration will be given to these comments, and any revisions to the Draft BDCP would only be made, if an HCP/NCCP alternative was ultimately approved at the conclusion of the CEQA/NEPA process.
1924	6	EIR/EIS Chapter 2 Project Objectives and Purpose and Need, includes the following as a purpose for the proposed actions of the BDCP: "Restore and protect the ability of the SWP and CVP, to deliver up to full contract amounts, when hydrologic conditions result in the availability of sufficient water, consistent with the requirements of the state and federal law and the terms and conditions of water delivery contracts held by SWP contractors and certain members of San Luis Mendota Water Authority, and other existing applicable agreements." In the current drought conditions, regulators up and down the chain of command have been willing to waive water quality standards in favor of maintaining exports. This language is concerning to me regarding the state and federal terms and conditions of water delivery contracts referenced here being honored when there is insufficient water. The policy framework of the BDCP will allow state and federal regulators to increase reliance on the Delta and violate Water Code 85020 by favoring water exporters over the value of the Delta's ecosystem, agricultural economy, cultural values, and recreational economy.	Under the range of alternatives considered in the EIR/EIS, only water under existing water rights issued to DWR and Reclamation could be delivered to SWP and CVP water contractors. The EIR/EIS evaluates long-term operation of the SWP and CVP over an 82-year long hydrologic period with extended wet periods and dry/critical dry periods. The evaluation is a comparative analysis to determine the incremental differences between conditions under the Alternatives 1 through 9 and conditions under the Existing Conditions and the No Action Alternative. The analyses were not conducted to identify specific values or to respond to short-term emergency situations, such as the ongoing drought. Separate engineering and environmental studies have been and will continue to be prepared when water quality criteria and other regulations are modified in emergencies.
1924	7	Please deny the issue permits required under the proposed BDCP because nobody in California wants to pay for this recycled 1930s plan that does not create any new water. We must reduce reliance on the Delta, retire drainage impaired farmland in the semi-arid desert of the Western San Joaquin Valley, and create long-term jobs implementing regional self-sufficiency; per California Water Code Sections 85020 and 85021.	The preferred alternative is now Alternative 4A (California WaterFix Project) and no longer includes an HCP. The proposed project will provide environmental benefits while stabilizing water supplies for a large population of California residents, consistent with statutory policy as found in the Delta Reform Act of 2009 (see, e.g., California Public Resources Code, §§ 85001(c), 85002, 85004(a), 85020.) Refer also to Master Response 31 (Compliance with the Delta Reform Act). One of the purposes of the project would be to restore and protect the ability of the SWP and CVP to deliver up to full contract amounts, when hydrologic conditions result in the availability of sufficient water, consistent with the requirements of state and federal law and the terms and conditions of water delivery contracts. See Master Responses: Master Response 3 (Purpose and Need) and Master Response 5 (Conservation Measure 1 as a CM).
1926	1	I am a project manager by profession, and I also work remotely from my home in Clarksburg. Typically, when a program is this large in scope and with so many objectives, it will largely fail to complete its objectives satisfactorily. I have noted an overuse of "adaptive management;" it is often proposed for mitigations that require much more formal planning in the initiating, planning, executing, and controlling phases. This theme of "plan to make a plan" runs so thoroughly throughout the document and mitigations that this 40,000+ page Plan should probably be more like 80,000 pages in order to address all of the missing details.	The Draft EIR/EIS presents an analysis of the impacts of the BDCP in a level of detail appropriate for analysis of an HCP/NCCP. The conservation strategy and conservation measures in the BDCP are largely presented at a plan or program level, except for CM1 which is presented at a project-level. The Draft EIR/EIS, therefore evaluates the impacts of CM1 at a project level and CM's 2-21 at program level. Because of this, those CM's evaluated at program level may, in some cases, require additional environmental review before actions identified in those conservation measures are implemented. Please refer also to Master Response 2, which describes the project-level vs. program level approach in the Draft EIR/EIS. Regarding application of adaptive management and monitoring to implement actions covered under the HCP/NCCP, please refer to Master Response 33.
1926	2	A summary of the major problems of the BDCP and BDCP EIR/EIS No water reliability. The Plan is deliberately fooling people to believe that more water can and will be obtained through the construction of the tunnels. "It is not intended to imply that increased quantities of water will be delivered under the BDCP." (ES-10). The Fast Facts sheet makes several false claims of "water supply reliability" and "securing water supplies," yet the Plan itself admits it will do neither. Similarly, the website says: "The BDCP would secure California's water supply by building new water delivery infrastructure and operating the system to improve the ecological health of the Delta."	The Draft BDCP EIR/EIS and the Draft BDCP were prepared in a manner to comply with the 2009 Delta Reform Act, as described in Appendix 31 BDCP Compliance with the 2009 Delta Reform Act, of the Draft BDCP EIR/EIS. The range of alternatives in the Draft BDCP EIR/EIS includes alternatives which result in reductions in SWP and CVP water deliveries south of the Delta as compared to the Existing Conditions and the No Action Alternative. The No Action Alternative and Alternatives 4H1, 4H2, 4H3, 4H4; 4A (Proposed Project); 5; 6A, 6B, 6C; 7; 8; and 9 would result in less SWP and CVP water deliveries south of the Delta than under Existing Conditions, as described in Appendix 5A, Section C, of the EIR/EIS. Similarly, Alternatives 6A, 6B, 6C; 7; 8; and 9 would result in less SWP and CVP water deliveries south of the Delta than under the No

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		(See http://baydeltaconservationplan.com/AboutBDCP/WhatistheBDCP.aspx) I would say that the Plan is completely intended to imply that the water supply will be increased and guaranteed by the BDCP as opposed to the No Action Alternative. The brochures and website are deliberately deluding the public with false statements. Any such language and false statements must be corrected or removed. Coequal goals? From restorethedelta.com: "The 2009 Delta Reform legislation called for meeting the coequal goals of water supply reliability and ecosystem restoration while protecting the Delta as an evolving place. Specifically, this objective is articulated in Water Code Section 85020 (b): "protect and enhance the unique cultural, recreational, and agricultural values of the California Delta as an evolving place." (Text of the water code is here: http://codes.lp.findlaw.com/cacode/WAT/1/d35/1/2/s85020) Note that section (f) says: "Improve the water conveyance system and expand statewide water storage." (Water storage is not addressed in the Plan either.)	Action Alternative. It should be noted that the Proposed Project is just one element of the state's long-range strategy to meet anticipated future water needs of Californians in the face of expanding population and the expected effects of climate change. The BDCP/California WaterFix is not a comprehensive, statewide water plan, but is instead aimed at addressing many complex and long-standing issues related to the operations of the SWP and CVP in the Delta, including reliability of exported supplies. It is important to note that the proposed project is not intended to serve as a state-wide solution to all of California's water problems, and it is not an attempt to address directly the need for continued investment by the State and other public agencies in conservation, storage, recycling, desalination, treatment of contaminated aquifers, or other measures to expand supply and storage (as described in Section 1.C.3 of Appendix 1C, Demand Management Measures).
1926	3	I am confused how this Plan promotes any beneficial goals to the Delta. It is largely designed to destroy fish and wildlife by removing water from their essential habitats, and then proposes to build new habitats elsewhere on valuable farmland.	The proposed project was developed to meet the rigorous standards of the federal and state Endangered Species Acts, as such the proposed project is intended to be environmentally beneficial. By establishing a point of water diversion in the north Delta and new operating criteria to improve water volume, timing, and salinity the proposed project is designed to improve native fish migratory patterns and allow for greater operational flexibility. The project proposes to stabilize water supplies, and exports could only increase under certain circumstances. Water deliveries from the federal and state water projects under a fully-implemented Alternative 4A are projected to be about the same as the average annual amount diverted in the last 20 years. Although the proposed project would not increase the overall volume of Delta water exported, it would make the deliveries more predictable and reliable, while restoring an ecosystem in steep decline. Please note that the BDCP is no longer the preferred alternative. The preferred alternative is now Alternative 4A and no longer includes an HCP and impacts far less agricultural acreage. Alternative 4A has been developed in response to public and agency input.
1926	4	The construction will put all Delta residents at risk for diseases; chronic health problems and cancer; loss or contamination of our well water; disrupted roads, utilities, and emergency services; decreased property values; potential for levee failures; and loss of recreational activities and tourism. There is no benefit to the Delta.	Please refer to Impacts AQ-14, 15, 16, and 17 in Chapter 22, Air Quality for impacts related to chronic health and cancer risk; Impacts TRANS-1, 2, and 3 in Chapter 19, Transportation; Impacts PH-2 and 3 in Chapter 25, Public Health, regarding impacts to drinking water and bioaccumulation; Impacts SW-7, 8, and 9 regarding flood risks in Chapter 6, Surface Water; Impact ECON-3 regarding property values, and Impacts ECON-3 and 15 regarding tourism in Chapter 16, Socioeconomics.
1926	5	Failure to analyze other alternatives and possibilities. The BDCP clearly has an agenda and a preferred project in mind; most of the alternatives are simply variations of the preferred Alternative 4. The BDCP has focused on Delta-centric (and particularly North Delta) water intake placements, and does not look to any other locations--nor any other methods of obtaining fresh water--within the state to solve this water reliability issue. Water recycling programs, storage (dams), and desalinization are not addressed within the documentation, yet California Environmental Quality Act requires that a project must avoid detrimental impacts to the environment whenever possible.	Please see Master Response 4 regarding the range of alternatives selected. The alternatives included in the Draft EIR/EIS represent a legally adequate reasonable range of alternatives and the scope of the analysis of alternatives fully complies with both CEQA and NEPA. The Lead Agencies carefully all potential alternatives that were proposed during the scoping process and during time of preparation of the Draft EIR/EIS. Although components such as desalination plants and demand management measures have merit from a statewide water policy standpoint, and are being implemented or considered independently through the state, they are beyond the scope of the proposed project. It is important to note that the proposed project is not intended to serve as a state-wide solution to all of California's water problems, and it is not an attempt to address directly the need for continued investment by the State and other public agencies in conservation, recycling, desalination, treatment of contaminated aquifers, or other measures to expand supply and storage. It is important to note that the proposed project is not intended to serve as a state-wide

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			solution to all of California's water problems Please see Master Response 4 for discussion of the scope of the proposed project and alternatives (such as desalination or water storage) that were not carried forward for analysis in this document due to the fact that required actions beyond the scope of the proposed project. Also, refer to Master Response 6 and Appendix 1C for further information on demand management measures, including increasing agricultural water use efficiency and conservation.
1926	6	Poor location of proposed tunnel intakes. I cannot find a sufficient explanation regarding the exact placement of the preferred tunnel alignment. Why are they being placed almost directly across from Clarksburg, which exposes far more "sensitive receptors" to all of the negative impacts? I understand that the water quality is better upriver, but placing it so near to Clarksburg is a more expensive location because there will be more impacts upon more people that must be mitigated, which in turn increases the chances for residents suing the State and/or BDCP.	Appendix 3F (Intake Location Analysis) of the Draft EIR/EIS discusses the process for selecting intake locations analyzed in the BDCP and EIR/EIS. As shown in Figure 3F-1, and described in the appendix, several sites north of the Sacramento Regional Wastewater Outfall were considered in earlier stages of review (Locations A, B, and C). As noted in the appendix, the Fish Facilities Technical Team recommended that the furthest upstream intake be located downstream of where complete mixing is reported to occur with effluent discharge from the Sacramento Regional Wastewater Treatment Facility. For this reason and other reasons (e.g., distances between intake screens and the screens' exposure to sensitive fish species), locations B, D, E (due east of Clarksburg), F, and G were chosen for the eastern isolated conveyance facility for the BDCP. Please note that the preferred alternative is now Alternative 4A (i.e., the California WaterFix Project) and no longer includes an HCP. Socioeconomic effects of the various alternatives are described and assessed in Chapter 16 of the Draft EIR/EIS and Appendix A (Chapter 16) of the RDEIR/SDEIS. A Draft BDCP Statewide Economic Impact Report has also been published, which indicates that the proposed project would result in a substantial economic net benefit to California. When required, DWR would provide compensation to property owners for economic losses due to implementation of the proposed project. Construction of water conveyance facilities would be sequenced over approximately 10 years. Construction of individual components (e.g. intakes, tunnels) would range from one to six years. Temporary construction-related impacts include noise, visual, and transportation, among others. The construction-related impacts are disclosed in individual resource area chapters in the Draft EIR/EIS. All impacts would be minimized and mitigated to the degree feasible, as noted under each alternative in the RDEIR/SDEIS individual resource chapters and in Appendix 3B (Environmental Commitments) of the Draft EIR/EIS.
1926	7	No levee repairs. There is a serious underlying issue that is ignored throughout the entire Plan: our levee roads are already in poor condition and yet there is not a single proposal to retrofit and increase the strength and reliability of any existing Delta levees. Multiple chapters acknowledge the potential for seismic activity (some of which may be caused by the tunnel boring machines, chapter 9) which could destroy levees, cause flooding, and lead to severe loss of water. Why doesn't the Plan seek to improve any levees to protect the water supply?	Please see Chapter 2, FEIR/EIS, for the BDCP/CWF purpose and need, and Appendix 6A, Sections 6A.2 and 6A.3, for discussion on existing levee improvement programs and funding mechanisms, which would not be affected by the BDCP/CWF. For more information on levee stability and seismic risk please see Master Response 16.
1926	8	The financing portion of the plan is incomplete and lacks financial commitments. The water exporters have agreed to pay for the cost to build the tunnels, but the majority of the other funding sources are undetermined because they must be paid by the public through bonds. The BDCP total estimates of the costs are at \$24.7 billion for construction, habitat restoration, monitoring and adaptive management (source: BDCP Fast Facts), however, some experts believe that the actual cost will be closer to \$67 billion (source: http://www.mercurynews.com/politics-government/ci_24795356/delta-tunnels-plans-tru-e-price-tag-much-67). The Plan must identify specific sources of funding for the entire project, and provide an honest, accurate projection of the project cost to the public.	This comment addresses Alternative 4 (known also as the BDCP) or analysis contained within the draft BDCP Effects Analysis. Alternative 4 remains a viable alternative. However, a modified proposed project (Alternative 4A/California WaterFix) also is being considered. Numerous comments were received that focused on various elements of the BDCP. Where the comments focused on elements of the BDCP that overlap with the elements of Alternatives 2D, 4A, or 5A (e.g., CM1 as it comprises of the North Delta Diversions, tunnels, and supporting facilities), specific responses are presented. Where comments raised issues as to whether the BDCP and other HCP/NCCP alternatives in the 2013 Draft EIR/EIS were potentially feasible and could function as an alternative for purposes of meeting CEQA and NEPA's requirements to analyze a reasonable range of alternatives to the proposed project (e.g., issues regarding the BDCP Effects Analysis or financial feasibility), responses are presented generally in Master Response 5. Where comments submitted on the BDCP were focused on elements outside the scope of the environmental analysis or viability of the BDCP and other HCP/NCCP alternatives within the context of CEQA/NEPA (e.g., request of specific revisions to the BDCP related to mapping or references), no specific responses are provided and

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			further consideration will be given to these comments, and any revisions to the Draft BDCP would only be made, if an HCP/NCCP alternative was ultimately approved at the conclusion of the CEQA/NEPA process.
1926	9	The Implementing Agreement, which was published on May 30, 2014, does not provide sufficient time for the public and various impacted agencies to make proper comments.	This comment addresses the 2014 Draft Implementing Agreement (IA), a document detailing the roles and responsibilities of the various agencies under the BDCP (Alternative 4). For more information on the primary issues being raised with regard to the IA, as well as a discussion of the current status of the IA, please see Master Response 5.
1926	10	Comments on Groundwater, chapter 7 The BDCP must create baseline data of all private residential wells in the area so that the water quantity and quality, and also depth of the well, may be determined. The de-watering activities during construction will alter the local groundwater levels, and cause many private wells to fail. The EIR/EIS does not provide suitable mitigations for this problem; it merely states: "provide an alternate source of water" (ES-63). What does this alternate source entail? Alhambra water deliveries? Is the BDCP willing to pay to relocate these families to alternative residences during the 3-4 year construction period? Will the BDCP re-drill my well to make it deeper if the dewatering activities make it dry? More detail must be provided. Salt water intrusion, due to the removal of Delta water through the tunnel conveyance, is a very real potential impact upon our wells, and the mitigation measures fails to acknowledge this as well. Note: the deficiencies in this chapter were acknowledged by a BDCP representative that I spoke with at the Clarksburg Open House on February 12, 2014. She agreed that further study of private residential wells was needed, since she lacked access to records and information about the depth and water quality of most wells in this area.	As described in Chapter 7, Groundwater, and Chapter 14, Agricultural Resources, in the Draft EIR/EIS and the BDCP/California Water Fix Partially Recirculated Draft EIR/Supplemental Draft EIS, DWR would conduct site-specific groundwater analysis to determine the extent of the dewatering activities along the conveyance route. DWR would consult with local agencies. As described under Impact GW-1 in Chapter 7, Groundwater, in the Draft EIR/EIS, the impacts due to dewatering during construction of the conveyance facilities may not be able to be fully mitigated to a level of less than significant or become not adverse because replacement water supplies may not meet the preexisting demands or planned land use demands of the affected party, including agricultural production wells. The effects of dewatering could be reduced through installation of seepage cutoff walls during dewatering. The effects on agricultural activities are addressed under Agricultural Impact AG-2 (see Chapter 14, Agricultural Resources, in the Draft EIR/EIS). The impacts to agricultural production due to temporary construction activities that could result in disruption of irrigation or drainage infrastructure, and could jeopardize agricultural production. Implementation of Mitigation Measures AG-1, GW-1, GW-5, and WQ-11 will reduce the severity of these impacts by implementing activities such as siting project footprints to encourage continued agricultural production; monitoring changes in groundwater levels during construction; monitoring seepage effects; relocating or replacing agricultural infrastructure in support of continued agricultural activities; identifying, evaluating, developing, and implementing feasible phased actions to reduce EC levels; engaging counties, owners/operators, and other stakeholders in developing optional agricultural stewardship approaches; and/or preserving agricultural land through off-site easements or other agricultural land conservation interests. Alternate water sources could involve deepening wells or providing a tank and trucking water to the tank for household water use. Specific mitigation measures would be developed during the design phase when groundwater surveys would be conducted. However, impacts to groundwater considered in the EIR/EIS remain significant and unavoidable and adverse to agricultural resources even with mitigation measures. However, these impacts remain significant and unavoidable and adverse to agricultural resources.
1926	11	Comments on Water quality, chapter 8 The Draft EIR/EIS fails to properly analyze the impact upon the quantity and quality of surface water in the Delta. Impacts to the water quality are listed as increased concentrations of ammonia, boron, bromide, chloride, dissolved oxygen, mercury, nitrate, carbon, pathogens, pesticides, phosphorous, selenium, trace metals, and turbidity (ES-63to ES-65) from the implementation of CM 2-22. For most of these impacts, there are no mitigations listed, or they are "not feasible." Mitigations must be determined for these serious impacts, which would negatively affect farming in the area, those that enjoy fishing and boating, and also fish and wildlife.	Mitigation has been identified for significant impacts to water supply and water quality. Impacts that would be less than significant do not require mitigation. For additional information please refer to Master Response 22 Mitigation and Master Response 14 Water Quality.
1926	12	Comments on Aesthetic and visual resources, chapter 17 This chapter acknowledges permanent damage to scenic resources, and creation of a new light source or glare both during and after construction. The proposed mitigations are not detailed enough to be satisfactory; they also do not attempt to mitigate the light glare	Mitigation measures (MM) are detailed the first time they appear in the analysis. For example, MM AES-1e, Apply aesthetic design treatments to all structures to the extent feasible, is detailed on pages 17-64 and 17-65 with specific guidance. MM AES-1g, Implement best management practices to implement a project landscaping plan, is detailed on pages 17-66 through 17-68. MM AES-6c, Implement a comprehensive visual

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		that will be produced after construction is completed. One mitigation for AES-2 is: "Apply aesthetic design treatments to all structures to the extent feasible." AES-6 references several other vague mitigations, such as: "Implement best management practices to implement a project landscaping plan," and "Implement a comprehensive visual resource management plan." No further details are given on these plans. To paraphrase, the BDCP "plans to make a plan." This is a classic example of adaptive project management being used inappropriately.	resource management plan, is detailed on pages 17-85 and 17-86. A visual resources management plan would be a large undertaking and a separate effort than the preparation of this EIR/EIS, which is to analyze the proposed project and its alternatives, and its preparation should be timed to reflect the most current visual conditions prior to implementation of a visual management plan to ensure that it does not reference dated visual conditions that may change between now and project implementation. Impact AES-4 analyzes light and glare impacts, which first appears in the analysis for Alternative 1A on page 17-74. Page 17-75, lines 11-39, indicate that DWR will implement WREM No 30a. This measure indicates that "All artificial outdoor lighting is to be limited to safety and security requirements. All lighting is to provide minimum impact on the surrounding environment and is to be shielded to direct the light only towards objects requiring illumination. Lights shall be downcast, cut-off type fixtures with non-glare finishes set at a height that casts low-angle illumination to minimize incidental spillover of light onto adjacent properties, open spaces or backscatter into the nighttime sky. Lights shall provide good color rendering with natural light qualities with the minimum intensity feasible for security, safety and personnel access. All outdoor lighting will be high pressure sodium vapor with individual photocells. Lighting will be designed per the guidelines of the Illuminating Engineering Society (IES). Additionally, all lights shall be consistent with energy conservation and are to be aesthetically pleasing. Lights will have a timed on/off program or will have daylight sensors. Lights will be programmed to be on whether personnel is present or not." This measure helps to reduce light impacts during operation. In addition to the mitigation measures above and WREM 30a, mitigation measures are provided and detailed on pages 17-76 through 17-77 to address light and glare impacts. These include MM AES-4a, Limit Construction to Daylight Hours Within 0.25 Mile of Residents; MM AES-4b, Minimize Fugitive Light from Portable Sources Used for Construction; and MM AES-4c Install Visual Barriers along Access Routes, Where Necessary, to Prevent Light Spill from Truck Headlights toward Residences.
1926	13	Comments on Environmental justice, chapter 28 From the EIR/EIS Impact Statement Highlights, page 59: "Translators were provided at public scoping meetings", and "The BDCP website is translated into Spanish." Both of these statements are false. There were no translators and no materials translated into Spanish at the Clarksburg Open House on Feb. 12, 2014, which I attended. Also, the BDCP website is still not translated into Spanish. Only two (short) pages are translated and the information on them is far too brief. They also contain URL links that will take a reader to English-only web pages, which is entirely unhelpful to a non-English speaker.	The commenter's opinion related to the BDCP and Draft EIR/S is acknowledged. The commenter's suggestions will be considered in the project decision-making process. Please refer to Section 28.3 of Chapter 28, Environmental Justice, which describes the outreach and noticing activities that occurred to reach environmental justice communities. These activities were consistent with EO 12898 and the obligations described under Section 28.4, Regulatory Setting, of this chapter, including Reclamation's NEPA guidance in the Draft NEPA Handbook requirements. Public outreach documents are available in six languages (in addition to English), on the website, located at: http://baydeltaconservationplan.com/2015PublicReview/2015PublicReviewInformationalMaterials/2015_Multi-Lingual.aspx. Additionally, project proponents have provided translators at public scoping meetings; the BDCP Website in Spanish; and a multi-lingual information hotline for project information in English, Spanish, Tagalog, Vietnamese, or Chinese (Mandarin).
1926	14	None of the 40,000+ Draft BDCP or EIR/EIS documents are translated into Spanish, nor into any other language aside from English. This is extremely unjust, as many Hispanic workers will lose their farming jobs if the BDCP goes forth (as farm land is turned into conservation habitat), and yet they have no avenues to read further information on the issue and make appropriate comment. There are only two flyers that are translated: "Breve Informativo" and "El futuro de California depende del suministro de agua de Delta". The contents of both are vastly too brief and lack and substantive content, and the entire Plan must legally be translated into more languages than just English.	The commenter's opinion related to the BDCP and Draft EIR/S is acknowledged. The commenter's suggestions will be considered in the project decision-making process. Please refer to Section 28.3 of Chapter 28, Environmental Justice, which describes the outreach and noticing activities that occurred to reach environmental justice communities. These activities were consistent with EO 12898 and the obligations described under Section 28.4, Regulatory Setting, of this chapter, including Reclamation's NEPA guidance in the Draft NEPA Handbook requirements. Public outreach documents are available in six languages (in addition to English), on the website, located at: http://baydeltaconservationplan.com/2015PublicReview/2015PublicReviewInformationalMaterials/2015_Multi-Lingual.aspx. Additionally, project proponents have provided translators at public scoping meetings; the BDCP Website in Spanish; and a multi-lingual information hotline for project information in English, Spanish,

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			Tagalog, Vietnamese, or Chinese (Mandarin).
1926	15	Comments on Transportation, chapter 19 114 roadway segments were analyzed in 2009; of these, 60 segments were considered deficient. Section 19.3.2 (19-36) summarizes that the Plan will cause a substantial increase in traffic, a substantial deterioration of roadway surfaces, and interfere with emergency management and evacuation routes. Further study must be completed so that traffic and road conditions in the affected areas have more relevant, recent baselines (ie: the year 2014 or 2015). Also, there is no mitigation proposed for the structural integrity of the levees due to construction and the accompanying traffic.	Please see the Chapter 19 (Transportation), FEIR/EIS, impact analysis for potential impacts to levee roads, Section 6A.6.3.2 in Appendix 6A for affects to levee integrity as a result of increased construction traffic, and Chapter 20 (Public Services and Utilities) for potential impacts to emergency response actions in the Plan Area. The text the comment is referencing represents significance/adverse thresholds established by agencies with jurisdictional authority, and/or applicable laws and regulations. Potential transportation impacts were assessed in relation to these thresholds of significance.
1926	16	Many of the Alternatives would undermine and disrupt the maintenance of our roads and levees by local flood agencies, which leaves the State open to future litigation if there is damage done to private property as a result of negligence. See the Paterno case (Paterno v. State of California, (1999)), where the State was held liable for failure to properly maintain a project levee. Similarly: "when the government takes or damages property, it is strictly liable to pay compensation therefor, unless an exception to strict liability applies. (See, e.g., Bunch v. Coachella Valley Water Dist. (1997) 15 Cal. 4th 432, 439-447 [63 Cal.Rptr.2d 89, 935 P.2d 796] (Bunch).)" (source: http://law.justia.com/cases/california/caapp4th/74/68.html)	Maintenance of levees in the Delta is described in detail in Appendix 6A, Flood protection in the Delta. Please see the Chapter 19 (Transportation), FEIR/EIS, impact analysis for potential impacts to levee roads, and Appendix 6A for affects to levee integrity as a result of increased construction traffic. Please see Appendix 6A, BDCP/California WaterFix Coordination with Flood Management Requirements, regarding levees.
1926	17	Comments on Public Services and Utilities, chapter 20 There are several potential impacts in this chapter that are listed as significant and unavoidable, which is unacceptable. UT-1 to UT-5 have no mitigations listed, yet these are critical items, such as disruption to public schools, displacement of public service facilities, and disruption to water and wastewater treatment. I would like to know more detail about UT-1: "Increased demand on law enforcement, fire protection, and emergency services from new workers...". Does this imply that there may be more crime in the area? I could not find any further details in the documentation. Also, the plan lists all of the local public services agencies but it doesn't appear that they will get any additional funding, even though they must serve new, additional needs within the study area. This could lead to deterioration in the quality of service and response times to residents.	Impacts UT-1 to UT-5 under all Alternatives result in a less-than-significant impact to Public Services and Utilities. Therefore, there are no mitigation measures associated with these potential impacts. Potential impacts which may result in a significant and unavoidable impact will be reduced through implementation of Mitigation Measures UT-6a, UT-6b, and UT-6c. Impact UT-1 is not meant to imply that there would be more crime in the area, merely that the minor increase in population during the construction period will require the attention of law enforcement, fire protection, and emergency services that the existing population receives. The increase in population will be temporary, minor, and spread out over several counties, the impact to local public service agencies will be less than significant and does not warrant additional funding. Specific information on geographic service areas, service goals, and dispatch locations for each of the fire protection entities with stations or facilities in the Plan Area is summarized in Table 20A-2 in Appendix 20A.
1926	18	Comments on Noise, chapter 23 The only types of noise that are analyzed in this chapter are traffic-related sounds (Table 23- 14). More baseline data is needed here. There has been no study to recreate any construction noise (ie: pile driving and bulldozing, as examples) to determine how far their sound carries. There is an anecdotal saying here that noise carries a long way out in the Delta; I have personally heard train horns blowing from Elk Grove (approximately 6 miles). If the commonly used construction equipment referenced in Table 23-12 will be used during daylight hours, 5 days a week, how far will those sounds travel? How many decibels will be reduced by the "noise-reducing construction practices" (NOI-2, ES-128)? When construction is completed, how noisy will the water conveyance facilities be?	Please refer to Chapter 23 Impact NOI-1 and Impact NOI-2 under each project alternative for a detailed analysis of potential construction noise levels and effects. As stated in Chapter 23, construction noise impacts are considered to be "Significant and unavoidable". This is based on an analysis that considers worst-case conditions. For example, six pieces of construction equipment operating simultaneously and continuously in one location. These conditions would not necessarily occur on a routine basis. Although alternative haul routes for truck traffic may be an effective measure in some cases, significant impacts are still likely after mitigation. Mitigation measures NOI-1a and NOI-1b are available to reduce the effects of noise during construction. From Appendix 3B, Section 3B.5.5: DWR and contractors hired to construct any conveyance components of the project will implement a site-specific noise abatement plan to avoid or reduce potential construction-, maintenance-, and operation-related noise impacts. This section also includes environmental commitments to reduce noise levels where exceedances are anticipated to occur. Achievable noise reduction varies by measure. Shutting off a piece of equipment would eliminate its

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			contribution to ambient noise. Noise barriers and enclosures would provide noise reduction within the discrete area shielding noise from surrounding noise sensitive receptors. Barriers can provide 5 to 15 dB of noise reduction depending configuration relative to surrounding terrain. Although implementation of these measures will reduce the impact, it is not anticipated that feasible measures will be available in all situations to reduce construction noise to levels below the applicable thresholds.
1926	19	The construction will cause significant groundborne noise and vibration, and 25,000+ pile drive strikes (I did the math) each day during daylight working hours (7am to 10pm). There is no research of how far this type of noise or vibration will travel, and how it will impact residents of Clarksburg and of the children attending the three schools here in town. The Plan even uses noise and vibration thresholds that are used in the city of Los Angeles, which is a vastly different environment than the Delta: "The thresholds for groundborne noise used in this analysis are based on thresholds used in the IRP 31 (Integrated Resources Plan) for the City of Los Angeles Department of Public Works, and adapted from tunnel equipment groundborne vibration data used in other tunneling projects in the city of Los Angeles (City of Los Angeles Department of Public Works 2005)" (23.3.2.2). Has it been considered that the town and schools might be uninhabitable during the period of construction due to the noise and disruption? A .25 mile radius of influence is often mentioned, but what happens if I live at .251 miles away from the construction? Also, the daylight working hours are far too long; 8am to 5pm would impact the local residents much less.	The Draft EIR/EIS fully addresses the potential for noise effects on sensitive receptors. DWR environmental commitments (Appendix 3B.5) include measures to reduce noise levels during daytime hours. DWR and contractors hired to construct any conveyance components of the project will implement a site-specific noise abatement plan to avoid or reduce potential construction-, maintenance-, and operation-related noise impacts. These plans will vary by location. Limiting pile driving to daytime hours alone would not reduce noise levels during school hours, so additional options to reduce noise to acceptable levels will be considered on a case-by-case basis. The City of Los Angeles reference applies only to groundborne vibration data from tunnel boring machines and locomotives. The City data used a large number of vehicles to estimate vibration levels from tunnel boring vehicles and track work. The thresholds for vibration are consistent with human response thresholds specified by FTA (see Table 23-4).
1926	20	Comments on Air Quality and greenhouse gases, chapter 22 The construction of the tunnel intakes would put local residents into contact with significantly more toxic air pollutants and are considered to increase the likelihood of significant health risks (cancer and non-cancer chronic health), according to the research in Appendix 22C - Health Risk Assessment. The risks are even higher for children. I live within 2 kilometers of the construction, and it is outrageous that the BDCP would expose myself and my family to such serious health risks. The mitigations to AQ-1 are insufficient, and no detail is provided on these potential mitigations plans (because they have not been developed). And how is the wildlife going to be affected by these pollutants? How many fish, birds, and other animals and plants will this impact? The study only focuses on humans, which is ironic for a "conservation" plan such as this.	The mitigation measures for the exposure of sensitive receptors to cancer and non-cancer health risks include temporary or permanent relocation of sensitive receptors, which would avoid exposure to substantial DPM concentrations at these locations that may occur during construction. The air quality health risk assessment is intended to evaluate potential human health risks from exposure to air pollutants. Potential project impacts on Fish and Aquatic Resources are discussed in Chapter 11 of the RDEIR/SDEIS, and impacts on Terrestrial Biological Resources are discussed in Chapter 12 of the RDEIR/SDEIS.
1926	21	Comments on Public health, chapter 25 Many of the conservation measures would cause a significant increase in mosquito populations and in turn increase the risk of vector-borne diseases. In 2012, 20 people in California died from West Nile virus (Center for Disease Control). And in August of 2013, two local people contracted West Nile virus (http://patch.com/california/elkgrove/west-nile-virus-found-in-sacramento-county-resident#U9NZV2NLO8A). This chapter fails to establish any baseline data of mosquito populations in Clarksburg or any other Delta towns, nor in any of the proposed conservation areas. It also does not present any mitigations at all to this serious health risk (see PH-1 and PH-5, ES-129). The EIR/EIS mentions several methods of mosquito control, and then lists the various regional agencies responsible for vector control (25.2.5). Evidently, the responsibility to control these huge conservation areas (that are ripe mosquito breeding grounds) are entirely left to the various county vector programs. There must be a strategic, programmatic solution	Section 25.1.1.4, Vectors, in Ch. 25 provides information regarding mosquito species in the study area. Table 25-4 identifies the seasonal presence of mosquitoes in the study area, their most active season, and preferred habitat. This section also identifies the types of diseases that mosquitoes in the study area are known to carry. It is acknowledged that implementation of many of the conservation measures (CMs) for Alternatives 1-9 (specifically CM2-CM7, CM10 and CM11), and Environmental Commitments for alternatives 4A, 2D, and 5A, specifically 3, 4, and 6-11, may increase mosquito populations by providing potentially suitable mosquito habitat. Under all action alternatives, best management practices (BMPs) to aid in mosquito management and control would be implemented. These BMPs, which would be consistent with practices presented in the California Department of Public Health's "Best Management Practices for Mosquito Control in California", would include using water sources with mosquito predators for flooding; employing vegetation management practices to reduce mosquito production in managed wetlands; circulating water; and using larvicides and adulticides, as necessary. Implementation of these and other BMPs will reduce the likelihood that project operations will require an increase in abatement activities by local mosquito vector and control

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		for controlling vectors; the county agencies are not currently equipped to treat such huge acreage of conservation land, nor is any additional State funding to be given to them. The plan must address the lack of a vector program and provide proper funding. I think it is important to acknowledge that this area of vector control and public health is a huge exposure to the State. This State project leaves the State open to potential litigation if the public is exposed and sickened/killed because of the mismanagement of vector populations by county agencies. It is a case that I believe the citizens would win, not the State.	districts. The construction contractors, with Implementation Office approval, will develop mosquito management plans, in consultation with appropriate mosquito and vector control districts, for designing and planning restoration and conservation activities. These include the districts of Alameda County, Contra Costa, Sacramento-Yolo, San Joaquin County and Solano County. Consultation will include, but not be limited to, reviews of mosquito management plans and BMPs to be implemented at the restoration sites, reviews of proposed mosquito monitoring efforts at restoration sites, and assistance with monitoring efforts where feasible. The Central Valley Joint Venture's Technical Guide to Best Management Practices for Mosquito Control in Managed Wetlands and other guidelines will be used to help design appropriate restoration and conservation features to the extent feasible consistent with the biological goals and objectives.
1926	22	Because of my proximity to the proposed preferred tunnel intake (Alternative 4), this "sensitive receptor" is justifiably upset that this incomplete Draft has been allowed to progress this far. The Delta is not just a "place" to me; this is my home. This Plan threatens the community, welfare, and values of the town of Clarksburg; it is also insufficient as a conservation plan and fails the basic guidelines of California Environmental Quality Act. I strongly urge you to seek better alternatives that would actually create a reliable supply of water for us all, fix our levees, and would truly benefit fish and wildlife.	The Lead Agencies respectfully disagree that the documentation does not comply with CEQA. Since 2006, the project has been developed based on sound science, data gathered from various agencies and experts over many years, input from agencies, stakeholders and independent scientists, and more than 600 public meetings, working group meetings and stakeholder briefings. All of the documents, studies, administrative drafts, and meeting materials have been posted online since 2010 in an unprecedented commitment to public access and government transparency (see Master Response 41 [Transparency]). Fifteen alternatives and three new sub-alternatives were analyzed extensively in the Draft EIR/EIS and the RDEIR/SDEIS, respectively. Four major alignments have been included in the environmental documentation: Through-Delta, East of the Sacramento River, West of the Sacramento River, and a Tunnel under the Delta. Other proposals by public and private individuals and organizations have also been evaluated and described in Chapter 3 of the BDCP Draft EIR/EIS and Appendix 3A of the RDEIR/SDEIS. As a result, the preferred alternative is now Alternative 4A (i.e., the California WaterFix Project) and no longer includes an HCP. For further discussion on alternatives for the EIR/EIS, refer to Master Response 4. The commenter can also refer to Master Response 6 (Desalination/Demand Management in BDCP), 7 (Desalination), and 37 (Storage). The Lead Agencies acknowledge the discussion of community character in Chapter 16 of the Draft EIR/EIS and RDEIR/SDEIS Appendix A (Socioeconomics), which identifies the unique features of the Delta that epitomize cities such as Clarksburg and describes the potential effects on Delta communities. As required, DWR would provide compensation to property owners for economic losses associated with implementation of the proposed project. Socioeconomic effects of the various alternatives are described and assessed in Chapter 16 of the Draft EIR/EIS. A Draft BDCP Statewide Economic Impact Report has been published and indicates that the project would result in a substantial economic net benefit to the State. For flood management control issues, see Appendix 6A (Flood and Levees); Chapter 6 of the Draft EIR/EIS; and Section 4 and Appendix A (Chapter 6) of the RDEIR/SEIS. The environmental documentation and project approval will be acted on by the decision makers from each lead agency at the conclusion of the CEQA and NEPA processes.
1927	1	Throughout my life, I have been a boater, fisherman, and nature lover which makes me strongly opposed to the Delta Tunnels Project. The Delta Tunnels Project is one of the worst things we could do for the environment for many different reasons.	The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis provided in the EIR/EIS documentation.
1927	2	It [the project] will increase the salinity in the rivers. If this happens, it will harm many of the freshwater fish which include striped bass, salmon, steelhead trout and the delta smelt. Although salmon do not live in fresh water, they breed in fresh water and the Sacramento Delta is one of the biggest mating grounds in Northern California.	The effects of each alternative on salinity in various locations in the Delta are described for each fish evaluated in Chapter 11. The operational criteria included in Alternative 4A minimize and avoid most salinity effects in the Delta, and therefore minimal effects to fish are identified. No changes in salinity are expected in the upstream areas, where salmon spawn.
1927	3	Along with harming our fish, this will greatly inconvenience boat traffic. One aspect of the BDCP is installing salinity gates at many different places such as old River, Georgiana Slough and Montezuma Slough to counteract the salinity increase. Unfortunately, this will	The proposed project assumes continued operation of the Salinity Control Gates, consistent with assumptions included in the No Action Alternative. However, the salinity gates are not part of the BDCP or the California WaterFix projects. Please refer to the No Action Alternative in Chapter 8, Water Quality, for

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		block boat traffic requiring boaters to radio and request openings. This slows the boat traffic down because they have wait for the gates to open and close on either side of the locks. When boats have to wait, they burn fuel which will put more pollution into the environment.	more information.
1927	5	The Delta Tunnels Project is going to create severe unemployment for people in Northern California. These people include, but are not limited to, boat mechanics, fishing guides and harbor employees. If no boats are coming into the harbors in the Delta, the harbors will have no money from the patrons which will result in closures and layoff of employees. My cousin is a boat mechanic who works out of his home on the water, in Discovery Bay. If there was no water for the boats, they couldn't or would be less likely to, come to his house for repairs, resulting in a severe job loss.	The socioeconomic effects of the proposed project are addressed in Chapter 16, Socioeconomics, EIR/EIS. In particular, effects of construction of the proposed project water conveyance facilities on agricultural employment and income in the Delta region, and mitigation for effects, are addressed in Impact ECON-1: Temporary effects on regional economics in the Delta region during construction of the proposed water conveyance facilities; effects on community characteristics are discussed in Impact ECON-3: Changes in community character as a result of constructing the proposed water conveyance facilities; effects on the recreation and tourism economy are discussed in Impact ECON-5: effects on recreational economics as a result of constructing the proposed water conveyance facilities; and effects on agricultural production values are discussed in Impact ECON-6: Effects on agricultural economics in the Delta region during construction of the proposed water conveyance facilities. The permanent operations and maintenance effects on these socioeconomic impact topics are discussed in Impact ECON-7, Impact ECON-9, Impact ECON-11, and Impact ECON-12. Additionally, effects on recreational resources, including specific businesses such as marinas, are addressed in Chapter 15, Recreation, EIR/EIS. (See Impact REC-1 and Impact REC-2 for impact discussions and mitigation.)
1927	6	Our levees have held up for many years under the stress of water. Given that they have held up this long, they will likely hold up for many more years. With proper maintenance, such as raising the levees every year, a strong earthquake or other natural disaster will not harm the levees resulting in a severe flood.	Please see Appendix 6A, Section 6A.5.2, FEIR/EIS, for discussion on potential impacts of seismic events to the Delta.
1927	7	All in all, I as a fisherman, boater and nature lover do not agree with the Delta Tunnels Project. I ask that none of our taxpayer dollars be wasted on this project or on habitat restoration required as a result of this fiasco. Thank you for considering my opinion as a voter.	No issues related to the adequacy of the environmental impact analysis in the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS were raised. Refer to Master Response 5 (Funding).
1928	1	I am very concerned about the Bay Delta Conservation Plan. It is designed for the benefit of Southern Californians and agribusiness and leaves nothing to protect the Northern State. It makes no sense to have the water contractors that benefit from the twin tunnels to be managing the building process. There is no way that they can possibly be taking the needs and rights of Northern Californians in mind. You have just sold us downstream. This plan will severely constrict options and future policy decisions, surrendering the authority of the state to the narrow interests of water contractors, despite the obvious conflicts of interest. This BDCP gives all the authority of the state and federal agencies over to the narrow interests of those who would benefit from the massive tunnels the most, the water contractors.	Providing regulatory oversight to agribusinesses is outside the scope of the proposed project and environmental analysis. Since 2006, the proposed project has been developed based on sound science, data gathered from various agencies and experts over many years, input from agencies, stakeholders and independent scientists, and more than 600 public meetings, working group meetings and stakeholder briefings. All of the documents, studies, administrative drafts, and meeting materials have been posted online since 2010 in an unprecedented commitment to public access and government transparency (see Master Response 41 [Transparency]). See Chapter 32, Public Involvement, Consultation, and Coordination, EIR/EIS, for additional details regarding public participation. Master Response 5 details the proposed governance structure and implementation for the project. The preferred alternative is now Alternative 4A (i.e., the California WaterFix Project) and no longer includes an HCP. Appendix 3A describes the range of conveyance alternatives considered in the development of the EIR/EIS. Appendix 1B describes the potential for additional water storage and Appendix 1C describes conservation, water use efficiency, and other sources of water supply including desalination. While these elements are not proposed as part of the project, they are important tools in managing California's water resources. Refer to Master Response 4 regarding the selection of alternatives analyzed and Master Response 6 regarding demand management. The project does not increase the amount of water to which DWR holds water rights or for use as allowed under its contracts. The project has been initiated and carried forward by two Governors acting on a mandate from the voters of the State as a whole. The environmental documentation and project approval will be acted on by the decision makers from each lead agency at the conclusion of the CEQA and NEPA processes.

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1928	2	In addition, I am worried about salt water intrusion. Removing this quantity of fresh water from the Delta on an ongoing basis will degrade the troubled habitat that remains. The fisheries will be irreparably harmed: no fish screen will protect them from the sea water that will inexorably move inland. Even if the science of the future warrants it, changes will be nearly impossible under this plan.	The water quality assessment of the diversion of Sacramento River water under the project alternatives addresses effects on salinity-related parameters in the Delta, including electrical conductivity (EC) and compliance with related agricultural and fish and wildlife objectives in the Bay-Delta Water Quality Control Plan and degradation relative to these uses in Impact WQ-11 in Chapter 8, Water Quality. Where significant impacts to agricultural and fish and wildlife beneficial uses would occur due to the alternative, as opposed to other forces including climate change and sea level rise, mitigation to lessen those impacts is provided.
1928	3	There must be better plans that fulfill the needs of the entire state. It would be far wiser to invest in developing water conservation and purification methods on the vast scale that will be needed. This plan offers no innovative solutions to the very real problem of severe fresh water shortages which are sure to last our lifetimes and beyond. It simply serves Southern California and their water needs and farmers who would prefer not to invest in water wise practices. All this is at the expense of our environment for years and years to come.	The proposed project was developed to meet the rigorous standards of the federal and state Endangered Species Acts; as such it is intended to be environmentally beneficial, not detrimental. By establishing a point of water diversion in the north Delta and new operating criteria to improve water volume, timing, and salinity, the proposed project is designed to improve native fish migratory patterns and allow for greater operational flexibility. For more information regarding purpose and need please see Master Response 3. The proposed project is just one element of the state's long-range strategy to meet anticipated future water needs of Californians in the face of expanding population and the expected effects of climate change. The proposed project is not a comprehensive, statewide water plan. Although components such as desalination plants and demand management measures have merit from a statewide water policy standpoint, and are being implemented or considered independently through the state, they are beyond the scope of the proposed project. It is important to note that the proposed project is not intended to serve as a state-wide solution to all of California's water problems, and it is not an attempt to address directly the need for continued investment by the State and other public agencies in conservation, recycling, desalination, treatment of contaminated aquifers, or other measures to expand supply and storage. Please refer to Master Response 6 and Appendix 1C for further information on demand management measures, including increasing agricultural water use efficiency and conservation and Master Response 34 for information on beneficial use of water.
1928	4	To conclude my argument, given the fiasco with the construction of the new Bay Bridge, I question whether the state government is capable of building a project this large. My confidence is shaken. I vote against this plan.	The statements made by the commenter address the merits of the project and do not raise any issues with the environmental analysis provided in the EIR/EIS documentation.
1929	1	I support Conservation Measures 2-22 and oppose Conservation Measure 1: water facilities and operation (construction of the twin tunnels). Such a fix would simply be another repair on a single system, when the real problem is lack of statewide planning and oversight. The \$25 billion would be better spent on statewide water planning and enforcement than just in the Delta area with a massive engineering project.	This comment addresses Alternative 4 (known also as the BDCP) or analysis contained within the draft BDCP Effects Analysis. Alternative 4 remains a viable alternative. However, a modified proposed project (Alternative 4A/California WaterFix) also is being considered. For additional detail on the primary issues being raised with regard to the BDCP or Alternative 4, as well as a discussion of the current status of the draft BDCP Effects Analysis, please see Master Response 5.
1929	2	We have a prohibition against water waste that lies powerlessly in the constitution without any enforcement. It needs to be enforced in order to improve supply reliability. "It is hereby declared that because of the conditions prevailing in this State the general welfare requires that the water resources of the State be put to beneficial use to the fullest extent of which they are capable, and that the waste or unreasonable use or unreasonable method of use of water be prevented, and that the conservation of such waters is to be exercised with a view to the reasonable and beneficial use thereof in the interest of the people and for the public welfare." Yet rather than enforce water waste, the BDCP aims to build twin tunnels so the state can avoid having to enforce this constitutional provision. Instead of tunnels, I recommend we revamp the entire statewide system of water use to enforce reasonable use and prevent waste.	The proposed project is just one element of the state's long-range strategy to meet anticipated future water needs of Californians in the face of expanding population and the expected effects of climate change. The proposed project is not a comprehensive, statewide water plan, but is instead aimed at addressing many complex and long-standing issues related to the operations of the SWP and CVP in the Delta, including reliability of exported supplies, and the recovery and conservation of threatened and endangered species that depend on the Delta. For more information regarding purpose and need please see Master Response 3. It is important to note that the proposed project is not intended to serve as a state-wide solution to all of California's water problems, and it is not an attempt to address directly the need for continued investment by the State and other public agencies in conservation, recycling, desalination, treatment of contaminated aquifers, or other measures to expand supply and storage. Please refer to Master Response 6 and Appendix 1C for further information on demand management measures, including increasing agricultural water use efficiency and conservation and Master Response 34 for information on beneficial use of water.

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1929	3	The prohibition against water waste should be enforced first, before billions are spent on more engineered water solutions. Urban water use should be considered wasteful if it is. * The Pacific Institute says that over 1.5 million acre-feet (MAF) of potential demand reductions in southern California are from Urban water use efficiencies not yet achieved -- that's more than 25% of the 5.5 MAF the tunnels would provide. * Here in the arid southland, excessive use of water through rich greenery and water features is a status symbol. This water use is not constitutionally supported. - Each exclusive gated community has water features, including huge water falls, as does every upscale shopping mall, car wash, office complex and even medical offices. - The weekly Sotheby's real estate flyer and Sunday LA Times real estate magazine always show palatial estates surrounded by verdant green, pools and fountains. - The City of Los Angeles may use the same amount of water now as in 1990 at a rate of 152 gallons per capita per day (gpcd), even with 5 million more people, but with almost 60% in multifamily residential units, it is not as good as it sounds. And, that figure surely doesn't apply to the Holmesby Hills neighborhood where a mansion just sold for \$150 million. - The Los Angeles Area Lakes total maximum daily load included the fact that some artificial lakes within exclusive gated communities are filled with potable State Water Project water. * There are likely other hotspots of excessive urban water use, such as Hillsborough, Granite Bay and elsewhere. Enforcement is needed in these places.	No issues related to the adequacy of the environmental impact analysis in the EIR/S were raised. DWR's fundamental purpose of the proposed project is to make physical and operational improvements to the SWP system in the Delta necessary to restore and protect ecosystem health, water supplies of the SWP and CVP south of the Delta, and water quality within a stable regulatory framework, consistent with statutory and contractual obligations. By establishing a point of water diversion in the north Delta and new operating criteria with the goal of improving water timing to establish a more natural east-west flow for migratory fish, improve habitat conditions, and allow for greater operational flexibility. The proposed project is one part of a diverse portfolio of strategies needed to meet California's overall water management needs. It is not a substitute for increased commitments to other water supply solutions, including recycling, desalination, water conservation and storage. For more information regarding water demand management please see Master Response 6.
1929	4	The prohibition against water waste is not enforced in agricultural areas. This should be enforced first, before billions are spent on more engineered water solutions. I support water deliveries for agriculture, but not for the purpose of getting rich at the expense of the environment.	Through the Legislature and through executive agencies, California has embraced water conservation on numerous fronts, as have many California water agencies. Many of these efforts are highlighted in Appendix 1C, Demand Management Measures, EIR/EIS, which describes conservation, water use efficiency, and other sources of water supply, including recycled water. While these elements are not proposed as part of the BDCP, the Lead Agencies recognize that they are important tools in managing California's water resources. The Lead Agencies do not have the authority to designate what water deliveries are used for or what types of agricultural practices are used. Please refer to Master Response 34 regarding the potential uses of water delivered via BDCP proposed conveyance facilities.
1929	5	Statewide planning should include strict regulation of groundwater withdrawals. Agricultural areas have been overdrafting groundwater, and critically reducing environmental surface water flows. Overdrafting groundwater is "unreasonable use" in the extreme, since it causes subsidence and removes the capacity for water storage for future use.	Recent adoption of the Sustainable Groundwater Management Act will implement groundwater monitoring programs and require implementation of groundwater sustainability plans throughout California.
1929	6	We should not provide more water in drought years to farmers who gambled on perennial crops that need more sustainable water than is available. Drought-prone areas should be planted in annual crops or the farmers should suffer the consequences of their wagers themselves. If users can't responsibly manage their water use the state needs to intervene.	The Lead Agencies do not have the authority to designate what water deliveries are used for or what types of agricultural practices are used. Please refer to Master Response 34 regarding the potential uses of water delivered via BDCP proposed conveyance facilities.

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1929	7	We should not be swayed by agricultural industry's propaganda on revenue and job losses, as this report indicates even with the current drought, revenue is down 3% and jobs have decreased by only 4.2% (http://californiawaterblog.com/2014/05/19/severe-drought-impacts-to-central-valley-agriculture-forecast-this-year/)	The link the commenter includes is no longer active. Please also note that the proposed project is not spurred simply by the drought California has faced in recent years. The proposed project aims to increase water reliability and protect endangered species. Please refer to Master Response 3 regarding the purpose and need of the project.
1929	8	Some of these areas problems with selenium and salinity are such that those lands should never have been cultivated in the first place. I support the state purchase of lands with selenium problems to remove them from cultivation.	The lead agencies acknowledge the commenter's comment regarding general existing selenium and salinity issues with agricultural land. This comment is not on the BDCP DEIR/EIS analysis. Therefore, no response is required.
1929	9	The Delta Independent Science Board EIS finds that the state's BDCP is faulty and will not accomplish the environmental goals it claims. http://www.sacbee.com/2014/05/19/6416852/panel-delta-tunnel-project-falls.html	This comment addresses Alternative 4 (known also as the BDCP) or analysis contained within the draft BDCP Effects Analysis Alternative 4 remains a viable alternative. However, a modified proposed project (Alternative 4A/California WaterFix) also is being considered. For detailed responses on the primary issues being raised with regard to the BDCP or Alternative 4, as well as a discussion of the current status of the draft BDCP Effects Analysis, please see Master Response 5. For responses to comments related to the Delta Independent Science Board's letters, please refer to comment letters BDCP 1448 and/or RECIRC 2546.
1929	10	I agree with and support concerns communicated by the Friends of the River (FOR) BDCP comment letters written on behalf of endangered species. They conclude in their letter of January 14, 2014, that "the BDCP Water Tunnels project is in fact prohibited by the ESA because it would adversely modify designated critical habitat for at least five endangered and threatened fish species." FOR also says "the 45 mile-long twin Delta tunnels and their freshwater intakes, forebays, tunnel debris disposal sites, and additional facilities will eat up at least 5,700 acres of Delta farmland and wildlife habitat."	Please see responses to comment letter 1597.
1929	11	At a minimum, the BDCP should not be finalized or approved until the State Water Resources Control Board adopts water quality criteria and flow standards for the Delta, and the rivers that feed it.	The current WQCP in effect in the Delta is the 2006 Water Quality Control Plan for the San Francisco Bay/Sacramento–San Joaquin Delta Estuary (Bay-Delta WQCP) (State Water Resources Control Board 2006). The Bay-Delta WQCP identifies beneficial uses of water in the Delta to be protected, water quality objectives for the reasonable protection of beneficial uses, and an implementation program to achieve the water quality objectives. The EIR/EIS assumes requirements of the WQCP and Decision 1641 in its baseline. Should the State Board revise and adopt new Delta water quality criteria and flow standards, certain proposed project operating criteria may need to be modified.
1929	12	If an expensive engineered plan is to proceed, I support the Environmental Water Caucus's Responsible Exports Plan (http://www.ewccalifornia.org/reports/responsibleexportsplanmay2013.pdf)	The comment does not raise any environmental issue related to the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS. DWR's fundamental purpose of the proposed project is to make physical and operational improvements to the SWP system in the Delta necessary to restore and protect ecosystem health, water supplies of the SWP and CVP south of the Delta, and water quality within a stable regulatory framework, consistent with statutory and contractual obligations. By establishing a point of water diversion in the north Delta and new operating criteria with the goal of improving water volume, timing, and salinity, the proposed project is designed to establish a more natural east-west flow for migratory fish, improve habitat conditions, and allow for greater operational flexibility. Please see Master Response 3 for additional information regarding the purpose and need behind the proposed project. Please see Master Response 5 for more information on costs and funding.
1929	13	Furthermore, I support the purchase and restoration of some Delta islands, particularly those closest to the Bay. Such large areas of estuarine habitat will provide essential	This comment addresses Alternative 4 (known also as the BDCP) or analysis contained within the draft BDCP Effects Analysis Alternative 4 remains a viable alternative. However, a modified proposed project (Alternative 4A/California WaterFix) also is being considered. Numerous comments were received that focused on

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		habitat that was lost with the conversion of Delta islands to farming.	various elements of the BDCP. Where the comments focused on elements of the BDCP that overlap with the elements of Alternatives 2D, 4A, or 5A (e.g., CM1 as it comprises of the North Delta Diversions, tunnels, and supporting facilities), specific responses are presented. Where comments raised issues as to whether the BDCP and other HCP/NCCP alternatives in the 2013 Draft EIR/EIS were potentially feasible and could function as an alternative for purposes of meeting CEQA and NEPA's requirements to analyze a reasonable range of alternatives to the proposed project (e.g., issues regarding the BDCP Effects Analysis or financial feasibility), responses are presented generally in Master Response 5. Where comments submitted on the BDCP were focused on elements outside the scope of the environmental analysis or viability of the BDCP and other HCP/NCCP alternatives within the context of CEQA/NEPA (e.g., request of specific revisions to the BDCP related to mapping or references), no specific responses are provided and further consideration will be given to these comments, and any revisions to the Draft BDCP would only be made, if an HCP/NCCP alternative was ultimately approved at the conclusion of the CEQA/NEPA process.
1929	14	Need for transparency -- A statewide water use survey by both water providers and by end-users should be conducted and made publicly viewable. The only efforts I see for water conservation are appeals to conscience, but only a minority of the population exerts effort to conserve because it's the right thing to do. The majority will continue to waste water until it is a financial burden they can't afford or when they attract public shame. Elected officials shun enforcement because it makes them unpopular with the majority who waste, which would jeopardize not only their positions, but their capacity to do any good at all. Thus, I recommend enacting state law that allows each water customer's water use to be publicly available. The Willamette Weekly in Portland Oregon occasionally publishes a Water Hogs issue with the city's top users and their water consumption exhibited for public criticism. I saw very little water waste in Portland. Aside from sensationalism, the averages for areas, including agricultural areas, would be very informative for decision making, especially if given in readily understandable units (gallons per day per household or per person). I also support more transparency in agricultural water use: how much water are they using (in feet of water per year) and who is benefiting from it (small farmers or some wealthy agricultural industrialist who lives in a mansion outside the valley?).	The proposed project is just one element of the state's long-range strategy to meet anticipated future water needs of Californians in the face of expanding population and the expected effects of climate change. The proposed project is not a comprehensive, statewide water plan, but is instead aimed at addressing many complex and long-standing issues related to the operations of the SWP and CVP in the Delta, including reliability of exported supplies, and the recovery and conservation of threatened and endangered species that depend on the Delta. One of the State Water Resources Control Board's (State Water Board's) charges is to ensure that the State's water is put to the best possible use and that this use is in the best interest of the California public. This charge is reflected in part by the designation of beneficial uses established through the State Water Board's planning process. These beneficial uses are identified in each Water Quality Control Plan (Basin Plan) issued by the State Water Board. Please refer to Master Response 6 and Appendix 1C for further information on demand management measures, including increasing agricultural water use efficiency.
1929	15	California needs a comprehensive statewide water plan, joined with comprehensive statewide land use planning to preserve natural resources and ensure that water demand does not exceed supply. "California must overhaul its existing, piecemeal water rights policies, which already over-allocate existing water and distribute rights without regard to equity" (Responsible Exports Plan, http://www.ewccalifornia.org/reports/responsibleexportsplanmay2013.pdf).	The comment does not raise any environmental issue related to the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS. This comment is consistent with the California Water Action Plan which includes the proposed project and other water management projects implemented by regional and local agencies. The proposed project is just one element of the state's long-range strategy to meet anticipated future water needs of Californians in the face of expanding population and the expected effects of climate change. The proposed project is aimed at addressing many complex and long-standing issues related to the operations of the SWP and CVP in the Delta, including reliability of exported supplies. The California Water Action Plan recognizes that all Californians have a stake in the future of our state's water resources, and that a series of actions are needed to comprehensively address the water issues before us. The five-year agenda spells out a suite of actions in California to improve the reliability and resiliency of water resources and to restore habitat and species — all amid the uncertainty of drought and climate change. For more information regarding future developments of the California Action Water Plan please follow http://resources.ca.gov/docs/Final_Water_Action_Plan_Press_Release_1-27-14.pdf. Future committees for the Proposed Project implementation may provide future opportunities for innovative input as well.

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1929	16	Statewide land use planning with urban growth boundaries and smart development and redevelopment would limit increases in water diversions for people. I support urban growth laws with urban growth boundaries like those in Oregon.	This is outside the scope of the proposed project. Please refer to Master Response 3 regarding the purpose and need for the project.
1929	17	California needs population planning. Population has grown to not only locally unsustainable numbers but is growing towards numbers that will not be sustainable, even with multi-billion dollar engineering solutions. Smaller families, adoption, and childlessness are all viable options.	No issues related to the adequacy of the environmental impact analysis in the EIR/S were raised.
1929	18	It occurs to me that the BDCP's focus on the Delta alone is similar to Caltrans singular focus on moving motor vehicles. Caltrans' freeway system moves cars, but that singular focus has severed neighborhoods, increased air pollution and asthma, and barred wildlife passage. It is my hope California could broaden the scope of planning for the Delta to include more statewide issues.	The Lead Agencies appreciate your interest in the project and acknowledge your comment. The lead agencies are proposing a comprehensive project in an effort to fulfill the official state policy of "coequal goals" of water supply reliability and environmental restoration set forth by SBX7-1 (2009 Delta Reform Act). Across the state, efforts to stretch water supplies are being made on a regional level; however, these efforts cannot offset entirely the loss of reliability associated with the Delta. California's nearly \$2 trillion economy depends to a large degree on moving Delta water hundreds of miles. Unpredictable water supplies put a large portion of California's economy and population at risk. The proposed project would safeguard the water delivery system. However, it should be noted the ecological need for such an improvement is as compelling as the economic reasons.
1930	1	Your report states on page 7-46, "The Delta Region," lines 19-21, that "the construction of the conveyance facilities would require dewatering operations. The dewatering wells would be generally 75 to 300 ft. deep, placed every 50-75 ft. apart along the construction perimeter as needed, and each would pump 30-100 gpm." How will the power be delivered to each of the said pumps? What will be the impact on the land that will be dewatered? Where will the groundwater be pumped to? What will the distribution system look like?	During the design phase, DWR would conduct site-specific analysis to determine the extent of the potential conflicts related to conveyance facility construction, including locations of water supply and drainage facilities. As described in the Final EIR/EIS, during construction, slurry walls would be constructed around the construction site at the intakes, tunnel shafts, and forebays to reduce the effect of dewatering wells. Dewatering wells also would be installed at construction sites associated with levees without the use of slurry walls. No dewatering would be required along the tunnel alignment because the drilling would occur with a positive hydraulic head that can construct the tunnel in conditions with saturated soils. The effects on groundwater at locations with slurry wall installations would not result in significant effects as compared to Existing Conditions and would minimize the amount of water to be removed by the dewatering wells. With the utilization of the slurry walls, dewatering would primarily occur during the initial construction activities at each site and would not continue throughout the construction period which was described in the Draft EIR/EIS and RDEIR/SDEIS. The proposed project would not significantly impact local water supplies. While groundwater levels could be temporarily lowered in localized areas during the dewatering phases of construction, groundwater would return to pre-pumping levels over the course of several months following the dewatering phase. Mitigation has been proposed to maintain water supplies in areas affected by construction dewatering. Additionally, the project proponents would relocate and/or replace wells, pipelines, power lines, drainage systems, and other infrastructure that are needed for ongoing agricultural uses and would be adversely affected by project construction or operation. For additional information regarding proposed agricultural mitigation, please see Master Response 18. Construction of the proposed project's facilities will occur in a manner specifically designed to avoid adverse effects on groundwater. As described in Appendix 3C, Table 3C-7, of the 2013 Public Draft EIR/EIS, ponds to store reusable tunnel materials and spoils material would be designed with the invert at least 5 feet above seasonally high groundwater and impervious liners along the invert and interior slopes of the ponds to avoid contamination. The tunneling operation would use biodegradable polymers that would be combined with the excavated soil to allow conveyance of the soil slurry, or reusable tunnel material. The polymers would decompose over time. In some locations within the State, groundwater is regulated through judicial review related to adjudication

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			proceedings in the court system. Many counties and regional agencies, or groups of agencies, have adopted groundwater management plans and/or ordinances. Governor Brown recently signed into law three bills that address groundwater management in California. These bills direct local agencies to develop groundwater management plans and allows the state to monitor and intervene if local agencies fail to do so.
1930	2	Your report states on page 7-46, lines 31-32, that "groundwater removed with the dewatering system would be treated as necessary and discharged to surface water under an National Pollutant Discharge Elimination System permit." Where would the treatment plant be located and how would the NPDES permit be written without any background sampling information? What will be required to be removed? How and where will the concentrated constituents be handled, transported, and stored? Would the effluent quality meet drinking water standards? According to your figures, "10,500 gpm" from the dewatering operation would require a treatment plant to process 14.4 million gallons per day. Where would these treatment plants be located and how much land will be required for the processing operation? How many treatment plants would required?	As described under Impact SW-4 in Chapter 6, Surface Water, and Impact WQ-31 in Chapter 8, Water Quality, in the EIR/EIS, groundwater removed during construction would be treated as necessary at the dewatering locations. The water may contain elevated levels of sediment, organic carbon, and other constituents. As described in Chapter 8 and Appendix 3B, Environmental Commitments, during design permits would be obtained from the State Water Resources Control Board to that would include Best Management Practices (BMPs) for the discharge of dewatering flows to surface water bodies in accordance with State Water Board's NPDES Stormwater General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ/NPDES Permit No. CAS000002). This General Construction NPDES Permit requires the preparation and implementation of Stormwater Pollution Prevention Plans that identify pollution prevention BMPs that would be used to avoid and minimize construction-related contaminant discharges. These permits would be completed during design and prior to construction, and would include a monitoring plan, numerical limits for turbidity, pH, and other specific constituents identified during the design phase for the surface water water bodies and groundwater.
1930	3	On page 7-48, line 16, your report states that "the BDCP proponents will ensure agriculture water supplies are maintained." If the land is being dewatered, then where will the BDCP get the water supply from for agriculture supplies? If the land in the dewatering zone is being irrigated, would percolation and runoff be a factor in the dewatering process and should it be considered in the dewatering flows?	As described in the EIR/EIS, during construction, slurry walls would be constructed around the construction site at the intakes, tunnel shafts, and forebays to reduce the effect of dewatering wells. Dewatering wells also would be installed at construction sites associated with levees without the use of slurry walls. No dewatering would be required along the tunnel alignment. The effects on groundwater at locations with slurry wall installations would not result in significant effects as compared to Existing Conditions. It is possible, that some impacts may result in significant effects depending upon specific information that would be collected during design and construction phase. Mitigation measures have been identified in the EIR/EIS to reduce the impacts to less than significant as compared to Existing Conditions. Mitigation Measures AG-1, GW-1, GW-5, and WQ-11 will reduce the severity of significant impacts in agricultural areas by implementing activities such as siting project footprints to encourage continued agricultural production; monitoring changes in groundwater levels during construction; monitoring seepage effects; relocating or replacing agricultural infrastructure in support of continued agricultural activities; identifying, evaluating, developing, and implementing feasible phased actions to reduce EC levels; engaging counties, owners/operators, and other stakeholders in developing optional agricultural stewardship approaches; and/or preserving agricultural land through off-site easements or other agricultural land conservation interests. As described in Mitigation Measure AG-1 in Chapter 14, Agricultural Resources, in the BDCP EIR/EIS, adversely affected wells, pipelines, power lines, drainage systems, and other infrastructure that are needed for ongoing agricultural uses and would be adversely affected by project construction or operation would be relocated or replaced. Due to the use of slurry walls, it is not anticipated that the dewatering wells would be adversely diverting groundwater that had percolated into the ground from adjacent agricultural lands.
1931	1	The San Diego County Water Authority's goal for providing written comments is to ensure that the Final EIR/EIS, Final BDCP, and any resulting incidental take permits, provide a comprehensive and lasting solution to the conflicts between water supplies and ecosystems in the Delta that have made water supplies less reliable. However, the Water Authority is also convinced that any solution to Delta conflicts must be cost-effective, that	The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis provided in the 2015 RDEIR/SDEIS or the 2013 DEIR/DEIS.

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		the costs be shared equitably among beneficiaries of the improvements, and that beneficiaries be required to make firm commitments to pay their share of constructing and maintaining improvements to the Delta	
1931	2	As has been noted in previous BDCP correspondence to the California Natural Resources Agency dated August 28, 2012, July 30, 2013, and October 7, 2013 (attached and incorporated as additional comments), the San Diego County Water Authority remains concerned that the financing components of the BDCP have not been explicitly described. As the largest customer of the largest state water contractor - the Metropolitan Water District of Southern California - the Water Authority's ratepayers have a great deal at stake in the BDCP process and its financing plan. Chapter 8 of the current BDCP does not provide the detailed information necessary for potential participating agencies to evaluate individual agency cost-benefit (or feasibility) of the proposed project. The Final BDCP should contain details on: how participating water contractors intend to guarantee the revenue necessary to pay for the BDCP; the provisions for "step- up" should individual water contractor's default on funding obligations; and a legal analysis of relying on property taxes as a back-up security for project debt.	This comment addresses Alternative 4 (known also as the BDCP) or analysis contained within the draft BDCP Effects Analysis. Alternative 4 remains a viable alternative. However, a modified proposed project, Alternative 4A, also known as California WaterFix, has been developed in response to public and agency input and is the new CEQA Preferred Alternative. Alternative 4A is also the NEPA Preferred Alternative, a designation that was not attached to any of the alternatives presented in the 2013 Public Draft EIR/EIS. Alternative 4 remains a potentially viable alternative and is being carried forward in this RDEIR/SDEIS because it represents the original habitat conservation plan/natural community conservation plan (HCP/NCCP) alternative approach, and because it provides an important reference point from which the Alternative 4A, 2D, and 5A descriptions and analyses were developed. For detailed responses on the primary issues being raised with regard to the BDCP or Alternative 4, as well as a discussion of the current status of the draft BDCP Effects Analysis, please see Master Response 5.
1931	3	A necessary component that is missing from BDCP public review documents is the proposed Draft Implementing Agreement, which will be signed by the U.S. Fish and Wildlife Service, National Marine Fisheries Service, California Department of Fish and Wildlife, California Department of Water Resources, and certain water contractors (Authorized Entities). Public review of this document is crucial to understanding exactly what assurances and commitments are being agreed to, and how the various financial and implementation obligations will be distributed among the signatories and, ultimately, ratepayers. The proposed Draft Implementing Agreement should be distributed for a minimum 60-day public review period. If necessary, the public comment period for the Draft EIR/EIS and BDCP documents should be extended, or re-opened, to include sufficient time for public review of the Implementing Agreement.	Please see Response to Comment 1931-2.
1931	4	Draft EIR/EIS Document Executive Summary Page ES-6, Table ES-1 lists Lead, Cooperating, Responsible, and Trustee Agencies. Comment: The table listing is incomplete. All water contractors will be required to consider the Final EIR as part of their decision to participate in BDCP implementation as permittees (Authorized Entities). The Final EIR/EIS should list the water contractors that must approve the Final EIR/EIS as responsible agencies.	The water contractors are considered Responsible Agencies in Table 1-2 in Chapter 1, Introduction, of the Final EIR/EIS. Responsible agencies are state or local public agencies other than the CEQA lead agency that have discretionary approval over the project. Discussion of the role of the project proponents in the approval process of the preferred alternative, Alternative 4A, is provided in Chapter 1 of the Final EIR/EIS.
1931	5	Page ES-8, line 22 lists Mirant LLC as an applicant for an incidental take permit, yet a footnote states they are no longer an active participant. Comment: To avoid confusion, all references to Mirant LLC as a BDCP participant should be deleted from the Final EIR/EIS.	The commenter is correct that Mirant LLC is no longer an applicant. References to Mirant as an active participant in the BDCP have been removed.
1931	6	Chapter 4 - Approach to Environmental Analysis Page 4-4, line 33 states that the CEQA baseline consists of those "facilities and ongoing programs that existed as of February 13, 2009 (publication date of the most recent Notice	Please see Response to Comment 1931-2. Please see Master Response 1 for a discussion of the environmental baselines used in the EIR/EIS and RDEIR/SDEIS.

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		of Preparation (NOP))". Comment: While this approach is consistent with CEQA Guidelines, the exclusive use of this baseline is confusing when the Draft EIR/EIS analysis is compared to the baseline and analysis presented in BDCP Chapter 9 (Economic Analysis Report). We understand that the development and use of these two very different baselines is for different purposes: one to meet CEQA requirements, and the other to reflect assumed additional, potentially severe, regulatory agency restrictions on water exports that will greatly affect the financial viability of the BDCP. However, the much more restrictive conditions in Chapter 9 could actually represent the future "without BDCP" based on preliminary indications from the regulatory agencies. It would be helpful if the Final EIR/EIS also included an impact analysis, for reference only, using a baseline that matched the conditions assumed in the BDCP Economic Analysis Report. This would allow easy comparisons of the potential environmental impacts of the less restrictive CEQA baseline to the more restrictive BDCP Economic Analysis baseline. Such a comparison would highlight the true potential impacts and benefits of the BDCP	
1931	7	Chapter 30 - Growth Inducement and Other Indirect Effects Page 30-126, line 19 states that "...unavoidable impacts would still be expected to occur". Comment: The basis for this statement is unclear. Neither DWR nor U.S.Bureau of Reclamation have land use authority and cannot approve or deny development projects other than their own. Planning for, and approving, future public and private growth and development in areas served by SWP or CVP contractors is the responsibility of various land use agencies (e.g., cities or counties). The Draft EIR/EIS conclusion that unavoidable impacts would occur, especially when the location, magnitude, and timing of future development is unknown, is unsupported by the included information. The Final EIR/EIS should be revised to conclude that future development decisions are the responsibility of appropriate land use jurisdictions and that, in the absence of specific development proposals, it is speculative to make a determination as to the significance of environmental impacts resulting from any future growth in areas served by SWP and CVP contractors.	Potential impacts associated with development projects are discussed in section 30.3.3. However, because of the speculative nature of these impacts and because it would be the responsibility of other agencies and businesses to reduce the effects of development projects on the environment, the last part of the final sentence of the conclusion section ("however, unavoidable impacts would still be expected to occur") has been removed because it may give the false impression that the project is taking responsibility for potential growth-related impacts. Mitigation for any such impacts would be the responsibility of the agencies or businesses in charge of individual projects.
1931	8	Page 1-8, lines 23-25 state that "The BDCP is intended to meet the regulatory requirements for the issuance of Section 10 permits ... to allow for the incidental take of the species ... resulting from implementation of covered activities by DWR and certain SWP and CVP contractors (e.g., the Authorized Entities)." Comment: It is unclear if SWP and CVP water contractors that decline to participate in BDCP implementation will continue to receive water under terms of existing contracts pursuant to existing Biological Opinions. It is also not clear if existing contractors deciding to "opt out" of the BDCP can obtain "third party beneficiary" status (and receive the benefits of HCP coverage) through a separate agreement with an entity that does receive a HCP take authorization through BDCP participation. The Final BDCP should explain what happens to any existing in-Delta Biological Opinions (e.g., remain in force, terminate, etc.) should the BDCP be approved, as well as the ability of non-participating entities to obtain HCP coverage through execution of side agreements with a BDCP permittee, or through a separate Section 7 consultation process.	Please see Response to Comment 1931-2.
1931	9	Page 1-11, lines 17-18 state that "... DWR and certain water contractors are seeking permits from California Department of Fish and Wildlife that authorize the take of species	Please see Response to Comment 1931-2.

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		covered under the Plan ..." Comment: It is unclear if SWP and CVP water contractors that decline to participate in BDCP implementation will continue to receive water under terms of existing contracts pursuant to existing CESA authorizations. It is also not clear if existing contractors deciding to "opt out" of the BDCP can obtain "third party beneficiary" status (and receive the benefits of NCCP coverage) through a separate agreement with an entity that does receive a NCCP take authorization through BDCP participation. The Final BDCP should explain what happens to any existing in-Delta CESA permits (e.g., remain in force, terminate, etc.) should the BDCP be approved, as well as the ability of non-participating entities to obtain NCCP coverage through execution of side agreements with a BDCP permittee, or through a separate Section 2081 permit process.	
1931	10	Page 3.4-2, line 26 states that a "structured scientific approach" will be taken to reduce uncertainty about the fall and spring outflow decision trees. Comment: The specific timing and description of the research necessary to test the fall and spring outflow uncertainties is lacking. The process by which the decision tree outflow and export yield will be determined is important in understanding the value of the BDCP to water contractors. The Final BDCP should include a detailed description of the specific scientific research hypotheses, proposed methods, and schedule that will be undertaken to address the flow uncertainties incorporated into the decision tree.	Please see Response to Comment 1931-2.
1931	11	Page 3.D-2, Table 3.D.1, CM1 Water Facilities Operation, Compliance Monitoring Action will "Document compliance with the operational criteria using flow monitoring and models implemented by the Implementation Office. [Details of monitoring to be developed ...]". Comment: The details of compliance monitoring to document flow criteria are lacking. The importance of outflow monitoring cannot be overstated as it forms the basis for the decision tree export yield. The water contractors must have a clear understanding of the research deemed necessary to resolve the fall and spring outflow uncertainties. Stating that "details of monitoring to be developed" is inappropriate given its importance in helping frame whether water contractor participation in the BDCP is warranted. Outflow requirements are the most important issue for water contractors; to defer development of this essential research to a later time does not provide the information needed by water contractors to evaluate the science proposed to resolve decision tree uncertainty. The Final BDCP should provide greater detail on the likely magnitude and scope of research contemplated for the decision tree process.	Please see Response to Comment 1931-2.
1931	12	Page 3.D-28, Table 3.D.3, CM1 Water Facilities Operation, Potential Research Actions states that "[Studies necessary to evaluate this uncertainty Have not yet been determined.]" Comment: The research necessary to determine the outcome of the decision tree is of the utmost importance to water contractors. At a minimum, the general scope of these studies should be developed and included in the Final BDCP so water contractors can more fully evaluate the benefits and risks of participation	Please see Response to Comment 1931-2.
1931	13	Page 6-5, Table 6-2 provides a very aggressive implementation schedule for CM3 (24,396 acres), CM4 (19,150 acres), CM9 (98 acres), and CM10 (900 acres) during the near-term,	Please see Master Response 5 for a discussion of the feasibility of restoration at the scale and according to the schedule proposed in the 2013 Public Draft. The comment is acknowledged that the schedule for tidal wetland restoration is faster than most projects have been accomplished to date. The Lead Agencies

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		especially the first 5 years. Comment: The level of information included in the BDCP does not provide adequate support that restoration of these very large acreages can be achieved within the established time frames. For example, it is very difficult to envision how over 9,500 acres of tidal natural community restoration can be completed within 5 years given the time needed to properly plan, design, permit, and construct this habitat type. At a minimum, additional specific information on the location of identified parcels and conceptual design/planting plans for these near-term lands should be included in the BDCP and FEIR/EIS document to validate the assertion that these acreage targets can be achieved within the identified schedule. If the BDCP intends to rely on one or more interim action projects listed in Table 6-4 (page 6-14) to meet the implementation schedule, then the BDCP should identify those projects where a firm funding commitment has been, or will likely be made. Should restoration take longer than anticipated, legally binding assurances must be provided to permittees that water yields will not be reduced below the minimum described in the decision tree process.	acknowledge that permit streamlining will be needed to accomplish the proposed schedule. Also note that the proposed action (Alternative 4A) no longer includes BDCP. The proposed action includes much less tidal wetland restoration (less than 5%) than proposed in BDCP. Specific designs and site plans are not required at this point to secure ESA and NCCP Act permits from the state and federal wildlife agencies. Please also see Master Response 5 regarding the specificity of the proposed conservation measures. DWR has been working with the state and federal wildlife agencies to better define the planned restoration in the early time periods of implementation. The Lead Agencies acknowledge that additional CEQA or NEPA compliance may be necessary to secure authorizations for some tidal wetland restoration projects. Similarly, Clean Water Act Section 404 and 401 authorizations would also be forthcoming. These later permitting steps would be based on more specific restoration designed developed during plan implementation. Please also see Master Response 2 for a discussion of the project-level and program-level analysis in the EIR/EIS. Please note that the originally proposed habitat restoration measures and related Conservation Measures (CMs) (i.e., CM2 through CM21) would not be included as part of the Proposed Action, except to the extent portions of certain measures may be required to mitigate significant environmental effects under CEQA and meet the regulatory standards of ESA Section 7 and California Endangered Species Act (CESA) Section 2081(b). However, restoration actions that are independent of Proposed Action will continue to be pursued as part of existing projects and programs. Examples of these include the 2008 and 2009 USFWS and NMFS BiOps (e.g., Yolo Bypass improvements and habitat enhancements, 8,000 acres of tidal habitat restoration), (2) California EcoRestore, and (3) the 2014 California Water Action Plan.
1931	14	Page 6-8, CM4 Tidal Natural Communities Restoration, states that the initial 4,000 acres will take "less time to plan and permit. .. because ... is likely to be implemented first on public lands." Comment: We believe this timing assumption to be overly optimistic. The Water Authority's experience for a 40 acre wetland restoration project on public land took three years just to obtain all necessary federal, state, and local approvals to commence construction. Because tidal natural community habitat type is critical to fish species being considered in the decision tree process, the BDCP and FEIR/EIS should examine the effects on ultimate BDCP success if a longer implementation schedule is required for this initial restoration increment. Should restoration take longer than anticipated, legally binding assurances must be provided to permittees that water yields will not be reduced below the minimum described in the decision tree process	The Lead Agencies acknowledge that permit streamlining would be needed to accomplish the proposed schedule. Also note that the proposed action (Alternative 4A) no longer includes BDCP. The proposed action includes much less tidal wetland restoration (less than 5%) than proposed in BDCP. The originally proposed habitat restoration measures and related Conservation Measures (CMs) (i.e., CM2 through CM21) would not be included as part of the Proposed Action, except to the extent required to mitigate significant environmental effects under CEQA and meet the regulatory standards of ESA Section 7 and California Endangered Species Act (CESA) Section 2081(b). However, restoration actions that are independent of Proposed Action will continue to be pursued as part of existing projects and programs. Examples of these include the 2008 and 2009 USFWS and NMFS BiOps (e.g., Yolo Bypass improvements and habitat enhancements, 8,000 acres of tidal habitat restoration), (2) California EcoRestore, and (3) the 2014 California Water Action Plan.
1931	15	Page 6-29, lines 6-7 state that "...these measures do not involve additional financial commitments or resource restrictions without the consent of the Permittee ..." Comment: This text should be changed to read "...these measures do not involve additional land, water, or financial compensation, or additional restrictions on the use of land, water, or other natural resource without the consent of the Permittee ...". This change is consistent with the regulatory assurances provided by the "no surprises" rule.	Please see Response to Comment 1931-2.
1931	16	Pages 7-3 and 7-4, Table 7-1: A significant level of decision-making authority would be granted to the Authorized Entity Group under the proposed BDCP governance framework. For many of the decisions outlined in Table 7-1, the Authorized Entity Group is identified as having a primary decision-making authority role. Additionally, for many BDCP implementation issues, it appears that the Authorized Entity Group is being granted substantial decision-making authority. Even for those decisions where the Authorized Entity Group is not identified as the party making decisions on implementation issues in Table 7-1, the dispute resolution process proposes to grant	Please see Master Response 5 regarding the adequacy of the governance structure proposed for the 2013 public draft BDCP. Please see Response to Comment 1931-2.

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		substantial deference to the Authorized Entity Group. Comment: Given that the Authorized Entity Group is granted such broad decision-making deference, it would seem that a significantly larger group than is currently contemplated within the BDCP governance framework is warranted. A more inclusive governance model - providing for all permittees to be members of the Authorized Entity Group - would ensure more balanced decision-making by the body. The Final BDCP should revise membership of the Authorized Entity Group to include all BDCP permittees.	
1931	17	Page 7-10, line 39 states that "The Authorized Entity Group will consist of the Director of DWR, the Regional Director for Reclamation, and a representative of the participating state contractors and a representative of the participating federal water contractors ..." Comment: The four-member Authorized Entity Group is inadequate to fully represent the interests of all Authorized Entities. As stated on page 7-9, line 14, Authorized Entities includes "...those state and federal water contractors that receive take authorizations ...". The relationship between the very limited membership of the Authorized Entity Group and the much larger group of SWP and CVP Authorized Entities is unclear. Because SWP and CVP Authorized Entities will have been issued permits and maintain a substantial direct financial interest in BDCP implementation, the Authorized Entity Group should include every SWP or CVP contractor that receives a take authorization. An example of this more- inclusive governance model can be found by examining the functions of the Steering Committee for the Lower Colorado River Multi-Species Conservation Program administered by Reclamation. The Final BDCP should expand membership of the Authorized Entity Group to include all SWP and CVP Authorized Entities.	Please see Response to Comment 1931-16.
1931	18	Page 7-12, lines 17-21 state that "The Authorized Entity Group will institute procedures with respect to public notice of and access to its meetings and its meetings with the Permit Oversight Group....All meetings will be open to the public." Comment: The Water Authority appreciates that all meetings of the Authorized Entity Group will be conducted in public. However, the BDCP is silent with respect to the requirements under California's open meeting and records laws, the Federal Advisory Committee Act, the California Public Records Act and the Federal Freedom of Information Act (FOIA), and the applicability of those statutes to the activities and undertakings of the Authorized Entity Group. The Final BDCP should clearly delineate the state and federal statutes relevant to the activities of the Authorized Entity Group.	Please see Master Response 5 for a discussion of the adequacy of the proposed governance process in the public draft BDCP for the purposes of the state and federal endangered species authorizations. Implementation details such as those cited by the comment are not required to be described in an HCP or NCCP and would likely be developed during plan implementation. Please also see Response to Comment 1931-2.
1931	19	Pages 7-13, lines 9-27 state that "The Permit Oversight Group will be composed of the state and federal fish and wildlife agencies ... will be involved in certain decisions relating to the implementation of water operations, and other conservation measures, actions proposed through the adaptive management program or in response to changed circumstances, approaches to monitoring and scientific research." Comment: The BDCP document is completely silent with respect to whether or not the Permit Oversight Group must comply with state or federal public meeting and records laws. The Final BDCP should clearly delineate the state and federal statutes relevant to the activities of the Permit Oversight Group.	Please see Response to Comments 1931-18.

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1931	20	Page 7-13, line 37 states that the Permit Oversight Group will have "decision making regarding real-time operations". This section goes on to state that the "roles ... are still under consideration and will be addressed in Chapter 3, Conservation Strategy". Comment: We could not find a detailed explanation of the Permit Oversight Group role in Chapter 3. Understanding the role of the regulatory (i.e., HCP/NCCP permits) agencies during implementation of the BDCP is critical. Most HCP/NCCP's that the Water Authority is familiar with have the regulators as strictly advisory, without the ability to impose unilateral actions unless the species are in danger of extinction. This places sole responsibility for BDCP success on the permittees. If the regulators have unilateral decision making authority for one or more aspects of BDCP implementation, they then accept some level of responsibility for the ultimate outcome by virtue of any decisions they impose. Keeping the regulators outside the decision process, but in a close advisory role, allows the permittees to freely implement the BDCP that they voluntarily developed. If the regulators believe the permittees are not acting in compliance with BDCP permits, the Implementing Agreement would normally contain provisions to suspend or revoke the HCP and/or NCCP permits (however, as noted above, there was no Implementing Agreement included in review documents). The Final BDCP should remove all BDCP implementation decision making authority from the Permit Oversight Group	All relevant details of the Permit Oversight Group are found in Chapter 7, the Implementing Agreement, and Section 3.6 of Chapter 3 regarding their role on the Adaptive Management Team. Please see Response to Comment 1931-2.
1931	21	Page 7-16, line 40 through Page 7-17, line 2 states that "The Adaptive Management Team will hold public meetings ... noticed and open to the public." Comment: The Water Authority appreciates that all meetings of the Adaptive Management Team will be conducted in public. However, the BDCP is silent with respect to the requirements under California's open meeting and records laws, the Federal Advisory Committee Act, the California Public Records Act and the Federal Freedom of Information Act (FOIA), and the applicability of those statutes to the activities and undertakings of the Adaptive Management Team. The Final BDCP should clearly delineate the state and federal statutes relevant to the activities of the Adaptive Management Team.	Please see Response to Comment 1931-18.
1931	22	Page 7-17, line 17 states that "In the event that the Authorized Entity Group and the Permit Oversight Group are unable to resolve the issue at hand, the entity with decision-making authority ... will make the final decision". Comment: Similar to Comment #17 above regarding the appropriate role of the permitting agencies. Regulatory agencies should not be in a decision making role unless they are prepared to accept responsibility for the eventual outcome of the BDCP. Once the regulatory agencies issue the HCP and NCCP authorizations (i.e., permits), their role is to verify compliance with the BDCP and Implementing Agreement. If permittees are not in compliance, the regulatory agencies can initiate permit suspension or revocation procedures (which should be detailed in the Implementing Agreement). Therefore, all decisions related to BDCP implementation should be made by the Authorized Entity Group (composed of all permittees), in consultation with the Permit Oversight Group. The Final BDCP should be revised to clarify that regulatory agencies provide guidance and advice to the Authorized Entity Group, but do not have BDCP implementation decision making authority.	Please see Response to Comment 1931-2. No issues related to the adequacy of the environmental impact analysis in the EIR/S were raised.
1931	23	Page 7-20, lines 21-22 state that "Stakeholder Council meetings will be open to the public."	Please see Response to Comment 1931-18.

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		Comment: The Water Authority appreciates that all meetings of the Stakeholder Council will be conducted in public. However, the BDCP is silent with respect to the requirements under California's open meeting and records laws, the Federal Advisory Committee Act, the California Public Records Act and the Federal Freedom of Information Act (FOIA), and the applicability of those statutes to the activities and undertakings of the Stakeholder Council. The Final BDCP should clearly delineate the state and federal statutes relevant to the activities of the Stakeholder Council	
1931	24	Page 7-21, lines 6-26 state that "Any member of the council, however, will have the right to object to any proposal of the Program Manager ... If the dispute is not resolved within the 60 day period, the issue will be elevated to the Authorized Entity Group... If the issue remains unresolved ... for over 90 days, it will be referred for decision by the entity with the locus of responsibility ...recognizing that multiple entities may have some relevant responsibility." Comment: This provision needs additional clarification and structure to ensure that the dispute resolution process does not become a de facto delay process for those opposed to BDCP implementation. Gridlock could easily occur if not only prospective, but also prior implementation actions may be challenged at any time. The Final BDCP should include provisions to ensure that multiple or repeated objections do not result in significant disruption of the program.	Please see Response to Comment 1931-18.
1931	25	Page 7-27, lines 29-31 state that "The Program Manager, through the Implementation Office... will generally be responsible for the planning, oversight, implementation of actions set out in the conservation strategy." Comment: While charged with implementing the BDCP, there is no discussion of the appropriate legal framework within which the Implementation Office, proposed BDCP governance structure, and associated coordinating and dispute resolution mechanisms would be effectuated. Would the legal framework require legislation, a memorandum of understanding/agreement, bylaws, a joint powers authority, or some other structure? The Final BDCP should explain the legal documentation and processes necessary to allow participating entities to fund and implement the BDCP. Again, Reclamation's Lower Colorado River MSCP provides an example of a legal framework that is working to successfully implement a complex multiple species conservation plan.	Such a legal framework would be developed if an alternative was selected that included BDCP or an HCP/NCCP. Please see Response to Comment 1931-18.
1931	26	Page 8-1, lines 36-39 state that "Consistent with the 'beneficiary pays' principle and in recognition of public benefits associated with environmental restoration of this important region, it is assumed that a state and federal investment will be available and necessary to implement the BDCP, as described in Section 8.3, Funding Sources." Comment: BDCP was conceived as a "beneficiary pays" project. However, the BDCP does not include a detailed financial plan. Instead, the public draft relies on the projected benefits afforded to the exporters to gauge funding support for the conveyance facilities (i.e., CMI). Until a detailed financial plan is finalized and cost allocation formula agreed upon by participants, there will continue to be questions and concerns regarding what "beneficiary pays" means in terms of precise cost obligations. Is "beneficiary pays" based on the value the water provides to a specific contractor? Does "beneficiary pays" mean every contractor pays the same unit cost for water received? As envisioned by the BDCP, the water quantity available for export will vary depending on hydrology; how would the benefits be calculated and unit costs be derived for each "beneficiary" under constantly	Please see Master Response 5 regarding the adequacy of the funding strategy for the purpose of the regulatory authorizations under the federal ESA and state NCCP Act. Financing details such as how costs will be shared by beneficiaries are being developed and are not required to be included in the HCP/NCCP to secure state and federal incidental take authorization. Please see Response to Comment 1931-2.

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		changing hydrological conditions? Many water suppliers in Southern California are seeking to reduce their demand for imported water from the Delta. What happens if contractors' needs for the water decrease in the future? How would the costs be allocated then? More importantly, how would costs be allocated pursuant to state and federal laws - including, without limitation, the cost-of-service requirements of California Constitution Article XIII A and C (Proposition 26)? Both the HCP and NCCP regulations require the BDCP to demonstrate that it has funding assurances from those expected to pay - including the state and federal governments - rather than relying on assumptions. The Final BDCP should address these issues to ensure the BDCP's ability to be funded.	
1931	27	Page 8-2, lines 22-24 state that the chapter is not a financing plan ... "nor does it establish the final allocation of cost or repayment responsibility; rather financing plans will be prepared separately by various funding agencies and through future discussions between state and federal agencies." Comment: The final BDCP must make fiscal sense and also be both affordable and financeable. Potential participants in the BDCP must have sufficient detailed information to evaluate the cost-benefit (or feasibility) of participating in the project on the individual participant level. Lack of disclosure on how costs will be shared by beneficiaries does not allow existing water contractors to make an informed decision to invest in the BDCP. This analysis should be included in the Final BDCP.	Please see Response to Comment 1931-26.
1931	28	Page 8-66, Footnote "a" states that "...funding estimates from state and federal agencies do not represent commitments and are subject to grant awards, annual appropriations from Congress, and passage of water bonds by the voters of California." Comment: The reliance on the funding history of yet to be appropriated federal sources and future water bonds makes it unclear if the project will receive an adequate public share of the funding. To match the comprehensiveness of BDCP as a planning process, it is important to identify how the public share of the funding source may be composed and from whom the funds may be derived. The Final BDCP should provide greater detail and explain how funding assurances required by HCP/NCCP permits will be achieved given the uncertain nature of future state and federal funds.	Please see Response to Comment 1931-26.
1931	29	Page 8-73, lines 5-7 state that "State and federal water contractors that are participating in the development of the BDCP have committed to fund construction, operation, and construction-related costs for implementation of CMJ Water Facilities and Operation, the new water conveyance facilities." Comment: Contrary to this statement, there is nothing in the EIR/EIS or BDCP documents that confirms that any state or federal water contractor has made a commitment to fund the project. The Water Authority is not aware of any such commitments. In fact, the Board of Directors of the Metropolitan Water District of Southern California - the largest State Water Project contractor, with an approximate 46-percent share of the existing State Water Project - has never voted to fund construction of any portion of the proposed project (CMI). Necessary contractual agreements for individual SWP and CVP contractors to fund CMI are unclear and the process for revising SWP and CVP cost allocations if individual contractors decline to participate, or drop out later, is not defined. To ensure the BDCP is fully funded, any BDCP financing plan must include enforceable agreements to pay for the project, not only from state and federal water contractors directly, but also from the member agencies or units that provide their revenues. It is unclear whether	Final financial commitments from the participating state and federal water contractors would be expected prior to project implementation. Please see Response to Comment 1931-26.

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		the SWP contractors can rely on the taxing authority afforded to them under the existing SWP project to pay for the BDCP. The projected costs are too high to have confidence that the contractors' water sales are adequate to cover the BDCP's costs now or in the future. Specific areas requiring more detail in the Final BDCP include: Contractors that are wholesale water agencies should demonstrate that their customers will pay for the project, either through take-or-pay contracts or other enforceable, long-term financial commitments to pay the fixed costs of the project commensurate with the term of the contractors' BDCP obligation; Analysis is needed on the impacts of "step-up" provisions - pledges that require other BDCP participants to assume the debt obligations of defaulting participants; Legal analysis should be undertaken to examine the feasibility and appropriateness of relying upon property taxes as additional back-up security for contractors' BDCP debt; and Legal and financial analyses should be undertaken to examine the financial risks to the state of California if bonds issued to fund construction of the project (CMI) are backed by the full faith and credit of the state.	
1931	30	Page 8-84, lines 18-21 state that "...the BDCP is expected to secure a large portion of the funds allocated to Delta sustainability, as well as smaller portions of funds allocated to conservation and watershed protection. The water bond will support the public benefits of Plan implementation, particularly natural community restoration and other stressors conservation measures." Comment: Firm commitments to ensure state and federal funding for CM 2-22 are lacking. The BDCP expects almost 90 percent of the costs for ecosystem restoration and program administration to be shared by state and federal funding. Most state funding is anticipated to be provided by future water bonds, including one or more bonds scheduled for the November 2014 ballot. A majority of federal funding is expected to be provided by congressional appropriation, which has uncertain support. The uncertainty that voters and Congress would approve the water bonds and federal appropriation, respectively, leads to the question as to whether, and how much, the contractors will be expected to help pay for the costs to obtain the envisioned water supply benefits. If the public funding envisioned does not materialize, will the contractors be expected to fund these costs? If funding is unavailable for restoration, would CMI operations be changed from those presented in the BDCP? The Final BDCP needs to include a discussion of alternate funding sources, as well as potential impact on available exports, should bonds for CM 2-22 not be approved by the voters.	Please see Master Response 5 regarding the adequacy of the funding strategy for the purpose of the regulatory authorizations under the federal ESA and state NCCP Act. If the expected public funding does not materialize as expected, the Draft BDCP describes contingencies on page 8-122 that include reassessing and adjusting the state and federal regulatory assurances through a plan amendment. Please see Response to Comment 1931-2.
1931	31	Page 8-80, lines 16-17 state that "Contractors more distant from the Delta provide more funding than contractors close to the Delta because of the capital cost of the California Aqueduct and increased pumping and O&M costs." Comment: While this statement may be true for existing SWP contractors, it is unclear whether this same logic is being applied to BDCP funding. Since all Delta improvements will occur upstream of the Banks Pumping Plant at Clifton Court Forebay and will not affect existing south-of-Delta facilities or operations, distance from the Delta has no	The relative funding contributions by participating state and federal water contractors have not yet been developed by DWR, Reclamation, and the contractors. These details will be developed in separate financial agreements. Such financial details are not required for state and federal permitting for the project. Please also see Master Response 5 regarding the funding for the proposed project.

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		bearing on BDCP implementation cost. The Final BDCP should clarify that funding obligations for water contractors south of Banks Pumping Plant will not contain any differential based on distance from the Delta.	
1931	32	Page 8-122, lines 13-15 state that "...the Authorized Entities will not be required to provide land, water, or monetary resources beyond their commitments in this Plan in the event of a shortfall in state or federal funding." Comment: Provisions to ensure adequate funding by participants required for HCP/NCCP approval are lacking. It is unclear how CM 1 would be operated as a result of a shortfall in public funding. What operational scenarios and how much export water would be made available absent public funding (and associated reduction in restoration) should be disclosed in the Final BDCP and before HCP/NCCP permits are issued.	Please see Master Response 5 regarding the adequacy of funding for the purposes of the state and federal regulatory requirements for the issuance of incidental take permits. Please see Response to Comment 1931-2.
1931	33	Page 9.A-7, line 36 states that "Seawater desalination is another supply that is relied on during drought periods." Comment: The Water Authority concurs with the acknowledgement that seawater desalination can be an important and reliable water supply during both normal and drought periods, as well as with the incorporation of the Carlsbad Desalination Project in the analysis.	Please see Response to Comment 1931-2. Please see Master Response 6 for an explanation of why desalination was not included in any of the alternatives evaluated in the FEIR/EIS.
1931	34	Page 9.A-12, lines 9-13 and Footnote 5 state that "...models incorporate projections ... provided by... San Diego Association of Governments (SANDAG)" Comment: The San Diego Association of Governments Series 12 growth forecasts used in the analysis are outdated and do not account for updated Census data and the 2007 recession. Utilizing old growth forecast information likely results in a higher water demand forecast in the initial years. Analysis in the Final BDCP should incorporate the updated SANDAG forecast released last year (Series 13). This forecast incorporates data from the 2010 Census and captures the effects of the 2007 recession.	No issues related to the adequacy of the environmental impact analysis in the EIR/S were raised.
1931	35	Page 9.A-14, Footnote 6 states that "... San Diego Association of Governments employment projections were developed before the 2007 recession ..." Comment: The employment projections use an outdated SANDAG growth forecast (Series 12), which doesn't take into account the updated Census data and 2007 recession. Utilizing old growth forecast information likely results in a higher employment (and water demand) forecast in the initial years. Analysis in the Final BDCP should incorporate the updated SANDAG forecast released last year (Series 13). This forecast incorporates data from the 2010 Census and captures the effects of the 2007 recession.	No issues related to the adequacy of the environmental impact analysis in the EIR/S were raised.
1931	36	Page 9.A-28, lines 36-40 state that "...historical consumption and rate data...were collected directly from retailers with the exception of... San Diego County Water Authority, for which data was acquired from annual surveys conducted by the wholesale member agencies." Comment: The Water Authority has not prepared an annual survey of water rates since 2004. The Final BDCP should clarify how the Water Authority's service area retail rate information was derived, and include the date and title of any reference document in the	Please see response to Comment 1931-35.

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		literature cited section.	
1931	37	Page 9.A-33, lines 8-14 state that "The cost of the water supply increase resulting from the BDCP Proposed Action is also well below the cost of other alternative supply alternatives. ...the implicit water supply cost. .. ranges from \$238 to \$321 per acre foot⁹." Comment: Although we understand that the range of unit costs represents the cost of the incremental yield for the BDCP Proposed Action High-Outflow and Low-Outflow Scenarios relative to the Existing Conveyance High-Outflow and Low-Outflow Scenarios, it is unclear how the \$238/AF to \$321/AF unit costs were derived or what the exact meaning of "implicit water supply cost" is. We recognize Appendix 9A is an economic analysis to quantify BDCP benefits on an average yield basis. However, the reliance on incremental yield in calculating those economic benefits should be placed into the context of what contractor allocations under Table A will look like post-BDCP implementation. Actual unit costs will vary widely given the expected swings in yield and the fixed cost nature of the contracts. It is also unclear why unit costs are being included in the water supply alternatives discussion because, (as noted in Footnote 9) the costs cannot be used to directly compare other supply alternatives. If the intent of the included alternatives analyses is to compare the implicit water supply cost of the BDCP Proposed Alternative to local supplies, the Water Authority suggests that a unit cost can be developed that is comparable to the local supply cost being cited. Such a unit cost can be calculated based on the following: Unit Cost = Annual amortized capital cost for CMI+Annual operating cost Expected yield expressed in the same year dollars as the local supply cost This approach would allow the BDCP to more adequately benchmark its cost to local supply costs, and is more consistent with the method water suppliers (like the Water Authority) use to compare alternative supplies. The Final BDCP should provide more detailed information on the derivation of the unit costs, a definition of implicit water supply costs, and describe why they are being included in this section, especially if the cited unit costs cannot be used to compare the supply alternatives. To support the analytical conclusions, the Final BDCP should provide a unit cost that can be used to compare supply alternatives	Please see response to Comment 1931-35.
1931	38	Page 9.A-36, lines 7-11 state that "...costs of... short-term conservation are at the low end of ... water supply alternative costs. Because short-term conservation is a feasible option, and because the costs of alternatives cannot be known with precision for any individual agency, for planning purposes it is appropriate to measure BDCP benefits using mandatory short-term conservation costs." Comment: It is unclear why other alternative water supply costs are discussed in this section when short-term conservation is assumed as the appropriate measure of BDCP benefits. The Final BDCP should clarify the purpose of Section 9.A.2.4.4 and how the alternative water supply volumes and costs are utilized in the economic benefits analysis.	Please see response to Comment 1931-35.
1931	39	Page 9.A-36, lines 14-15 state that "... the analysis of urban water supply benefits ... is based on an assumed build-out of alternative water supplies." Comment: It is unclear how build-out of alternative water supplies is utilized in the	Please see response to Comment 1931-35.

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		BDCP economic benefits analysis. The Final BDCP should clarify how the costs for alternative water supply build-out and mandatory conservation were used in the economic benefits analysis, and the distinction between the two uses.	
1931	40	Page 9.A-49, lines 14-17 state that "The BDCP Proposed Action ...assumed 3.8 million acre feet of water supplies under post-earthquake conditions." Comment: There is no backup information to support the assumptions on water supply availability under post-earthquake conditions. The Final BDCP should provide information to support the supply yields assumed to be available from existing conveyance, BDCP Proposed Action, and other take alternatives under post-earthquake conditions.	Please see response to Comment 1931-35.
1931	41	Schedule The project's schedules included as part of the Conceptual Engineering Report's Executive Summary and Appendix C are not the same. Comment: These schedules need to be reconciled and the text clarified to discuss any assumptions used in the schedule. The Appendix C schedule contains a number of fixed, or constrained, task completion dates. Comment: The CER does not include the schedule logic to determine if these constrained dates are achievable or reasonable. At the preliminary engineering stage of a project, completion dates should not be constrained so it can be determined if the schedule is reasonable. All constraints should be removed from the task completion dates and the schedule logic should be provided to determine whether that logic, and therefore the schedule, is appropriate and reasonable.	No issues related to the adequacy of the environmental impact analysis in the EIR/S were raised.
1931	42	Appendix C of the Conceptual Engineering Report includes an item for property acquisition necessary to complete the project. Comment: Appendix C provides no detail on how the BDCP team intends to acquire land rights from the hundreds of impacted property owners along the route of the tunnels, at the forebays, the intake facilities, and impacted by the installation or relocation of utilities and roads necessary for the project. A comprehensive property acquisition plan should be included to identify the nature of property rights to be acquired, the schedule for doing so, and the staff or consultant resources necessary to complete this task.	No issues related to the adequacy of the environmental impact analysis in the EIR/S were raised.
1931	43	Project Risks The BDCP infrastructure is subject to a considerable number of risks that could negatively impact the project's cost and schedule. Comment: While mostly identified in the Conceptual Engineering Report, these risks must be adequately addressed during the design and construction of the project. The most significant of these risks include: Lack of geotechnical information. The CER repeatedly states that additional geotechnical information is needed to adequately design the project's tunnels, intake	No issues related to the adequacy of the environmental impact analysis in the EIR/S were raised.

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		pumping facilities, levees, tunnel muck disposal sites and forebays. Tunnel construction methodology. The tunnel methodology is highly dependent on the geologic conditions along the tunnel routes but must address the likelihood of variable soil conditions. Available Resources. The project as proposed and ancillary efforts such as utility relocation will require numerous specialized engineers, geologists, right of way agents, tunnel boring machines, tunnel boring machine operators, specialized underground contractors, lawyers, court resources (in support of right of way acquisition efforts) and various technical experts. It is unclear if these resources can be obtained in a timely manner to meet the project's schedule. Power requirements. The CER is undecided on how the power will be provided to the project both during construction and during operations and by how many electrical companies. The CER indicates power may be provided to each site by multiple electrical companies. The cost and time associated with a second power source to each project location has not been addressed. Access and utility conflicts. The project will require the relocation of roads and utilities. It is uncertain whether those conflicts will be addressed by the BDCP or the utility or public agency that owns the utility. The extent of relocations, their cost and how long it will take to resolve utility and road conflicts are not thoroughly defined in the CER. Property rights acquisition. Property acquisition via the eminent domain process allows the property owner to challenge the project proponent's right to take their property via eminent domain. Linear projects, such as the BDCP infrastructure, are particularly vulnerable to costly reroutes and delays if a right to take challenge is upheld by the courts. The value of the rights to be acquired can also vary greatly. This uncertainty should be thoroughly detailed in the CER. Recent Court rulings. On March 13, 2014 the Third Appellate District Court of Appeal ruled the BDCP's efforts to obtain additional geotechnical and environmental information resulted in a permanent property acquisition (take) from impacted property owners. This contradicts long-standing law that allows public agencies access to private property for study purposes and pay the owner if there are any damages. This ruling, if not overturned, will result in unknown and potentially significant delays to the project.	
1931	44	Estimate Accuracy and Project Contingency The Conceptual Engineering Report (Chapter 8) notes the accuracy of the construction estimate ranges from is +50% to -25%; however, the project cost estimate includes only a 36% contingency. Comment: The CER is unclear on the rationale used to determine the cited accuracy range or the selection of the specific cost estimate contingency. Subsequent communication (February 26, 2014 letter from Mr. Charles R. Gardner Jr., CEO Hallmark Group) noted the construction estimate accuracy had been improved to +30% to -20% and therefore the contingency of 36% was more than adequate. However, no information on how the "more accurate" cost estimate was prepared has been provided since the October 2013 release of the CER. The final CER should disclose the methodology, including an analysis of project risks, used to derive a project contingency of 36%. It should also disclose and	No issues related to the adequacy of the environmental impact analysis in the EIR/S were raised.

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		explain the information that allowed a more accurate cost estimate to be prepared. Absent this information the San Diego County Water Authority believes the project contingency should be set at 50% based upon the upper range of the cost estimate's accuracy.	
1931	45	ATT 1: Letter from San Diego County Water Authority to Gerald Meral, Deputy Secretary for the California Natural Resources Agency--Dated August 28, 2012 on Chapter 8 of the BDCP	This comment describes an attachment to the comment letter. No issues related to the adequacy of the environmental impact analysis in the 2015 RDEIR/SDEIS or the 2013 DEIR/DEIS were raised.
1931	46	Chief among the Water Authority's concerns is the need to define the various components of the financing plan for the BDCP and the recently announced decision-tree concept in a manner that allows potential participants to evaluate the cost-benefit (or feasibility) of participating in the project We believe the financing plan must include enforceable agreements to pay for the project, not only from state water contractors directly. But from the member agencies or units that provide their revenues. The costs are simply too great to rely on the hope that there will be enough water purchasers over the long-term to pay the project's costs. Aa the largest customer of the largest state water contractor -the Metropolitan Water District of Southern California (MWD) -the Water Authority's ratepayers have a great deal at stake in the BDCP process and its financing plan. The Water Authority must be able to assess not only that the project will provide sufficient benefits to be affordable by our ratepayers, but also that they are not at risk of paying BDCP costs associated with the water supplies of other MWD member agencies or state contractors. The Water Authority is already in litigation with MWD over how it allocates its current State Water Project costs. The Water Authority Is concerned that all of the progress that has been made in bringing the BDCP to this point will be stymied, and that the BDCP will fail if participants are not able to evaluate the cost-benefit of the project or reasonably limit the risk their ratepayers are being asked to assume. It is in this light that we offer the following brief comments on the administrative draft of Chapter 8 - Implementation Costs and Funding Sources.	Please see Response to Comment 1931-2.
1931	47	Aa the largest state water contractor, Metropolitan Water District is the foundation for financing the project And yet, MWD itself has been struggling over the past several years to pay its current fixed costs - let alone a substantially larger cost associated with the BDCP. The reason is simple: more than 80 percent of MWD's costs are fixed while less than 20 percent of its revenues are paid from fixed charges. More than 80 percent of MWD's revenues come from water sales. Yet. MWD's member agencies are not required to purchase any water from. MWD. With its member agencies unwilling to sing take or pay contracts or make any other firm financial commitments to MWD to cover its fixed obligations. the agency remains heavily dependent on revenues from variable water & sales. MWD's water sales have declined approximately 30 percent since 2008, with its firm sales declining to less than 1.3 million acre-feet in fiscal year 2012. MWD's member agencies - including the Water Authority - have also experienced significant reductions in sales. A direct consequence of this declining sales is sharply higher imported water rates that have made additional local water supply investments economically competitive. As a consequence. MWO's member agencies- and their sub-agencies - are doing what they have been asked to do over the past 20 years reducing reliance on water	Please see Response to Comment 1931-2.

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		supplies imported from the Delta. We are concerned that the BDCP will become the kind of "big ticket project that MWD board members vocally and enthusiastically support - at the same time their agencies are unwilling to make enforceable commitments to pay for the project. A final note on the subject of risk: because the project is anticipated to be financed through project revenues, we are informed that bond underwriters are expected to require a "step up" provision by which each BDCP participant in BOOP-related bonds pledges to assume the obligations of defaulting participants.¹ The current draft of Chapter 8 is silent on this issue, yet it is conceivable that some of the BDCP participants may default, which would cause remaining participants, including MWD, to assume a greater portion of the debt. It is important that Chapter 8 analyze the possible effects of the "step up" provisions on MWD and the other participants in the BDCP. 1. Under section 50(h) of MWD's current State Water Project contract, non-defaulting contractors can be assessed to cover payments not made by defaulting contractors, up to 25 percent of the payment not made. Under Section 49 (i) of its East Branch Extension of the Tate Water Project contract, MWD is obligated to cover a default by any and all participants.	
1931	48	Some have suggested that property taxes may provide the ultimate security for BDCP payment obligations of individual contractors. Putting aside the question whether property taxes levied under the authorization of the Bums-Porter Act may be used to pay for new projects contemplated by the BDCP, it is important to remember that MWD's taxing authority is further limited by the provisions of the MWD Act2. Although the Ad contains override ability in the event of a fiscal crisis as determined by the MWD board (one year at a time3), it effectively limits MWD's ability to levy taxes to pay its SWP obligations. It is also unclear whether changes to this limit would require voter approval. Thus, a careful legal analysis of MWD taxing authority should be included in the BDCP due diligence process if taxes are contemplated as additional back-up security for project debt. 2. Section 124.5 of the Metropolitan Water District Act limits MWD's property tax levy to the composite amount required to pay (1) the principal and interest on general obligation bonded indebtedness of the district and (2) that portion of the district's payment obligation under the SWP contract which is reasonably allocated, as determined by the district, to the repayment by the state of principal and interest on SWP bonds as of January 1, 1985 and used to finance construction of facilities for the benefit of the district. 3. In such an event, the State of California would be relying upon an annual vote of MWD's Board of Directors in which it finds that a tax in excess of these restrictions is essential to the fiscal integrity of the district.	Please see Response to Comment 1931-2.
1931	49	To effectively evaluate the finances available for the BDCP, the drafters of Chapter 8 need to conduct comprehensive due diligence on all of the facts and circumstances described in this letter. Without such due diligence, the BDCP faces a potential cascading collapse of funding. At a minimum, state water contractors that are wholesale water agencies must demonstrate that their customers -the member agencies or units that buy their water and provide their revenues - have take-or-pay contracts or	No issues related to the adequacy of the environmental impact analysis in the EIR/S were raised.

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		other enforceable commitments to pay the fixed costs of the project commensurate with the term of the BDCP obligation. The Water Authority continues to stand ready to make such a commitment to MWD that provides benefits commensurate with its payments. Ultimately, the full faith and credit of the State of California will back up the bonds issued to build the conveyance project. Failure to secure enforceable financial commitments from the member agencies or units of water wholesale contractors could place the State of California at significant risk of having tens of billions of dollars of new outstanding debt without sufficient water contractor payments to cover the debt service. This is why California taxpayers have a stake in ensuring that there is a solid foundation and financing plan for the BDCP going forward.	
1931	50	ATT 2: Letter from San Diego County Water Authority to Gerald Meral - Deputy Secretary for the California Natural Resources Agency, Dated July 30, 2013 on the Topic of Chapter 8 of the BDCP - Costs and Funding	This comment describes an attachment to the comment letter. No issues related to the adequacy of the environmental impact analysis in the 2015 RDEIR/SDEIS or the 2013 DEIR/DEIS were raised.
1931	51	Thank you for the efforts that you, your state and federal agency colleagues, and the Administration have made to bring the BDCP to the point where it stands today. We appreciate the opportunity that the release of an administrative draft of the BDCP affords us to provide comments and questions that should be addressed in the next draft. This letter is a follow-up to the Water Authority's previous correspondence on BDCP Chapter 8, and conversations we have had with you over the past year. Like many other stakeholders, the San Diego County Water Authority anticipated the May 29 release of the final chapters of the administrative draft of the BDCP document and believed, based upon earlier representations, it would address the questions and concerns the Water Authority has raised over the past several years over project financing. In particular, we were anxious to review the new draft of Chapter 8 in light of the correspondence we sent you 11 months ago (attached), in which we raised a series of BDCP financing issues and concerns. Our subsequent conversations led us to believe these concerns would be addressed in the most current iteration of Chapter 8. Instead, and disappointingly, Chapter 8 begins with this jarring admission: After reviewing the newly-revised Chapter 8 of the BDCP administrative draft, seven years into the BDCP planning process, and nearly a year after commenting on the prior draft, the most critical financing issues confronting the BDCP have yet to be addressed. "Details of the financing ... are still being determined through on-going discussion between the state and federal governments and between the government, the state and federal water contractors and other interests."	Please see Response to Comment 1931-2.
1931	52	As the San Diego County Water Authority shared with you previously, potential participants in the BDCP must have sufficiently detailed information to evaluate the cost-benefit (or feasibility) of participating in the project. We recently heard David Sunding report to the Metropolitan Water District of Southern California's (MWD) Board of Directors that a cost-benefit analysis has been produced for all urban and agricultural water contractors, and that it includes an urban cost-benefit analysis for all MWD member agencies. Would you please send a copy of the complete report to me in advance of Dr. Sunding's Sept 12 appearance before our Board's Imported Water Committee? As we have consistently stated, the Water Authority believes that any BDCP financing	Please see Response to Comment 1931-2.

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		plan must include enforceable agreements to pay for the project, not only from state water contractors directly, but also from the member agencies or units that provide their revenues. The costs are far too high to simply rely on the hope that the contractors' water sales will be adequate over the long-term to pay the project's costs.	
1931	53	As the largest customer of the largest state water contractor - Metropolitan Water District of Southern California -the Water Authority' s member agency ratepayers have a great deal at stake in the BOCP process and its financing plan, its risks and contingencies. The Water Authority must be able to assess that the preferred alternative advocated by the BDCP program will provide sufficient benefits to be affordable for our member agency ratepayers. We also must ensure that our ratepayers are not at risk of paying BDCP costs associated with the water supplies of other MWD member agencies or other state or federal water contractors. The Water Authority is already in litigation with MWD over how it allocates its current State Water Project Costs. The Water Authority is concerned that future progress of the BDCP and efforts to resolve seemingly intractable conflicts in the Delta will falter if those expected to be participants in the BDCP are not able to evaluate the cost-benefit of the various alternatives or reasonably limit the risk that their ratepayers will be expected to assume. In this context, we renew our request that our comments and concerns raised in our August 28, 2012 correspondence regarding Chapter 8 of the BDCP administrative draft -Implementation Costs and Funding Sources -be addressed in the next draft.	Please see Response to Comment 1931-2.
1931	54	State water contractors that are wholesale water agencies should demonstrate that their customers the member agencies or units that purchase their water and provide their revenue -have take-or-pay contracts or other enforceable, long-term commitments to pay the fixed costs of the project commensurate with the term of the BDCP obligation.	Please see Response to Comment 1931-2.
1931	55	It is important to analyze the possible effects of "step up provisions -those bond pledges that may require other BOCP participants to assume the obligations of defaulting participants -on Metropolitan Water District and other participants in the BOCP.	No issues related to the adequacy of the environmental impact analysis in the 2015 RDEIR/SDEIS or the 2013 DEIR/DEIS were raised. Please see Response to Comment 1931-2.
1931	56	A careful legal analysis should be undertaken of Metropolitan Water District taxing authority within the BOCP due diligence process, to examine the feasibility and appropriateness of relying upon property taxes as additional back-up security for project debt	Please see Response to Comment 1931-2.
1931	57	Take-Or-Pay Contracts/Enforceable Commitments As we have previously pointed out in discussions with you, Metropolitan Water District - which, as the largest state water contracting agency, is the foundation for financing the BDCP project -has been struggling over the past several years to pay its current fixed costs, let alone a substantially larger new cost associated with the BDCP. More than 80 percent of MWD's costs are fixed -however, less than 20 percent of MWD's revenues are paid from fixed charges. Conversely, more than 80 percent of MWD's revenues are from water sales -a variable revenue source -and those sales have declined by 30 percent since 2007. Furthermore, MWD's member agencies are not required to purchase any water from MWD. The variability of water sales -and thus uncertain future water sales revenues -coupled with Southern California water agencies' current and future planned	Please see Response to Comment 1931-2.

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		actions to implement the State's policy to reduce reliance on water supplies imported from the Delta, creates significant uncertainty regarding long-term financing of BDCP obligations. This should be a major concern for the State of California, whose full faith and credit will be expected to back up the financing of the project. And yet Chapter 8 makes no mention of this material, foundational risk to BDCP financing.	
1931	58	The San Diego Water Authority believes that, at a minimum, state water contractors that are wholesale water agencies must demonstrate that their customers have take-or-pay contracts or other enforceable long-term commitments to pay the fixed costs of the BDCP project corresponding to the term of the BDCP obligation. The Water Authority continues to be prepared to make such a commitment to MWD as long as the Water Authority get the water supplies in return for its payment\$. We also believe that the willingness to make a financial commitment to a Delta solution will largely determine the demand for Delta water supply, and therefore help inform the best sizing for the conveyance facility. It would not be in the state's best interest to construct a facility only to have it stranded because no one is willing to pay for it, or hoped-for water sales necessary to pay for it do not materialize.	Please see Response to Comment 1931-2.
1931	59	" Step-Up" Provisions Existing State Water Project contracts contain provisions under which non-defaulting contractors can be assessed to cover payments not made by defaulting contractors, up to 25 percent of the defaulting contractors' obligations. Additionally, the East Branch Extension of Metropolitan Water District's State Water Project contract has a provision obligating MWD to cover default by any and all other participants. These State Water Project contract stipulations are known as "step-up" provisions. We are informed that bond underwriters for the BDCP project are expected to require a "step-up" provision by which each BDCP participants in BOCP-related bonds pledges to assume the obligations of defaulting participants. In fact, the newly-released Chapter 8, at Section 8.10.1.1 (page 8-81) provides that: "Existing water contracts would need to be amended to include the new costs of the BDCP assigned to the state water contractors and the repayment schedule. " Since "step-up" provisions are already embodied within, and apply to MWD's State Water Project contract, it would appear that such provisions would apply to the "new costs of the BDCP assigned to the state water contractors." Given those "step-up" provision obligations, we renew our request that Chapter 8 fully analyze the possible financial and economic effects of the "step- up" provisions on MWD and the other participants in the BDCP	Please see Response to Comment 1931-2.
1931	60	Property Taxes Some have suggested that property taxes may be contemplated as back-up security for BDCP payment obligations of individual state water contractors. There are very clear and significant limitations in Metropolitan Water District s existing taxing authority under the provisions of the MWD Act: The Act limits MWD's ability to levy taxes to pay its State Water Project obligations. MWD is limited to levying taxes for ..the composite amount required to pay (1) the	Please see Response to Comment 1931-2.

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		principal and interest on general obligation bonded indebtedness of the district and (2) that portion of the district's payment obligation under [the SWP contract] which is reasonably allocable, as determined by the district, to the repayment by the state of principal and interest on [SWP bonds] as of [January 1, 1985] and used to finance construction facilities for the benefit of the district." Although the Act contains override ability in the event of a fiscal crisis, as determined by the MWD board, the override is limited to only one year at a time. In such an event, the State of California and bondholders would be relying upon an annual vote of MWD's Board of Directors in which it finds that a tax in excess of these restrictions is essential to the fiscal integrity of the district It is unclear whether changes to the limitations provided under the MWD Act would require voter approval and/or new legislation. Chapter 8 should address and answer these questions. Given these limitations and uncertainties, it is difficult to consider MWD's existing taxing authority as a meaningful back-up security for BDCP payment obligations. It is also highly questionable whether the financing of BDCP can be -or should be -backed by taxing authority that was authorized by voters decades ago, when the program was much different than is being discussed today. A careful legal analysis of MWD taxing authority should be included in the BDCP due diligence process if taxes are going to be relied upon as additional back-up security for BDCP project debt. The newly-released version of Chapter 8 is silent on this issue. Based on the assurances that you previously provided to the Water Authority, we expected that the full consideration and analysis of the issues we have raised would be integrated in to the Chapter 8 analysis and conclusions. And yet, the current version of Chapter 8 of the BDCP administrative draft does not comprehensively or adequately conduct due diligence on all of the facts and circumstances described in this letter and our previous correspondence. We remain concerned that a potential cascading collapse of funding could occur if the proper due diligence is not undertaken in a timely manner.	
1931	61	Att 3: Letter from San Diego County Water Authority to John Laird, Secretary to the California Natural Resources Agency--Dated October 7, 2013 on Support of the BDCP	This comment describes an attachment to the comment letter. The attachment does not raise any additional issues related to the environmental analysis in the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS that are not already addressed in the comment referencing the attachment or the Final EIR/EIS.
1931	62	The San Diego County Water Authority look forward to working with you to help develop a BDCP project that achieves the co-equal goals and is affordable. As the largest member agency of the largest State Water Contractor, the Metropolitan Water District, the Water Authority and its ratepayers are being counted upon to pay the second-largest share of BDCP costs.¹ Yet, we have been relegated to the status of an outside observer who may have no financial stake in the BDCP. Accordingly, we request the opportunity to become more directly engaged in the BDCP cost allocation discussions and negotiations process -and be part of the solution. The stakes are sufficiently high for the San Diego region to be afforded the opportunity to be at the cost allocation negotiating table. ¹ Among MWD's member agencies, and second only to the Kern County Water Agency.	No issues related to the adequacy of the environmental impact analysis in the EIR/S were raised.
1931	63	As you know, the San Diego County Water Authority has not endorsed [sic] alternative that has been considered by the BDCP program or advanced by others, including the Natural Resources Defense Council's Portfolio Alternative and the Delta	Please see Response to Comment 1931-2.

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		Vision Foundation's BDCP-Plus. However, we firmly believe that a thorough and comprehensive analysis of Delta fix alternatives is critical to help inform the ultimate selection of an implementable plan for achieving the co-equal goals. The Water Authority is committed to helping find a Delta solution, and to that end, is continuing its multi-year effort to inform our Board of Directors and civic and business leaders in our region on a variety of issues associated with the Delta. In addition, over the past several months, the Water Authority Board and staff have been engaged in an intensive, comprehensive review of BDCP-related alternatives to assess how various options may improve the San Diego region's water supply reliability along with risks associated with each. This review process is ongoing, and is scheduled to continue into 2014. We were disappointed to learn from Natural Resources Agency Deputy Secretary Jerry Meral at our September 12 Board workshop that determinations regarding the cost allocation among contractors will not be concluded when the BDCP and its environmental documents are released for public review next month. Although we plan to submit a formal comment letter during the BDCP environmental review process, the allocation of BDCP costs and the resultant rate impacts on San Diegans will remain a central element in our Board's consideration of which option to support.	
1931	64	While the San Diego County Water Authority had hoped that your Agency's evaluation of the Portfolio Alternative would be helpful to the Water Authority's ongoing review and analysis, some of the information contained in your September 11 letter raises more questions than it answers. The letter states that a single-tunnel, 3,000 cubic feet per second conveyance facility (which is proposed in the Portfolio Alternative) would cost \$6 billion less than the BDCP preferred alternative (9,000 cfs twin tunnels) - \$8.5 billion compared to \$14.5 billion. However, on September 16, a corrected version of the evaluation was posted on the BDCP website, which indicates that the 3,000 cfs single-tunnel conveyance facility would only cost \$3 billion less than the BDCP preferred alternative. Further, none of these numbers match Dr. David Sunding's economic benefit analysis, which he shared with us at our September 12 Board of Directors workshop, which identified the cost at \$10 billion. Many entities that are undertaking review and analysis of the Delta fix options, like the Water Authority, would benefit from reliable cost estimates for the conveyance features of the Portfolio Alternative. The lack of clarity in the cost estimate has made it challenging to have a meaningful cost comparison of the various conveyance feature sizes. Could you please provide an apples-to-apples cost comparison of the 3,000 (single tunnel), 6,000 and 9,000 cfs conveyance project sizes?	Please see Response to Comment 1931-2.
1931	65	In terms of the benefit cost ratio of alternatives, your evaluation indicates that "the 3,000..cfs tunnel has a negative benefit cost ratio, largely because the cost of the 3,000 cfs tunnel is approximately two thirds of building the proposed 9,000-cfs twin tunnels but the water yield is much smaller." The evaluation may be accurate; we are not attempting to dispute or refute the calculations and findings. However, with the numerous cost estimates for the conveyance features included in your own evaluations it is difficult to definitively understand the benefit cost ratio at which the evaluation arrives. A more comprehensive evaluation and identification of the appropriate assumptions would be valuable for those seeking to undertake independent analysis of	Please see Response to Comment 1931-2.

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		cost-related information.	
1931	66	The evaluation regarding the potential water supply yield in water recycling and water use efficiency projects that could be achieved from a \$3B investment in local and regional water supply projects requires additional analysis. Your evaluation indicates, that with respect to investments in local and regional water recycling projects and water conservation projects, "it is doubtful that a \$3 billion investment would produce even J()(),()() acrefeet of reliable new water supply in urban areas, and would do nothing for agricultural users." This evaluation appears at odds with the Department of Water Resources' California Water Plan Update, which provides an analysis from which it may be concluded that a \$3 billion investment in water recycling projects could actually produce approximately 400,000 acre-feet of new water supplies (2009 Water Plan Update, Page 11-10). In addition, data developed by the Water Authority on local project costs and implementation also indicates that BDCP's estimate is very low. We believe this warrants additional analysis to better understand how your evaluation arrived at a potential yield of 100,000 acre-feet or less. We would be happy to share the Water Authority's data and our observations on local supply development with your staff.	Please see Response to Comment 1931-2.
1931	67	The evaluation with respect to the ability to export water from the south Delta following a significant seismic event stated that, "It may take from one to 10 years to rebuild enough Delta levees to once again allow substantial exports from the south Delta." While certainly more work remains to be completed in terms of the efforts that have been undertaken through the Delta Emergency Rock and Transfer Facilities Project and the Delta Emergency Response Program to secure water supply reliability following a significant seismic event, it is our understanding that significant progress has been made to reduce the worst-case export outage. A more comprehensive analysis on this issue would be beneficial. We look forward to working with you to consider a BDCP project that is implementable, achieves the co-equal goals, and improves water supply reliability and is affordable within the San Diego region and the rest of the state.	Although many actions have been initiated to respond to levee failures; many future actions are currently being evaluated by the federal, state, and local agencies. The extent of interruption of the SWP and CVP water supplies in the Delta would depend upon the number of levee failures. As described in Section 3E.2.6.2.1 of Appendix 3E, Potential Seismic and Climate Change Risks to SWP/CVP Water Supplies, of the EIR/EIS. The extended period of time for levee repairs would include dewatering activities at the repair sites, if necessary; repair actions; dewatering of the islands; and flushing brackish water from the Delta which could require several years depending upon the extent of seawater intrusion towards the flooded Delta islands, and available water in the upstream reservoirs for the flushing actions.
1932	1	While the extension of the review period to accommodate release of the Draft Implementing Agreement is appropriate and appreciated, the Water Authority believes there is a substantial lack of specificity regarding the financial commitments required to approve the BDCP and issue any necessary incidental take permits. The IA provides no additional clarity on how these legally binding funding commitments are expected to be made and the timeline by which they are expected to be executed. We believe the IA should address whether existing water contracts will contain such language, or whether some other type of funding agreement (that includes back-stop and assurances for long-term financial commitments) will be developed and executed by the BDCP participants. The Final IA should specify how firm funding commitments with all participants will be assured.	Alternative 4A, also known as California WaterFix, has been developed in response to public and agency input and is the new CEQA Preferred Alternative. Alternative 4A is also the NEPA Preferred Alternative, a designation that was not attached to any of the alternatives presented in the 2013 Public Draft EIR/EIS. Alternative 4 remains a potentially viable alternative and is being carried forward in this RDEIR/SDEIS because it represents the original habitat conservation plan/natural community conservation plan (HCP/NCCP) alternative approach, and because it provides an important reference point from which the Alternative 4A, 2D, and 5A descriptions and analyses were developed. If the Lead Agencies ultimately choose the alternative implementation strategy and select an alternative presented in the RDEIR/SDEIS after completing the CEQA and NEPA processes, elements of the conservation plan contained in the alternatives in the 2013 Public Draft EIR/EIS may be utilized by other programs for implementation of the long term conservation efforts. Since the current proposed project (Alternative 4A) is no longer a NCCP or HCP, an implementing agreement was not released with the RDEIR/SDEIS or final EIR for the project. The California Natural Community Conservation Planning Act (NCCPA) requires that participants in a natural community conservation plan and the California Department of Fish and Wildlife enter into an IA. Although not required by the federal Endangered Species Act (ESA), IAs are routinely executed as part of the ESA Section 10 permitting process for habitat conservation plans. An IA generally describes the roles and responsibilities of the Permittees and the fish and wildlife agencies regarding the implementation of a

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			conservation plan such as the BDCP. IAs also establish the commitments of the parties concerning a range of matters, including conditions for species coverage, implementation of conservation measures and the adaptive management and monitoring program; plan governance; funding; regulatory assurances and protections; compliance requirements and remedies. The draft IA for the BDCP was released on May 30, 2014 for a 60-day for public review and comment. The BDCP draft IA defines the obligations of the Department of Water Resources, the participating public water agencies, the state and federal fish and wildlife agencies, State of California, and the United States regarding the implementation of the Plan. Many key elements of the draft BDCP are incorporated by reference, such as the conservation strategy, governance structure, implementation schedule, and public funding to be made available by state and federal governments. The draft IA also includes new and supplemental information, including the relationship of the BDCP to future regulatory processes; regulatory assurances that are anticipated to be provided to the Department of Water Resources and the public water agencies; remedies and procedures in the event of a funding shortfall or a failure to comply with the terms of the Agreement, the Plan or the associated Permits. The draft IA is subject to modification and revision, and will not be finalized until the National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA) processes have been completed. Public comments received on the draft IA will help inform changes that may be made to the agreement prior to execution of a final agreement.
1932	2	The commitment of individual State Water Project (SWP) or Central Valley Water (CVP) contractors to participate in the BDCP has not been determined, and it is possible that some contractors will decline. The Final Implementing Agreement should specify the criteria to be used by DWR and Reclamation in determining how to coordinate and allocate water between the SWP and CVP, and among the BDCP participants and non-participants.	See Response to Comment 1932-1 for a discussion of the current status of the draft IA.
1932	3	The Draft IA specifically notes that neither the state nor federal government can commit to providing funds in the amounts expected or within the established BDCP implementation schedule. Yet, state and federal funding contributions remain crucial to overall BDCP success. Without such commitments, it remains unclear how the funds required to fully implement the BDCP will be obtained. The Final IA should explain the process that will be followed to make up for any sporadic or prolonged shortfall in BDCP funding by the state or federal governments.	See Response to Comment 1932-1 for a discussion of the current status of the draft IA.
1932	4	Page vi: The Table of Contents lists the exhibits attached to the BDCP Draft IA. None of the listed exhibits were attached to the public review draft. The exhibits form an integral part of the commitments and assurances made by the participants. Please attach the completed exhibits to the Final IA.	See Response to Comment 1932-1 for a discussion of the current status of the draft IA.
1932	5	Page 1, Section 1 lists the parties to the IA, but does not list the individual State Water Contractor or Central Valley Project contractor agencies that would be signatories. It is not possible to determine BDCP financial impacts or overall viability without the full list of participating agencies. The Final IA and Final BDCP should list the individual contractor agencies that have financially committed to, and their level of financial participation in the BDCP.	See Response to Comment 1932-1 for a discussion of the current status of the draft IA.
1932	6	Page 2, Section 2.1.6 states that "Reclamation is not a permit applicant... under the ESA	See Response to Comment 1932-1 for a discussion of the current status of the draft IA.

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		(Endangered Species Act) or NCCPA (Natural Community Conservation Planning Act)". This position is further reinforced by the statement on page 1, section 1 that Reclamation has "no obligations" established in the Implementing Agreement (IA). It is unclear how an agency can participate in the BDCP, yet not be bound by implementation commitments established in the IA. This would seem to suggest that Reclamation can act independent of implementation actions taken by BDCP participants. The Final IA needs additional clarification describing Reclamation's commitments to conform to the terms of the BDCP while not being a signatory to the IA.	
1932	7	Page 3, Section 2.1.8 states that "...the BDCP ...provides an allocation of responsibility among the Parties for BDCP requirements". The term "Parties," especially as it relates to individual SWP or CVP contractors, is not specifically defined. Does it mean the signatories to the IA, or is there some broader list of agencies that will participate in BDCP implementation without signing the IA? This term should be defined in the Final IA, and include the list of agencies that have committed to sign the IA. Additionally, the "allocation of responsibility" presumably includes funding obligations. To date, no state or federal water contractor has formally committed, in writing, to fund any aspect of the BDCP. As such, the structure of financing the underlying credit for long term debts, and the sources of funds for day-to-day operations are not defined. Without such legally binding commitments, it is unclear how the BDCP can be approved and long-term endangered species act permits can be issued.	See Response to Comment 1932-1 for a discussion of the current status of the draft IA.
1932	8	Page 3, Section 2.1.10: States that "DWR and the participating SWP/CVP Contractors have submitted the BDCP....". This indicates that individual SWP/CVP contractors have executed and submitted the appropriate permit applications to the federal and state wildlife agencies on behalf of their respective agencies. If so, the individual SWP/CVP agencies that are requesting Habitat Conservation Plan/Natural Community Conservation Plan permits should be listed in the Final Implementing Agreement.	See Response to Comment 1932-1 for a discussion of the current status of the draft IA.
1932	9	Page 5, Section 3.1 describes the membership and roles of the Adaptive Management Team (AMT), including voting members. It is unclear exactly what the AMT will "vote" on or if the "vote" is expected to be binding on the IA (Implementing Agreement) signatories. Implementation of the BDCP is the sole responsibility of those entities receiving incidental take authorizations through the Endangered Species Act and Natural Community Conservation Planning Act permit process (i.e., an expanded Authorized Entity Group consisting of all permit holders). It is one thing to have the AMT vote to submit a proposed management change to the Authorized Entity Group (the permittees) for consideration. It is quite another if the AMT can unilaterally impose management changes without the consent of the permit holders. The Final IA and Final BDCP should clarify that the AMT acts strictly in an advisory capacity to the permit holders.	See Response to Comment 1932-1 for a discussion of the current status of the draft IA.
1932	10	Page 7, Section 3.18 states that: "Coordinated Operation Agreement means the agreement ... for the coordinated operation of the Central Valley Project and the State Water Project dated November 24, 1986." Given that both the SWP and CVP operations will be modified under the BDCP, the Final	See Response to Comment 1932-1 for a discussion of the current status of the draft IA.

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		Implementing Agreement should describe how operations under the BDCP will be coordinated between the two projects and how the Coordinated Operation Agreement will be modified as a result.	
1932	11	Page 9, Section 3.46 states that "Permittees means DWR and SWP/CVP Contractors". Since the permit applications have been submitted to the wildlife agencies, the individual contractor agencies that have requested incidental take authorization should be listed in the Final Implementing Agreement .	See Response to Comment 1932-1 for a discussion of the current status of the draft IA.
1932	12	Page 10, Section 3.55 states that "Supporting entity...performs task at the request of the Program Manager ...". Since a supporting entity will not be a BDCP permit holder, implementation of BDCP actions will need to be authorized by a permit holder. Yet, the Program Manager is not a signatory to the IA and is not a permit holder. The Final IA will need to explain how the non-permitted Program Manager can authorize permit coverage for another non-permitted entity.	See Response to Comment 1932-1 for a discussion of the current status of the draft IA.
1932	13	Page 10, Section 3.56 states that "SWP/CVP Contractors means the individual water agencies that hold water delivery contracts ... and that have executed this Agreement." The listed definition of "SWP/CVP Contractors" also includes joint exercise of power agencies that execute the IA. However, it is unclear how a joint exercise of power agency can be granted a permit unless it has also submitted a permit application and committed to fund, on behalf of all its member agencies, BDCP implementation. In this case, the member agencies of the joint exercise of powers agency will need to have developed and executed a legally binding cost-sharing agreement to ensure adequate funding as required by the Endangered Species Act and Natural Community Conservation Policy Act permit processes. The Final IA should clarify if any joint exercise of power agency has formally committed to fund and participate in BDCP implementation and include a copy of the actual funding agreement.	See Response to Comment 1932-1 for a discussion of the current status of the draft IA.
1932	14	Page 15, Section 7.1 states that "... Authorized Entities will fulfill all of their respective obligations ..." "Participating in the Authorized Entity Group....". Because permit holders are funding BDCP implementation and are responsible for ultimate success, the Authorized Entity Group should consist of all permit holders, not just the limited subset currently defined in the Draft BDCP and Draft IA. The Final BDCP and Final IA should be revised to state th. At the AEG includes all individual permit holders. "Conferring with the... Permit Oversight Group [POG]... And obtaining approval...where required." As noted in our May 30 comment letter, the POG should not have any unilateral BDCP implementation decision authority. Implementation is rightfully the sole obligation of the BDCP permit holders. The POG role is limited to ensuring compliance with the BDCP and permits, and providing implementation advice to the Authorized Entity Group. The Final IA and Final BDCP should be revised to reflect this more appropriate compliance oversight	See Response to Comment 1932-1 for a discussion of the current status of the draft IA.

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		role for the POG.	
1932	15	Page 17, Section 8.1.1 states that "... take authorizations will cover the Permittees, including all of their respective officers, directors, employees, agents, subsidiaries, member agencies, contractors, and the Supporting Entities who engage in any Covered Activity. All contracts ... will require compliance with the Permits ... ". While this addresses permit compliance for contractual relationships, it is silent on other relationships. For example, what sort of written documentation, if any, is required for an agent, subsidiary, member agency, or Supporting Entity to claim permit coverage? The Final IA should clarify that to obtain take authorization coverage through an existing permit holder, an entity must have a legally binding agreement stating that the entity is acting directly for, and on behalf of the permittee.	See Response to Comment 1932-1 for a discussion of the current status of the draft IA.
1932	16	Page 18, Section 8.2 states that "An Other Authorized Entity will receive take authorization ... after executing a Certificate of Inclusion that meets minimum requirements ... set forth in Exhibit C... to ensure compliance with... Plan and Permits." Exhibit C was not attached to the Draft Implementing Agreement (IA), so it is not possible to comment on the specifics contained in the "Certificate of Inclusion" or its applicability to covered activities contemplated by non-SWP/CVP contractors. In particular, it is not clear if the Certificate of Inclusion is the only mechanism available to non-SWP/CVP contractors to allow the use of SWP or CVP facilities for water transfers. The Final IA needs to address the process for non-SWP/CVP contractors to implement water transfers; specifically from willing sellers north of the Delta to willing buyers south of the Delta.	See Response to Comment 1932-1 for a discussion of the current status of the draft IA.
1932	17	Page 20, Section 8.9: The third paragraph duplicates text in the first two paragraphs. The Final Implementing Agreement should be revised to delete redundant text.	See Response to Comment 1932-1 for a discussion of the current status of the draft IA.
1932	18	Page 21, Section 9.1 states that "Covered Activities and Associated Federal Actions encompass all actions that are proposed for coverage under Take Authorizations to be issued by the Fish and Wildlife agencies on the basis of the BDCP." It is unclear, since U.S. Bureau of Reclamation is not a signatory to the Implementing Agreement (IA), how a federal agency can, or even needs to obtain state take authorizations under the Natural Community Conservation [Planning] Act (NCCPA). It is typical for federal agencies to obtain take coverage for their actions through a federal Endangered Species Act (ESA) Section 7 process; for the BDCP, this has been described as the Integrated Biological Opinion. The BDCP permits to be issued pursuant to the IA will provide take authorizations to non-federal agencies pursuant to ESA Section 10 and NCCPA Section 2835. The Final IA should explain how Reclamation will obtain state and federal ESA coverage through issuance of the BDCP permits when that agency is not signatory to the IA.	See Response to Comment 1932-1 for a discussion of the current status of the draft IA.
1932	19	Page 22, Section 9.5 states that "... If CDFW determines" The entire section should be revised to replace all occurrences of "CDFW" (California Department of Fish and Wildlife) with "the fish and wildlife agencies", and the remaining text modified accordingly. The current text is specific to the CDFW process, with no	See Response to Comment 1932-1 for a discussion of the current status of the draft IA.

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		mention of a parallel process for the federal wildlife agencies. This text change is suggested to make it clear that both the state and federal wildlife agencies are included in the conference process. Alternately, a new IA section that mimics this wording, but focuses specifically on the federal agencies (U.S. Fish and Wildlife Service and National Marine Fisheries Service) should be added.	
1932	20	Page 25, Section 10.2.1.1 of the Implementing Agreement states that "... the applicants propose a project with operational and flow criteria intended to achieve the biological goals and objectives ...". It further states that "It is expected that the U.S. fish and Wildlife Service, California Department of Fish and Wildlife, and National Marine Fisheries Service will issue Permits for....the high outflow scenario...". While the range of outflow criteria proposed by the BDCP are intended to achieve the biological goals and objectives for the smelt, there is no certainty that those goals will be achieved, even with the proposed "decision tree" process. Page 23, Section 10.1 states that "failure to achieve biological goals and/or objectives shall not be a basis for a determination ... of non-compliance with the Plan or for the suspension or revocation of Permits". The Final Implementing Agreement should specifically state that the high spring and fall outflow scenarios as described in the BDCP are the maximum and will not be increased even if biological goals and objectives are not met.	See Response to Comment 1932-1 for a discussion of the current status of the draft IA.
1932	21	Page 26, Section 10.2.1.2 (3) states that "Completion and peer reviewwill be administered by the Implementation Office under the direction of the Adaptive Management Team." The Implementation Office is the focal point for BDCP implementation. All implementation decisions need to be distributed from this single office. None of the support groups, whether it be the Permit Oversight Group or Adaptive Management Team, can have independent decision making authority for implementation or the BDCP is no longer that same one submitted by the permit applicants. For this reason, the following text should be revised as shown: "This step will be administered by the Implementation Office [insert] in coordination with [/insert][delete] under the direction of [/delete] the Adaptive Management Team".	See Response to Comment 1932-1 for a discussion of the current status of the draft IA.
1932	22	Page 26, Section 10.2.1.2(4) states that "... the Implementation Office will provide the report ... to the Authorized Entity Group and the Permit Oversight Group [POG] for decision pursuant to). Once Permits are issued, the Permit holders are legally responsible for BDCP implementation. Consequently, this group retains sole decision making authority for all aspects of implementation. The POG should have no independent decision making authority when it comes to BDCP implementation. The role of the permitting agencies is to ensure compliance with the terms of the BDCP and Permits, and to provide advice and guidance to the Permit holders on implementation issues. The decision making role of the POG is a repeating theme throughout the Draft IA and Draft BDCP. The Final IA and Final BDCP should be changed to reflect a more limited Permit oversight and compliance role for the POG.	See Response to Comment 1932-1 for a discussion of the current status of the draft IA.

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1932	23	Page 26, Section 10.2.1.4 of the Implementing Agreement states that "The outflow criteria applicable to CM1 (Conservation Measure I) may be within the range of outflow criteria analyzed in the decision tree ...". The BDCP was developed by the Permit applicants with a very specific range of proposed outflow criteria. No outflow should exceed the maximum contemplated in the BDCP. For this reason, the following text should be revised as shown: "The outflow criteria applicable to CM1 [insert]will[/insert] [delete]may[/delete] be within the range of outflow criteria"	See Response to Comment 1932-1 for a discussion of the current status of the draft IA.
1932	24	Page 26, Section 10.2.1.5 of the Implementing Agreement states that "...changes to the outflow requirements of Conservation Measure 1 (CM1) associated with these other fish species ...". This provision infers that the maximum outflows contemplated in the BDCP can be increased beyond those in the "decision tree" to encompass other fish species. As already noted in Section 10.1, "failure to achieve biological goals and/or objectives shall not be a basis for a determination ... of non-compliance with the Plan or for the suspension or revocation of Permits" It is important that the outflows not exceed the amounts proposed in the BDCP, even if all biological goals are not achieved. The Final Implementing Agreement (IA) and Final BDCP should state that alternate management methods will need to be considered if flows beyond those in the BDCP are suggested.	See Response to Comment 1932-1 for a discussion of the current status of the draft IA.
1932	25	Page 27, Section 10.2.2.1 states that "The primary BDCP agencies (California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, National Marine Fisheries Service, DWR, and Bureau of Reclamation will collaborate in making real time operational adjustments." This approach excludes the permit holders from any decision making regarding implementation of this aspect of the BDCP. If Permit holders are excluded, then additional language needs to be added to the Final BDCP and Final IA that relieves the Permit holders of responsibility for any adverse effects on BDCP implementation that result from decisions in which they have been excluded from making.	See Response to Comment 1932-1 for a discussion of the current status of the draft IA.
1932	26	Page 27, Section 10.2.2.2.1 states that "The RTO [real-time operations] Team will also include one representative of the SWP contractors and one representative of the CVP contractors, who will serve as non-voting members." This organizational structure precludes the SWP and CVP contractors from meaningful involvement in deciding how the BDCP will be implemented. Yet, Permit holders are solely responsible for BDCP implementation success. As noted above, if Permit holders are excluded from the decision making process, then additional language needs to be added to the Final BDCP and Final IA that relieves the Permit holders of any responsibility for any adverse effects on BDCP implementation that result from decisions in which they have been excluded from making.	See Response to Comment 1932-1 for a discussion of the current status of the draft IA.
1932	27	Page 27, Section 10.2.2.2.2 describes the functions of the RTO [real-time operations] Team. The RTO Team was not fully described in the Draft BDCP (as noted in the preamble to Section 3.4.1.4.5). Consequently, the applicability of state and federal open meeting laws	See Response to Comment 1932-1 for a discussion of the current status of the draft IA.

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		that pertain to this Team have not been described. The Final BDCP should describe this Team in greater detail and reflect that it is bound by the same open meeting laws as all other groups that are assisting in BDCP implementation. It should also clarify how the 1986 Coordinated Operation Agreement will be modified as a result of RTO decisions.	
1932	28	Page 28, Section 10.2.2.2.3 states that "The RTO [real-time operations] Team shall operate by consensus ...". This is in conflict with Section 10.2.2.2.1 which lists SWP and CVP contractors as non-voting members. It is not clear if SWP/CVP contractor representatives on the RTO Team will be part of the consensus process or not. The Final Implementing Agreement needs to be revised to reflect that SWP and CVP contractors that are part of the RTO Team have the same roles and rights as other team members. It should also describe the process to follow if consensus could not be reached by the RTO members.	See Response to Comment 1932-1 for a discussion of the current status of the draft IA.
1932	29	Page 29, Section 10.3.2.1 states that "The Adaptive Management Teamshall have authority to make decisions ...". As noted repeatedly, the Permit holders (represented by an expanded Authorized Entity Group that includes all permit holders), are solely and legally responsible for the successful implementation of the BDCP and compliance with issued permits. Having the Adaptive Management Team function autonomously from the entities legally responsible for BDCP implementation is inappropriate and could undermine overall program success. The Adaptive Management Team should only provide implementation recommendations to the Authorized Entity Group (i.e. permit holders) for decision, and should not be authorized to make any decisions unilaterally. The Final BDCP and Final IA should be revised to reflect this supporting role.	See Response to Comment 1932-1 for a discussion of the current status of the draft IA.
1932	30	Page 30, Section 10.3.2.3 states that "On a periodic basis, the Adaptive Management Team shall open its meetings to the Public." To maximize transparency and provide the greatest public involvement, all meetings of the Adaptive Management Team should be open to the public and follow all state and federal open meeting laws. The Final Implementing Agreement should be revised to reflect that all meetings will be open to the public.	See Response to Comment 1932-1 for a discussion of the current status of the draft IA.
1932	31	Page 32, Section 10.3.5.1.1 states that "...decisions of the Adaptive Management Team shall not be subject to review and consideration of the Authorized Entity Group and Permit Oversight Group...". All decisions that can affect BDCP implementation must to be made by those entities legally responsible for BDCP implementation and compliance with permits. No other group should be making unilateral decisions that affect the BDCP or the permits. Every group or team formed to assist in BDCP implementation, whether the Permit Oversight Group, Adaptive Management Team, RTO [real-time operations] Team or any other body, are all supporting the permit holders in implementing the BDCP. The Final BDCP and Final IA should be revised to reflect that all BDCP implementation and permit compliance decisions must be made by the permit holders.	See Response to Comment 1932-1 for a discussion of the current status of the draft IA.
1932	32	Page 33, Section 10.3.5.1.1 states that "... if the Authorized Entity Group and the Permit Oversight Group are unable to reach agreement, the Permit Oversight Group will decide	See Response to Comment 1932-1 for a discussion of the current status of the draft IA.

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		the matter." The Permit Oversight Group should only be responsible for ensuring compliance with the permits. If the Authorized Entity Group (permit holders) takes an action that the permit issuing agencies believe violates permit terms and conditions, the IA contains specific permit suspension and revocation procedures to force compliance. Only the permit holders can, and should, make decisions regarding BDCP implementation; they are the ones legally and financially responsible. The Final BDCP and Final IA should be revised throughout to note this more limited role for the Permit Oversight Group.	
1932	33	Page 36, Section 10.3.5.1.1 states that "In the event that the Authorized Entity Group and the Permit Oversight Group are unable to reach agreement. ...the appropriate Fish and Wildlife Agency official with authority over the matter ... shall decide...". The Draft BDCP and Draft IA contain multiple and repeated references to groups, teams or individuals other than the permit holders being authorized to make decisions that affect BDCP implementation. This approach is entirely inappropriate. The BDCP is a voluntary plan prepared and submitted by the permit applicants. Therefore, the only entities responsible for funding and implementing the BDCP are the permit holders. If another entity/agency demands decision authority, then that entity or agency must be willing to accept responsibility for the outcome of those decisions. However, by doing so, the permit holders will be relieved of any responsibility for future consequences of those decisions. The Final BDCP and Final IA should be revised to remove all references to decisions made by any entity other than the permit holders. If not, additional text needs to be added to the Final BDCP and Final IA that relieves the Permit holders of responsibility for any adverse effects on BDCP implementation that result from decisions not made by them.	See Response to Comment 1932-1 for a discussion of the current status of the draft IA.
1932	34	Page 37, Section 10.3.7.3.2 states that "... the Supplemental Adaptive Management Fund may be used at any time, provided the following actions have occurred or determinations have been made". The text then goes on to list six bulleted items necessary to trigger use of the supplemental fund. However, it is unclear if all six of the bullets have to be satisfied to access funds, or just one. Recommend changing the text as shown below: "... may be used at any time, provided [insert]one or more of[/insert] the following actions"	See Response to Comment 1932-1 for a discussion of the current status of the draft IA.
1932	35	Page 39, Section 10.4.2 states that "The Adaptive Management Team, shall have primary responsibility". To reinforce that all entities working on BDCP implementation recognize the overall responsibility of the permit holders, the text change shown below is recommended: [insert]"Under the direction of the Authorized Entity Group,[/insert] the Adaptive Management Team shall have primary ..."	See Response to Comment 1932-1 for a discussion of the current status of the draft IA.
1932	36	Page 39, Section 10.4.3 states that "In the event the Authorized Entity Group and the Permit Oversight Group are unable to reach agreement, ... the Permit Oversight Group will determine whether the proposed plan ... will be adopted."	See Response to Comment 1932-1 for a discussion of the current status of the draft IA.

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		It is inappropriate for any entity other than the permit holders to make decisions regarding BDCP implementation.	
1932	37	Page 40, Section 11.1 states that "The Implementation Office will ensure that the Conservation Measures are implemented substantially in accordance with the Implementation Schedule, Exhibit D." None of the exhibits referenced, including Exhibit D, were included in the Draft IA. All exhibits should be included in the Final IA.	See Response to Comment 1932-1 for a discussion of the current status of the draft IA.
1932	38	Page 40, Section 11.1.1 states that "If Conservation Measures are implemented in accordance with the Implementation Schedule..., Rough Proportionality will be considered by California Department of Fish and Wildlife to be maintained ...". Rough proportionality is only discussed in the context of California Department of Fish and Wildlife Natural Community Conservation Policy Act permits. The Final IA should also indicate if the U.S. Fish and Wildlife Service and National Marine Fisheries Service will also follow this Rough Proportionality standard in evaluating BDCP implementation under their Endangered Species Act Section 10 permits. Further, it is unclear if Rough Proportionality can be maintained if federal or state funding commitments are not met. The Final IA should include text that suspends the Rough Proportionality requirement if state or federal funding obligations are not met.	See Response to Comment 1932-1 for a discussion of the current status of the draft IA.
1932	39	Page 42, Section 11.4.1 states that "The Fish and Wildlife Agency(ies) shall respond to the Implementation Office within sixty (60) days." To minimize potential implementation delays, text should be revised as shown below: "The Fish and Wildlife Agency(ies) ... shall respond to the Implementation Office within sixty (60) days [insert]or such revision shall be deemed approved.[/insert]"	See Response to Comment 1932-1 for a discussion of the current status of the draft IA.
1932	40	Page 45, Section 13.0 states that "... the State and federal governments have committed to provide additional funding to implement the Plan." It is unclear how the state or federal governments can legally commit to fund their portions of the BDCP in advance of actions by the Legislature or Congress to appropriate and allocate funds. Without such legally binding commitments, it is unclear how the BDCP can be approved and long-term endangered species act permits can be issued. The Final BDCP and Final IA should cite provisions in the Natural Community Conservation Policy Act and Endangered Species Act regulations that allow Permits to be issued in the absence of assured funding.	See Response to Comment 1932-1 for a discussion of the current status of the draft IA.
1932	41	Page 46, Section 13.1.2 states in a note to reviewer that "... while the United States has been engaged in development of this draft Agreement, there is no federal position ... regarding potential funding obligations ... The Parties anticipate reaching agreement on a federal and state cost share." This sentence conflicts with the statement on page 45 where the state and federal governments have definitively committed to provide additional funds for the BDCP. The cost share eventually agreed to by the state and federal governments should be included in the Final IA, as well as a description of how long-term state and federal funding will legally be assured. Without such assurances, we are unsure how the BDCP can be	See Response to Comment 1932-1 for a discussion of the current status of the draft IA.

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		approved and long-term endangered species act permits can be issued. The Final BDCP and Final IA should cite provisions in the Natural Community Conservation Policy Act and Endangered Species Act regulations that allow Permits to be issued when funding is uncertain.	
1932	42	Page 48, Section 14.0 states that "The State and federal agencies may use a variety of tools at their disposal. ... to ensure the needs of species affected by unforeseen events are adequately addressed." To provide assurances to the Authorized Entity Group (all permit holders) that no additional funds or resources will be required, the Final IA should include text that protects the Authorized Entity Group (permittees) from being subject to new or revised regulations or fees, the intent of which is to obtain the funding or resources necessary to address unforeseen events.	See Response to Comment 1932-1 for a discussion of the current status of the draft IA.
1932	43	Page 53, Section 15.1 states that "The implementation of the BDCP will generally be effectuated through an Implementation Office, which will be ... governed by the Authorized Entities through the Authorized Entity Group". Consistent with our prior comment letter, we strongly believe that all permit holders must be included in the Authorized Entity Group; a small subset cannot truly represent the interests of all permit holders or provide for the broadest public interest.	See Response to Comment 1932-1 for a discussion of the current status of the draft IA.
1932	44	Page 53, Section 15.1 states that "Through the Permit Oversight Group, the Fish and Wildlife Agencies will be involved in certain specified implementation decisions ..." It is important that the POG and Fish and Wildlife Agencies provide input into relevant decisions, but they should not be making the actual decision. All decisions related to BDCP implementation are the purview of the permit holders. Once the permits are issued, the POG and wildlife agencies role is to ensure that the permit terms are met. The Final BDCP and Final IA should be clear that neither the POG nor Fish and Wildlife Agencies make decisions related to BDCP implementation.	See Response to Comment 1932-1 for a discussion of the current status of the draft IA.
1932	45	Page 55, Section 15.2.1 states that "The Implementation Office shall not administer the Adaptive Management and Monitoring Program." While it is appropriate to have the Adaptive Management Team administer the monitoring program, the Implementation Office should provide overall direction for the adaptive management effort. The Adaptive Management and Monitoring Program is a key component of BDCP implementation. Having an entity other than the Implementation Office, which is charged with BDCP implementation through the Authorized Entity Group, direct this work is inappropriate and counterproductive to BDCP success. The Final BDCP and Final Implementing Agreement should be revised to reflect that the Implementation Office will provide overall direction in the administration of the Adaptive Management and Monitoring Program.	See Response to Comment 1932-1 for a discussion of the current status of the draft IA.
1932	46	Page 58, Section 15.2.4.4 states that "The Implementation Office shall be responsible for... implementation of Conservation Measures ... and will not require the approval... of the Authorized Entities, the Fish and Wildlife Agencies, or the Adaptive Management Group." The Implementation Office should not act unilaterally. The permit holders (i.e.,	See Response to Comment 1932-1 for a discussion of the current status of the draft IA.

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		Authorized Entities) are responsible for all aspects of BDCP implementation, including all the Conservation Measures. Consequently, no actions should be undertaken by the Implementation Office or any other group without the approval or concurrence of the Authorized Entities (permit holders). This presumably can be accomplished through approval of the annual work plan. The Final BDCP and Final IA should be revised to reflect Authorized Entities approval is required for any implementation action.	
1932	47	Page 60, Section 15.3.3 states that "The Authorized Entity Group will meet. ...at a minimum on a quarterly basisOn a periodic basis, the Authorized Entity Group will hold meetings that are open to the public." All, not just some, meetings of the Authorized Entity Group should be open to the public and comply with state and federal open meeting laws. The Final IA and Final BDCP should be revised to state that all meetings of the AEG will be open to the public and comply with open meeting laws.	See Response to Comment 1932-1 for a discussion of the current status of the draft IA.
1932	48	Page 60, Section 15.4.1 states that "... the Fish and Wildlife Agencies will retain responsibility for monitoring compliance with the BDCP, approving certain actions, and enforcing the terms and conditions of their respective regulatory authorizations." Having the Fish and Wildlife Agencies responsible for monitoring BDCP compliance, and the terms and conditions of the permits is entirely appropriate once permits are issued. However, having them make unilateral decisions on BDCP implementation actions is not appropriate. As noted previously, once permits are issued, the sole responsibility for BDCP implementation belongs to the permit holders. Consequently, the permit holders should be making all decisions that affect BDCP implementation. If the Fish and Wildlife Agencies (issuers of the permits) disapprove of action taken by the permit holders, there are permit suspension and revocation procedures in the IA to ensure permits are not violated. The Final BDCP and Final IA should be revised to remove any reference to the Fish and Wildlife Agencies "approving certain actions".	See Response to Comment 1932-1 for a discussion of the current status of the draft IA.
1932	49	Page 61, Section 15.4.1 states that "The Permit Oversight Group will have the following roles ...participate in decision-making regarding real-time operations" It is appropriate for the Permit Oversight Group to provide guidance to the permit holders in the decision making process, but that involvement should strictly be advisory. The permit holders are ultimately responsible for all aspects of BDCP implementation. No other group should be making unilateral decisions regarding BDCP implementation. The Final BDCP and Final IA should be revised to make it clear that the permit holders make all decisions, with other groups providing guidance and advice.	See Response to Comment 1932-1 for a discussion of the current status of the draft IA.
1932	50	Page 66, Section 15.8.1 states that "With respect to implementation matters for which the Authorized Entity Group and Permit Oversight Group [POG] have joint- decision making authority ..." There should be no joint-decision making authority when it comes to BDCP implementation. Once the permits are issued, the permit holders have sole and complete responsibility to meet the terms and condition of the permits. There are no further decisions for the Permit Oversight Group to make once the permits are issued. The POG's role is to ensure compliance with terms of the permits. There is already a procedure in the IA for the Fish and Wildlife Agencies to follow if the permit holders are not in compliance with the permits. The Final BDCP and Final IA should be revised to note that	See Response to Comment 1932-1 for a discussion of the current status of the draft IA.

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		the POG provides guidance and advice to ensure compliance with the permits.	
1932	51	Page 66, Section 15.8.2 states that "If... the matter remains unresolved, the entity with decision-making authority ... will make the final decision." The only entity with decision making authority should be the Authorized Entity Group (i.e., permit holders). There should be no need for a review process to challenge a decision by the permit holders. The Permit Oversight Group can certainly provide advice and guidance to the permit holders, but the ultimate decision belongs to those who have been issued permits and are responsible for BDCP compliance. The Final BDCP and Final IA should be revised to delete any reference to any BDCP implementation decisions being made by the Permit Oversight Group. As a result, there is no need for Section 15.8 and it should be deleted in its entirety.	See Response to Comment 1932-1 for a discussion of the current status of the draft IA.
1932	52	Page 72, Section 17.2.2 states that "... the Permit Oversight Group ... will provide written concurrence ...that the draft plan ... makes adequate provisions for... joint decision of the Authorized Entity Group and the Permit Oversight Group or decisions of an agency with authority over the matter." As has been stated repeatedly throughout these comments, the only entity authorized to make BDCP implementation decisions should be the permit holders. They are the ones ultimately responsible for BDCP implementation and permit compliance. The Final BDCP and Final IA should be revised to state conclusively that the permit holders are the final decision making authority for all BDCP implementation actions.	See Response to Comment 1932-1 for a discussion of the current status of the draft IA.
1932	53	Page 72, Section 17.2.3 states that "...implementation of the applicable joint decisions of the Authorized entity Group and the Permit Oversight Group or decisions of an agency with authority over the matter." The only entity authorized to make BDCP implementation decisions should be the permit holders. They are the ones ultimately responsible for BDCP implementation and permit compliance. The Final BDCP and Final IA should be revised to state conclusively that the permit holders are the final decision making authority for all BDCP implementation actions.	See Response to Comment 1932-1 for a discussion of the current status of the draft IA.
1932	54	Page 79, Section 21.4 states that "In the event of withdrawal by DWR, the Permits will be terminated." This proposal is unwarranted. It is unclear why withdrawal by DWR would trigger termination of all other permits, especially if the BDCP is being implemented by other permit holders in accordance with the permits. The DWR is only one of many permit holders; each has legal responsibility for BDCP implementation. Terminating all permits without cause may be in direct conflict with provisions of the "Permit Revocation Rule" and "assurances" authorized under Endangered Species Act Section 10 and Natural Community Conservation Planning Act permits. The withdrawal of DWR should be handled no differently than the withdrawal of any other permit holder. The Final IA should be revised to allow all other permits to remain in force even if DWR withdraws.	See Response to Comment 1932-1 for a discussion of the current status of the draft IA.
1932	55	Page 79, Section 21.4.1 states that "As a condition of withdrawal, the withdrawing Party(ies) shall remain obligated to ensure implementation of ... Conservation Measures required under this Agreement, the BDCP and the Permits ..."	See Response to Comment 1932-1 for a discussion of the current status of the draft IA.

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		It is appropriate for withdrawing parties to remain obligated for impacts of take caused by their actions prior to withdrawal. However, if DWR withdraws, and all permits are terminated as currently proposed in Section 21.4, then DWR should bear the sole burden of, and responsibility for, meeting all obligations of the permit holders that did not request to withdraw and had permits unilaterally terminated. The Final IA should be revised to reflect this additional obligation of DWR should it choose to withdraw without the concurrence of the other permit holders.	
1932	56	Page 80, Section 22.0 states that "... none of the parties will be liable in damages to any other Party or to any other person or entity for any breach of this Agreement ..." If there is no penalty for non-compliance, why would a participant place a priority on performing? If Parties fulfilling their obligations are hindered, or incur greater costs because one or more other Parties are not performing as expected, damages should be recoverable from the nonperforming Parties. The Final IA should be revised to allow for damages claims against non-performing parties.	See Response to Comment 1932-1 for a discussion of the current status of the draft IA.
1932	57	Page 80, Section 22 states that "The Authorized Entities use their best efforts to remedy their inability to; and" This sentence is incomplete. Text should be revised as shown below: "The Authorized Entities use their best efforts to remedy their inability to [insert]perform[/insert]; and"	See Response to Comment 1932-1 for a discussion of the current status of the draft IA.
1932	58	Page 86, Section 23.2.1 states that "The Fish and Wildlife Agencies ... may submit comments on the proposed minor modification The Authorized Entities must agree to any proposed minor modification." This paragraph can be interpreted several ways. To make it clear that the Authorized Entities have approval authority for minor modifications, the text should be changed as follows: "The Authorized Entities must agree to any proposed minor modification [insert]before it is incorporated into the Plan[/insert]."	See Response to Comment 1932-1 for a discussion of the current status of the draft IA.
1932	59	Page 87, Section 23.3 states that "Formal amendments include, but are not limited to... changes to biological goals." Requiring a formal amendment for changes to biological goals directly conflicts with the conservation strategy (page 24, Section 10.1.2), which specifically allows biological goals to be modified through the adaptive management process. This is a significantly streamlined process when compared to the formal amendment process. In keeping with the relatively informal adaptive management process, the Final IA should move "Changes to Biological Goals" from the Formal Amendment process to the Minor Modification process.	See Response to Comment 1932-1 for a discussion of the current status of the draft IA.
1932	60	Page 91, Section 24.15 states that "Nothing in this Agreement is intended or shall be construed to require the ... expenditure of funds by the United StatesNothing in this Agreement will be construed by the Parties to require ... expenditure of any money from the Treasury of the State of California ..."	See Response to Comment 1932-1 for a discussion of the current status of the draft IA.

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		This section allows the State and Federal governments to avoid funding commitments if monies are not appropriated by their respective authorizing bodies. To make it clear that permits will not be revoked or suspended by the lack of state or federal funds, the Final IA should add language as follows: "[insert]Failure of the federal or state to provide funds as required to implement the BDCP will not be justification to initiate permit suspension or revocation.[/insert]"	
1933	1	It is proposed that the Plan be implemented and managed through a process known as "adaptive management". This process relies on the review of data and results, exploring new alternatives, predicting new outcomes, and implementing one or more of the alternatives and continuing this review as an iterative process. Many of the parties outside the project are skeptical of this approach because it does not appear to address the impact of unintended consequences well beyond the physical boundaries of the project. An example is the loss of "carriage water" that was to be presumably made available for other uses but has been lost to other areas by adaptive management.	This comment addresses Alternative 4 (known also as the BDCP) or analysis contained within the draft BDCP Effects Analysis. Alternative 4A, also known as California WaterFix, has been developed in response to public and agency input and is the new CEQA Preferred Alternative. Alternative 4A is also the NEPA Preferred Alternative, a designation that was not attached to any of the alternatives presented in the 2013 Public Draft EIR/EIS. Alternative 4 remains a potentially viable alternative and is being carried forward in this RDEIR/SDEIS because it represents the original habitat conservation plan/natural community conservation plan (HCP/NCCP) alternative approach, and because it provides an important reference point from which the Alternative 4A, 2D, and 5A descriptions and analyses were developed. If the Lead Agencies ultimately choose the alternative implementation strategy and select an alternative presented in the RDEIR/SDEIS after completing the CEQA and NEPA processes, elements of the conservation plan contained in the alternatives in the 2013 Public Draft EIR/EIS may be utilized by other programs for implementation of the long term conservation efforts. Considerable scientific uncertainty exists regarding the Delta ecosystem, including the effects of CVP and SWP operations and the related operational criteria. For this reason, an adaptive management program was developed, to be implemented through a series of distinct steps meant to identify scientific and/or management uncertainties, develop research actions to reduce that uncertainty, and incorporate new information into management actions, thereby addressing unintended consequences as they become known. Please refer to Master Response 33 for a discussion of the adaptive management program.
1933	2	The river flow modeling software uses reservoir Dead Pool level as the cutoff for its computations. Dead Pool refers to water in a reservoir that cannot be drained by gravity through a dam's outlet works. Water that is in the Dead Pool cannot be considered part of the conservation pool. Dead Pool at Lake Shasta is elevation 737.75, which is below the lowest freshwater intake for the City of Shasta Lake (750 elevation), Mountain Gate Community Services District (intake at elevation 916 feet), and Jones Valley County Service Area (intake at 802 feet). There is no discussion of the impacts of this probability in the BDCP. Clearly, there are domestic water users that will be impacted at much higher water elevations, and this needs to be factored into the analysis.	The No Action Alternative and all of the EIR/EIS alternatives include climate change and sea level rise assumptions. These changes would result in "dead pool" conditions in SWP and CVP reservoirs upstream of the Delta even without action alternatives. The "dead pool" conditions presented in the CALSIM II model results in the EIR/EIS are developed from calculated monthly average reservoir volumes. Because the model only calculates and reports SWP and CVP water operations at an average monthly basis, the model cannot simulate changes that occur on a weekly basis by water users and SWP and CVP operations. In addition, the model cannot make decisions that occur in real-time, such as drought operations during the ongoing drought. Instead the model includes average operating criteria for all dry periods, and does not reflect specific changes. The dead pool conditions occur in the No Action Alternative as compared to the Existing Conditions because the model includes changes in precipitation without making changes in water diversion patterns. The EIR/EIS analysis considers changes between the frequency of dead pool conditions under the alternatives and the No Action Alternative (both with the same climate change assumptions) to determine if the changes are adverse or beneficial. Comparison of conditions under the action alternatives to conditions under the No Action Alternative indicate the changes associated with the action alternatives because all of these model simulations include the same climate change and sea level rise assumptions. As shown in Draft EIR/EIS Appendix 5A Tables C-2-14 through C-2-25, Tables C-3-14 through C-3-25, and Tables C-4-14 through C-4-25, changes in end of September storage in Shasta Lake and Lake Oroville would be similar or increased in the 10 percent driest years (90th percentile) under the action alternatives as compared to the No Action Alternative.
1933	3	The minimum lake level at which water can be safely taken into the penstocks for electric generation is 840 feet. Below that level, vortexing begins at the penstock intakes, which	Shasta energy generation may be interrupted at water surface elevations of less than 840 feet, as stated by the commenter. Therefore, the minimum storage needed for power operations at Shasta Dam was

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		can cause cavitation and damage the turbine runners. Loss of hydro-generation will have significant financial impacts on any Western Area Power Administration (WAPA) customer (including the City of Shasta Lake) that have Base Energy allocation. At "no-generation" operation at Shasta Dam, these entities will not only have to procure replacement power on the open market for their own use, they also will have to pay for any supplemental energy needed for Project Use facilities such as pumps and the like. WAPA energy allocations provide that Project Use facilities have first priority for any CVP generation. If there is no generation or not sufficient generation to serve Project Use loads, Base Resource Customers must pay for the purchase of the replacement power as a condition of their contracts. The costs and cost allocation to CVP contractors have not been sufficiently analyzed in the DEIR/DEIS.	assumed to be 550 thousand acre-feet (taf), corresponding to an elevation of 840 feet (to allow power penstock releases). This condition was simulated (with the CALSIM model) to occur in 4 years for the existing conditions (CEQA baseline) and was simulated in 6 years for the No Action Alternative (Early Long Term, or ELT) and in 8 years for the NAA (Late Long Term, or LLT). Therefore, the minimum energy generation in dry years with low storage will be protected in all years, for existing conditions and for future No Action Alternatives (ELT and LLT) with assumed climate changes in the hydrology. CVP will operate Shasta Lake as they currently do, with adjustments in the summer releases to maintain the minimum storage (elevation). It is unlikely that the Shasta Lake storage will be reduced to less than 1,000 taf because of concerns for the cold water pool and effects of release temperatures (at Keswick Dam) on winter-run Chinook. For example, end-of-September Shasta Storage in 2014 was about 1,200 taf and the end-of September storage in 2015 was about 1,500 taf. For additional discussion of the effects of the project on upstream reservoirs please refer to Master Response 25. There are no likely additional effects on WAPA customers. For more information regarding cost of the BDCP please refer to Master Response 5.
1933	4	Nearly half of Shasta County's population is dependent in one way or another on the U.S. Bureau of Reclamation (BOR) for water. The City of Shasta Lake is entirely dependent on BOR surface diversions and transfers. The Plan is silent to the issue of water rights and area of origin principles. It sets requirements for river flows to meet the environmental, ecological, and natural resource goals of the plan within the plan area, without regard to the upstream consequences. The Butte County Board of Supervisors have stated: "We appreciate the commitment that, implementation of the BDCP will not result in any adverse effects on water rights of those in the watershed of the Delta, nor will it impose any obligations on water users upstream of the Delta to supplement flows in and through the Delta. These principles honor the importance of water rights and area of origin water rights to the northern Sacramento Valley region. Future circumstances and other considerations could undermine the commitment made to the region. We recommend the BDCP lead agencies develop an enforceable means to ensure that these principles will be honored by BDCP lead agencies. Additionally, BDCP lead agencies should aggressively promote these operational principles to other agencies that have authority over water rights including the State Water Resources Control Board." We concur.	The proposed project would not affect upstream water rights. It aims to allow the federal and state water projects to deliver more reliable water supplies, in a way less harmful to fish. The project does not increase the amount of water to which DWR holds water rights or for use as allowed under its contracts. The CALSIM II modeling performed for conveyance facility operations takes into account projected future demand for water supply in areas upstream of the Delta (as part of the future No Action baseline) prior to calculating Proposed Project diversion estimates to ensure that no area-of-origin protections or upstream water rights are affected by project conveyance facilities. Please refer to Final EIR/EIS Appendix 5A for additional modeling details. Please refer to Master Response 26 for additional discussion of water resources in northern California.
1933	5	Agriculture, recreation, and tourism are significant economic drivers in Shasta County. The plan does little to assess the economic impact of the changes in river flow patterns and reservoir levels outside the plan area caused by changes imbedded in the plan. In a 1997 analysis, CH2M Hill determined that recreational opportunities afforded by Shasta Lake add \$45 to 50 Million to the local economy. With the loss of much forest and mining-based industry, the value of recreation today is far greater, yet it apparently does not rise to a level of significance worth examination in the BDCP.	As presented in Draft EIR/EIS Appendix 5A Tables C-15-14 through C-15-25, the flows in the Sacramento River below Keswick Dam under the action alternatives generally would be higher or about the same under the No Action Alternative. These comparisons indicate the effects of the BDCP alternatives. The comparison of conditions under the action alternatives as compared to the Existing Conditions include the effects of the BDCP alternatives plus the effects of climate change and increased water demands in the Sacramento Valley that would occur by 2030. Please refer to Impact REC-6 in Final EIR/EIS Chapter 15, Recreation, regarding impacts to reservoirs in the plan area. Impacts for Lake Shasta, and all other reservoirs except for San Luis, would be less than significant for all operational scenarios under Alternative 4A. With mitigation incorporated, impacts to San Luis Reservoir would also be less than significant. Additionally, please refer to Impact ECON-5 in Final EIR/EIS Chapter 16, Socioeconomics, under Alternative 4A for impacts to recreational economics in the study area.
1933	6	In order for take permits to be issued for a habitat conservation plan, funding must be shown sufficient to pay for all proposed improvements, and all financial contributors and allocation of funds must be identified. It is the City's [Shasta Lake's] understanding the	This comment addresses Alternative 4 (known also as the BDCP) or analysis contained within the draft BDCP Effects Analysis. Alternative 4 remains a viable alternative. However, a modified proposed project (Alternative 4A/California WaterFix) also is being considered. Where comments raised issues as to whether

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		funding plan is based on a 10% design, which is not sufficient to develop a realistic plan. This needs to be addressed and needs to include a funding plan for long-term operations and maintenance to ensure public water agencies and ratepayers are not overburdened by this project.	the BDCP and other HCP/NCCP alternatives in the 2013 Draft EIR/EIS were potentially feasible and could function as an alternative for purposes of meeting CEQA and NEPA's requirements to analyze a reasonable range of alternatives to the proposed project (e.g., issues regarding the BDCP Effects Analysis or financial feasibility), responses are presented generally in Master Response 5.
1933	7	The cumulative impacts of the BDCP and other proposed projects, including the Shasta Lake Water Resources Investigation (enlargement of Shasta Dam and reservoir), other planned reservoir projects (Sites reservoir, Upper San Joaquin River Basin Storage), and the State Water Resources Control Board's proposed revised flow criteria for the Sacramento-San Joaquin Delta, have not been adequately analyzed in the DEIR/DEIS.	As discussed in greater detail in Master Response 9 regarding the cumulative impact analysis, Final EIR/EIS Appendix 3D Defining Existing Conditions, No Action Alternative, No Project Alternative, and Cumulative Impact Conditions provides detail on the approach and projects used in the cumulative impact assessment. The appendix includes a comprehensive list of all projects that were considered in the EIR/EIS and if those projects were considered as part of the description of existing conditions, No Action, or as part of the cumulative analysis. The Shasta Lake Water Resources Investigation, Sites Reservoir/North of the Delta Offstream Storage project, and the Upper San Joaquin River Basin Storage project are included in the Final EIR/EIS Appendix 3D list of projects. Please refer to Final EIR/EIS Appendix 3D for updates defining existing conditions, no action alternative, no project alternative and cumulative impact analysis for the proposed project.
1933	8	Both CEQA and NEPA require that environmental review include a reasonable range of alternatives. The DEIR/DEIS should include additional alternatives such as construction of smaller conveyance systems, reduced exports from the Delta, additional storage as well as consideration of priorities for upstream beneficial water uses for power generation and recreation.	Appendix 3A explains why various proposals were not analyzed in the EIR/EIS, including the NRDC Portfolio-Based Proposal, Congressman Garamendi's Water Plan, and other similar concepts that would require actions that are beyond the scope of the proposed project. For more information regarding alternatives to the proposed project please refer to Master Response 4.
1933	9	Few disagree regarding the importance of having a healthy and vibrant Bay Delta. However, its return to health should not be at the expense of the north state. Due to the extensive nature of this project, it is anticipated additional information, analysis and supporting studies and documentation will be required in response to comments on the DEIR/DEIS. For this reason, the City [of Shasta Lake] requests recirculation of the revised DEIR/DEIS following incorporation of the additional information to allow the public opportunity for additional review and comment. Due to the voluminous nature of the DEIR/DEIS and anticipated outreach to other members and groups in affected disadvantaged communities in the state who may not have had an ample opportunity to review the DEIR/DEIS, the City requests the revised DEIR/DEIS be recirculated for a minimum of 90 days. Because many of our citizen do not have access to a computer or reliable transportation, the City requests a copy of the revised DEIR/DEIS be provided to the Shasta Lake Gateway Library, 1646 Stanton Drive, Shasta Lake, CA, for public review.	The lead agencies have extended the public comment period for both the Public Draft EIR/EIS and the RDEIR/SDEIS. The RDEIR/SDEIS was available for public comments from July 10th, 2015 through October 30th, 2015, or approximately 113 days. Please note that new preferred alternative, 4A, no longer includes the BDCP HCP or conservation measures. Nevertheless, various components of the original BDCP conservation measures are included in Alternative 4A to mitigate impacts associated with construction and operations of the project. Also, see Master Response 27 regarding outreach to minority and disadvantaged communities potentially impacted by the project.
1934	1	The Bay Delta Conservation Plan (Nov. 2013) (BDCP) intends to radically alter the way the Courtland Fire Protection District (the District) fulfills its mission and delivers emergency services within its District boundaries. It also places our mutual aid agreements at risk among the districts in southern Sacramento County and eastern Yolo County. The District is a unit of Sacramento County in the northern section of the Sacramento-San Joaquin Delta (the Delta). The District encompasses the area just south of Freeport, along the eastern side of the Sacramento River to Vorden Road, as well as Sutter Island and the northern section of Grand Island. Therefore, the District lies entirely within the	This comment addresses Alternative 4 (known also as the BDCP) or analysis contained within the draft BDCP Effects Analysis. Alternative 4A, also known as California WaterFix, has been developed in response to public and agency input and is the new CEQA Preferred Alternative. Alternative 4A is also the NEPA Preferred Alternative, a designation that was not attached to any of the alternatives presented in the 2013 Public Draft EIR/EIS. This comment and remaining comments in this letter were provided in reference to the previous preferred alternative. Alternative 4 remains a potentially viable alternative and is being carried forward in this RDEIR/SDEIS because it represents the original habitat conservation plan/natural community conservation plan (HCP/NCCP) alternative approach, and because it provides an important reference point from which the Alternative 4A, 2D, and 5A descriptions and analyses were developed. If the Lead Agencies ultimately choose the alternative implementation strategy and select an alternative presented in the

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		boundaries of the Delta, as well as the BDCP Plan Area [as defined in the BDCP].	RDEIR/SDEIS after completing the CEQA and NEPA processes, elements of the conservation plan contained in the alternatives in the 2013 Public Draft EIR/EIS may be utilized by other programs for implementation of the long term conservation efforts. Final EIR/EIS Chapter 20, Public Services and Utilities, evaluates the effects of the preferred alternative related to public services. Mitigation Measure UT-2, Ensure the Continuation of Fire Protection Services by the Courtland Fire Protection District, would lessen the severity of impact to the Courtland FPD's Hood Fire Station for alternatives which would impact the station. Under the preferred alternative (Alternative 4A) a proposed 28-foot interior diameter single-bore tunnel would be constructed more than 100 feet below the surface of Hood, and would not affect surface facilities in Hood. It would connect north of Hood to pipelines running from Intakes 2 and 3, and south of Hood to the intermediate forebay. There are no public facilities in the proposed tunnel alignment. Construction of the tunnel facilities would not conflict with any public facilities, nor would it require the construction or major alteration of such facilities. It is not anticipated that the construction of the preferred alternative would alter the way in which the Courtland Fire Protection District delivers emergency services.
1934	2	The purpose of the Courtland Fire Protection District is to provide Emergency Medical Services and fire suppression to the civilians and structures within its boundaries as well as assist in holding insurance rates as low as possible. To fulfill this duty, the District relies on funding almost entirely from property taxes based on property parcels and structures.	The comment does not raise any environmental issues related to the environmental analysis contained in the 2013 Draft EIR/EIS or the 2015 RDEIR/DEIS.
1934	3	The purpose of the Courtland Fire Protection District is to provide Emergency Medical Services and fire suppression to the civilians and structures within its boundaries as well as assist in holding insurance rates as low as possible. To fulfill this duty, the District relies on a system of State and County roads and private travel routes for the delivery of services within the District and the delivery of units as needed to fulfill mutual aid agreements in neighboring districts, and also relies on the on-going system of purchase and maintenance of equipment comprised of rolling stock, personal protection, fire suppression, medical aid, and other supportive equipment.	The commenter's description of the purpose and means of delivery of services of the Courtland Fire Protection District is acknowledged. The comment does not raise any environmental issues related to the environmental analysis contained in the 2013 Draft EIR/EIS or the 2015 RDEIR/DEIS. Please note that Final EIR/EIS Chapter 19, Transportation, page 19-36 identifies interference with emergency services as an effect. Impact TRANS-3 further discusses this problem and its effects. Mitigation Measure TRANS-1a includes provisions to ensure that construction vehicles allow continual access for emergency vehicles at the time of an emergency.
1934	4	The purpose of the Courtland Fire Protection District is to provide Emergency Medical Services and fire suppression to the civilians and structures within its boundaries as well as assist in holding insurance rates as low as possible. To fulfill this duty, the District relies on the maintenance of existing levees and flood protection to reduce the risk of floods and the damage cause by inundation by water. Several State and federal entities are discussing formulating various devices, strategies, policies, habitat conservation plans, reports and other procedures (together, "Plans") which have the potential to severely disrupt and even prevent the District from accomplishing its mission by altering the above physical and economic facts. The BDCP is one example of one of these Plans currently under consideration.	Before and/or during construction of the proposed project, project proponents will explore opportunities with local reclamation districts and the (CVFPB) to address potential conflicts regarding levee maintenance, inspection, and flood fighting activities on project and non-project levees. DWR will look to enter into agreements with local reclamation districts with jurisdiction in the Delta to ensure levee management activities by both government and local agencies are not interrupted during construction of the water conveyance facilities. In addition, DWR will comply with all applicable flood protection requirements and regulations to ensure flood neutrality during construction and operations of the proposed project. RDEIR/DEIS Section 4.3.2 describes the effects of Alternative 4A on surface waters, including effects related to flooding. Please refer to Final EIR/EIS Appendix 6A, BDCP/California WaterFix Coordination with Flood Management Requirements. For a discussion on levees modified by construction of the California WaterFix (CWF), including responsibilities of the project proponents. Please refer to FEIR/EIS Appendix 6A, Section 6A.6.2.1.3, for a discussion on DWR consistency with the State Plan of Flood Control (SPFC), and Section 6A.6.1.2 for information on project consistency with USACE, CVFPB, and DWR flood standards and regulations. As described in Master Response 24, other than the intake areas, no other features of the proposed project would affect levee maintenance. DWR would maintain levees near the intakes. .

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1934	5	The Courtland Fire Protection District responds to approximately 140 fire suppression and medical aid calls annually. The District expects that its call volume will increase substantially on a yearly basis during the construction phase with a minor decline during post-construction operations.	As described in Section 4 of the RDEIR/SDEIS and Final EIR/EIS Chapter 20, Public Services and Utilities, under Impact UT-1 for all alternatives, including the proposed project, Alternative 4A, there would be less-than-significant impacts related to increased demand on law enforcement, fire protection, and emergency response services from new workers in the Plan Area as a result of constructing the proposed water conveyance facilities.
1934	6	Comments Regarding Surface Water: The Courtland Fire Protection District relies in part on surface waters throughout the District, and elsewhere on mutual aid calls, for fire suppression and emergency response. Chapter 6 purports to analyze the significant and serious effects and impacts because of changes in surface water as a result of the project alternatives. Chapter 6 focuses almost exclusively on the changes in the level of surface water in and around both the Delta and the State of California as a result of the project alternatives. However, Chapter 6 fails to analyze or discuss the quality or quantity of surface water available for used by existing surface water users as either impacts or effects as a result of any of the project alternatives. Specific to the District, various project alternatives, if not all project alternatives, fail to analyze the significant and substantial impacts or effects of lowered surface water tables, and thus failures of significant or substantial loss of access to water. The District relies heavily on water, carried in all of its rolling equipment, to fight and suppress fires. Therefore, anticipated lowering of surface water elevations, quality and quantity will threaten the Districts ability to fight and suppress fire both within the District and neighboring Districts through mutual aid agreements. The project proponents must provide for all water loss.	Fire protection is a component of municipal and agricultural operations, and water quality effects of the BDCP on municipal and domestic supply (MUN) and agricultural uses (AGR) were assessed in Draft EIR/EIS Chapter 8, Water Quality, in Impacts WQ-1 through WQ-33. Water quality impacts of Alternative 4A are described in Final EIR/EIS Chapter 8. Changes in agricultural resources and public utilities are described in Final EIR/EIS Chapters 14 and 20, respectively.
1934	7	Chapter 8 does not appear to address changes in water quality upon Courtland Fire Protection District operations. Poor water quality, whether in surface or ground waters, is believed to significantly and seriously deteriorate and negatively affect the efficiency of water use in fire suppression and emergency response, and is further believed to shorten the life of the equipment used by the District to perform its mission. The EIR/EIS must fully analyze serious and significant impacts and effects arising from changes in water quality upon District operations and equipment in order to be complete.	Analysis under the California Environmental Quality Act (CEQA) is required to determine the direct and reasonably foreseeable indirect physical effects of a project on the environment (CEQA Guidelines Section 15064(d)); the effects of a project on public services and utilities are considered significant under CEQA if the project would affect public services such that new facilities would be required to maintain service, the construction of which could have physical environmental effects on the environment. Discussions of the effects of the preferred alternative and other alternatives on water quality are in Final EIR/EIS Chapter 8. Changes in agricultural resources and public utilities are described in Final EIR/EIS Chapters 14 and 20, respectively.
1934	8	Comments Regarding Groundwater: The Courtland Fire Protection District relies in part on groundwater through various existing wells located in the District, some within a mile of proposed water intake stations, for fire suppression and emergency response. Chapter 7 focuses almost exclusively on the changes in the level of groundwater in and around both the Delta and the State of California as a result of the project alternatives. It purports to analyze the significant and serious effects and impacts because of changes in groundwater as a result of the project alternatives. However, Chapter 7 fails to analyze or discuss the quality or quantity of ground water available or used by existing groundwater users as either impacts or effects as a result any of the project alternatives. Specific to the Courtland Fire Protection District, various project alternatives fail analyze the significant and substantial impacts or effects of lowered groundwater and thus significant or substantial loss of access to water is likely. The District relies heavily on	As described in Final EIR/EIS Section 7.3.3 of Chapter 7, Groundwater, groundwater wells in the Delta could be adversely affected during construction due to groundwater dewatering at the construction sites. During operations of alternatives with the Intermediate and Byron Tract forebays, groundwater could rise and affect groundwater drainage processes due to seepage from the forebays. Groundwater surveys would occur during the design phase to identify specific groundwater pre-construction conditions and potential effects on each well within the zone of influence of the dewatering operations. The revised Mitigation Measure GW-1 provides for a monitoring procedure and options for maintaining adequate water supplies for land owners that experience a reduction in groundwater production from wells due to construction-related activities, including dewatering. The monitoring would include both groundwater elevation and salinity. The effects of dewatering could be reduced through installation of seepage cutoff walls during dewatering.

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		water, carried in all of its rolling equipment, to fight and suppress fires. Therefore, anticipated lowering of groundwater tables, quality and quantity will threaten District's ability to fight and suppress fire both within the District and neighboring Districts through mutual aid agreements. The project proponents must provide for all water loss. The Courtland Fire Protection District is also concerned generally that the overall lowering of the groundwater table as identified in the Draft EIR/EIS will cause, or lead to, ground surface and underground depressions, sinkholes and lowered elevations, cracks in building foundations, and other structural damage as surface and subsurface earth subsides due to lowered groundwater tables, increasing calls for emergency assistance.	Changes in soils resources are described in Chapter 9 of the Final EIR/EIS. See also Final EIR/EIS Chapter 8 and associated appendices and Master Response 14 for further information on water quality.
1934	9	Comments Regarding Agricultural Resources: The Courtland Fire Protection District provides substantial fire and emergency response services to the persons, businesses, structures, industrial locations and improvements located out the District which are primarily characterized by or materially support agriculture land uses. The cross-reference discussion set forth in subsection 14.1, beginning on page 14-1, line 28, through page 14-2, line 2, fails to refer to fire suppression and emergency response as related to agriculture in any other chapter. Failing this, reader expects to see analysis of the serious and significant impacts and effects of each of the proposed project alternatives on agriculture as a result of the serious and substantial impacts and effects on the District operations caused by each of the project alternatives. The lack of such analysis is a fatal and serious flaw in the Draft EIR/EIS. The substantial and serious connection between the District's income from special assessments (determined by a schedule of fixed amounts) and a portion of general real property taxes (determined by assessed values) and related serious and substantial impacts and effects caused by the various project alternatives is not analyzed at all. Additionally, serious and substantial impact and effect, and possible reduction the level of fire suppression and emergency response will have a serious and substantial impact and effect on future agricultural development and per acre values. These impacts, and the serious and significant impacts and effects which may occur related to the District may limit, restrict, stop, or reduce the agricultural infrastructure required continued existence of all of the crops and agricultural activities identified in Chapter 14. Section 14.2.2.3, page 14-20, lines 3 to 21, with reference to the Delta Protection commission (DPC) and its work fails to mention or analyze the DPC's Economic Sustainability Plan (ESP). [Footnote 1: The ESP is described and analyzed in subsection 16.2.2.3, beginning at page 16-32. However, the ESP also should be included in the Draft EIR/EIS analysis for Chapter 14.] Cutting across a number of sections written into the Draft EIR/EIS, but with particular focus on Delta agriculture, the ESP is an important planning and legal document formally adopted by the DPC. Many of the components of the ESP have been incorporated into and made a part of the Delta Plan, formally adopted by the Delta Stewardship Council. This failure is a fatal flaw. Additionally, the admitted lack of analysis of Williamson Act contract cancellations discussion (e.g., at page 14-75, lines 10-24) fails to include in its analysis the resulting financial impacts resulting on changes in land values, changes and restrictions in crop plantings, and changes in land uses on the income and operations of the District and the other public entities, utilities, and other organs of the Delta and the Delta communities.	Final EIR/EIS Chapter 20, Public Services and Utilities, Impact UT-1, describes impacts to emergency response times as not adverse or significant because construction of the proposed project would not increase the demand on law enforcement, fire protection, and emergency response services either due to an increased worker population or due to construction-related hazards, such that it would result in substantial adverse physical effects associated with the provision of, or the need for, new or physically altered governmental facilities. These are discussed as a whole for the community, not just in terms of pertaining only to agriculture. As discussed in Impact ECON-4 in Chapter 16, California Water Code Section 85089 subdivision (b) specifies that the entities constructing and operating a new Delta conveyance facility will fully mitigate for the loss of property tax revenues or assessments levied by local governments or special districts. Socioeconomic impacts related to Williamson Act contract cancellations are discussed in Final EIR/EIS Chapter 16, Socioeconomics, under Impacts ECON-1, 6, 7, and 12. Please also refer to Master Response 24 for additional discussion of community character and agricultural economics in the Delta.

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		This failure is a fatal flaw.	
1934	10	Comments Regarding Socioeconomics: In Chapter 16, discussing the Socioeconomics of the Delta, the findings indicate, without evidence, that the "rural communities" of the Delta are simply the towns of the Delta; the collection of improvements lying within the historic townships in the Delta. The language set out at page 16-3, lines 8-10 is an important example of this thinking. In truth, the Delta communities are composed of both the townships together with their surrounding agricultural lands, each in symbiotic relationship with the other. In the Courtland and Hood communities, this truth is revealed in the monthly meetings of town councils and informational meetings, an annual harvest fair, community dinners and fundraisers held by the Courtland Fire Protection District, annual street and yard sale events, along with many events held at the school, library, church, and other community groups. Together, these events bring the residents of these communities together into a cohesive, unified community bound together with common values, traditions, and histories going back in this and for over seven generations. ("Community Cohesion"). Together with our multicultural heritage through our large Hispanic and Asian communities, these facts and more demonstrate that the Delta community and its social fabric not divided along the lines of township vs. non-township.	Draft EIR/EIS Section 16.1.1, to which the commenter refers, goes on to more thoroughly describe the population of the Delta. Lines 33-45 of this same page, page 16-3 describe the multicultural demographics of the population. Please refer to Master Response 24 for additional discussion regarding community character in the Delta.
1934	11	Impact ECON 15: Analyzed in relation to Alternative IA, and incorporated into various other Alternatives, regarding damage, impact and negative effects on community character, is deeply flawed. (See page 16-72, line 3 to page 16-73, line 10.) In addition to the failures discussed above, the NEPA portion of the analysis (page 16-72, line 5 to page 16-73, line 2) admits that serious and significant impacts would be imposed on Delta communities, while the CEQA portion of the analysis (page 16-73, lines 3-10) claims no physical impacts will occur. Either one statement or the other is true. Both statements cannot be true at the same time.	CEQA and NEPA are different laws, and analyses conducted under each are based on different significance criteria. As described in Section 16.3.2 of Final EIR/EIS Chapter 16, for NEPA, economic effects are potentially significant if they lead to reasonably foreseeable physical or social impacts. Under CEQA, economic effects are not treated as significant effects on the environment, but an EIR should consider their potential to lead to reasonably foreseeable physical changes in the environment.
1934	12	Impact ECON 15: Page 16-72, at lines 27-30 claims that CM3 (the cultivated land natural community strategy) would ensure continued agricultural production, but fails to address in any way the quality, type, values, or other characteristics of that claim of continued agricultural production. It is basis and foundational to any NEPA or CEQA analysis to include the basic parameters of anticipated changes in crop quality, type, value, and other fundamental characteristics when claiming that "CM3 would ensure the continuation of agricultural production on thousands of acres in the Delta." The continued health of agriculture in the Courtland Fire Protection District, and in the Delta in general, is essential to the financial health and human resources demands upon the District and its ability to continue to satisfy the demands of its mission. The activities, meetings, social gatherings, parades, and other regular and annual events which provide important cohesion for the community and its social harmony are likely to be disrupted, leading to a substantial and disastrous impact on it and its neighboring communities.	CMs 2-22 were analyzed qualitatively at a programmatic level in the Draft EIR/EIS. Please refer to Master Response 2 for more information regarding project- and program-level analysis. As described in response to comment 1934-1 above, Alternative 4A is the new preferred alternative; this comment was provided in reference to the previous preferred alternative. Under Alternative 4A substantially fewer acres of habitat would be restored/enhanced relative to Alternative 4. Alternative 4A Environmental Commitments 3, 4, 6-12, 15 and 16 would restore up to 15,798 acres vs. 83,800 acres. Effects could include increases to employment and changes in land use that could trigger the disruption of agricultural and recreational economies. While the impacts to agricultural resources under Alternative 4A would be significant and unavoidable, Mitigation Measures AG-1 (Chapter 14, Agricultural Resources) would reduce the severity of impacts associated with converting Important Farmland, land subject to Williamson Act contracts, and land in Farmland Security Zones to nonagricultural uses. Mitigation Measures AG-1 activities would be implemented such as siting project footprints to encourage continued agricultural production; relocating or replacing agricultural infrastructure in support of continued agricultural activities; engaging counties, owners/operators, and other stakeholders in developing optional agricultural stewardship approaches; and/or preserving agricultural land through off-site easements or other agricultural land conservation interests. Also see Master Response 18 regarding agricultural mitigation for a discussion of why impacts that limit agricultural production or affect the value of agricultural land (such as seepage and reduced water quality) are not environmental impacts. Impacts under Impact ECON-15 (Changes in Community Character as a Result of Implementing

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			Environmental Commitments 3, 4, 6–12, 15, and 16) for Alternative 4A are considered less than significant. Notable decreases in population or employment, even if limited to certain areas, sectors, or the vacancy of individual buildings, could result in decay and blight stemming from a lack of maintenance, upkeep, and general investment. However, implementation of mitigation measures (in addition to Mitigation Measure AG-1, described above) and environmental commitments related to noise, visual effects, transportation, agriculture, and recreation, would reduce the extent of these effects such that a significant impact would not occur (see Appendix 3B, Environmental Commitments, AMMs, and CMs).
1934	13	Comments Regarding Cultural and Historic Resources: Since its establishment in the 1940s, the Courtland Fire Protection District has had an important place in the cultural and historic landscape of the Delta. In no small part due to its place in the Community Cohesion, the District has consistently served over time as a key place where members of the Delta Community gather to forge and renew relationships, discuss community issues, and plan for the future. The District is also a key area for Native American activity. Sections 18.1.1.3 and 4 in particular, and section 18.1 in general disclose that at no time did the drafters of the Draft EIR/EIS ever reach out to local historians who would have shown the drafters and their agents and associates the location of burial grounds, where arrowheads are generally found, and where other evidence of Native American culture is located. The failure of analytics used throughout the preparation of the Draft EIR/EIS even ask for local knowledge on the ground and generally known among families who have lived in the Delta for as much as seven generations is a fatal flaw in analysis and process throughout.	This comment was addressed in the RDEIR/SDEIS through Sections 18.1.1.4 and 18.1.1.5, which provide information on outreach efforts to Native Americans and other local interested parties, respectively.
1934	14	Comments Regarding Transportation: There are expected to be various serious and significant impacts and effects of each of the alternatives on the transportation network and routes relied upon by the Courtland Fire Protection District to perform its mission. For example, Table 19-3, seventh column from the left title "Hourly Volume Range (6AM to 7PM) specifically fails to take into account morning and evening agricultural activity before and after the stated hours during harvest, planting and growing seasons for various crops. Pear harvest, for example, during July and August, creates heavy traffic before 6AM and after 7 PM. The same is true of grape harvest in August, September and October.	The Lead Agencies acknowledge the importance of Delta roads to the agricultural economy. Mitigation Measure TRANS-1b specifies limiting construction activity to hours with more capacity to avoid operational deficiencies on affected roadways. Mitigation Measure TRANS-1c also seeks to work with affected jurisdictions to enhance capacity of congested roadway segments where construction traffic will substantially affect transportation facilities. It should be noted that the overall traffic volumes would be lower during the hours between 7 PM and 6 AM, but the project proponents acknowledge that construction truck traffic may impact the local community (residents, schools, and farmers). As described in Final EIR/EIS Chapter 19, Mitigation Measure TRANS-1c includes coordination with affected agencies, which would allow agencies to reduce impacts of construction truck traffic before 6 AM in the morning and after 7 PM in the evening.
1934	15	Comments Regarding Transportation: There are expected to be various serious and significant impacts and effects of each of the alternatives on the transportation network and routes relied upon by the Courtland Fire Protection District to perform its mission. The pavement conditions are admittedly generally unknown or are already inadequate. When 24-hour traffic diversions and volunteer rerouting due to extremely heavy dump truck traffic to transport tunnel spoils and construction related vehicular, light equipment and heavy equipment trips, the Draft EIR/EIS admits roads will be damaged beyond repair. This will further fracture and degrade Community Cohesion.	Final EIR/EIS Chapter 19, Transportation, identifies interference with emergency services as an effect. Impact TRANS-3 further discusses this problem and its effects. Mitigation Measure TRANS-1a includes provisions to ensure that construction vehicles allow continual access for emergency vehicles at the time of an emergency. Mitigation Measure TRANS-1c also seeks to work with affected jurisdictions to enhance capacity of congested roadway segments where construction traffic will substantially affect transportation facilities. However, some significant impacts may be unavoidable as discussed on page 19-70 of EIR/EIS Chapter 19, Transportation. Please refer to Final EIR/EIS Chapter 16, Socioeconomics, Impact ECON-4 for an analysis of impacts related to changes in community character as a result of constructing the proposed conveyance facilities.

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1934	16	Comments Regarding Transportation: There are expected to be various serious and significant impacts and effects of each of the alternatives on the transportation network and routes relied upon by the Courtland Fire Protection District to perform its mission. Nowhere in the Determination of Effects, section 19.3.2, page 19-36, line 7 through page 19-39, line 1, was the admitted disruption of traffic operations inclusive of the disruption on fire suppression and emergency response operations maintained by the District. Traffic rerouting, whether directed by governmental authority, or voluntary to avoid construction delays will seriously and negatively impact the District. Responding to calls in and around construction and operation traffic will delay any emergency response. The failure and omission of analysis of these issues is a fatal flaw. For example, the admitted time of "at least 1 hour" during which LOS (level of service) would be exceeded (see, for example page 19-41, lines 10-11) does not analyze the resulting burden on emergency response. The same failure is true for corresponding analysis for all Alternatives.	Draft EIR/EIS Chapter 19, Transportation, page 19-36 identifies interference with emergency services as an effect. The effect of each alternative on safety hazards, including interference with emergency routes during construction, was evaluated in Draft EIS/EIS Chapter 19 (Impact Trans-3). Additional analysis of the new alternatives for this specific criterion was conducted in RDEIR/DEIS Chapter 4, and revisions to the existing analysis of this topic were incorporated into RDEIR/DEIS Appendix A. Mitigation Measure TRANS-1a includes provisions to ensure that construction vehicles allow continual access for emergency vehicles at the time of an emergency. Mitigation Measure TRANS-1c also seeks to work with affected jurisdictions to enhance capacity of congested roadway segments where construction traffic will substantially affect transportation facilities. However, some significant impacts may be unavoidable as discussed on page 19-70 of EIR/EIS Chapter 19, Transportation.
1934	17	Comments Regarding Transportation: There are expected to be various serious and significant impacts and effects of each of the alternatives on the transportation network and routes relied upon by the Courtland Fire Protection District to perform its mission. Chapter 19 fails to analyze the serious impacts and effects of increased traffic, and in particular, the serious impacts and effects of long periods of heavy equipment traffic, on the levee roads. The failure and omission of analysis of these issues is a fatal flaw.	EIR/EIS Chapter 19, Transportation, page 19-36 identifies interference with emergency services as an effect. Impact TRANS-3 further discusses this problem and its effects. Mitigation Measure TRANS-1a includes provisions to ensure that construction vehicles allow continual access for emergency vehicles at the time of an emergency. Mitigation Measure TRANS-1c also seeks to work with affected jurisdictions to enhance capacity of congested roadway segments where construction traffic will substantially affect transportation facilities. Discussion of how truck traffic may degrade the physical condition of the roadway segments is included in the Draft EIR/EIS on page 19-13. The proponents are committed to minimizing and remedying such damage. The lead agencies also acknowledge concerns about transportation impacts on Delta and other local roads and agree with the desire to avoid further deterioration of these roads. Draft EIR/EIS Table 19-10 identifies roadway segments that are deficient. Mitigation Measures TRANS-2a, 2b, and 2c seek to eliminate or reduce traffic on those segments or to improve the condition of those pavement sections if use cannot be avoided. However, the lead agencies realize that this may not be feasible for all segments. Mitigation Measure TRANS-2c includes remediation of roads to their condition prior to project construction, or better, and includes coordination with affected agencies to accomplish this objective.
1934	18	Comments Regarding Public Services and Utilities: Chapter 20 of the Draft EIR/EIS claims to describe the public services and utilities in the study area which may be affected by the construction, operations and maintenance of the action alternatives in the Plan Area. (Page 20-1, lines 4-6.) As part of the subsection discussing Fire Protection and Emergency Response, the Draft EIR/EIS states "Response time is broken into three components: alarm processing time (dispatch), turnout time, and travel time. The element of time for alarm processing is in the hands of the dispatch and communication system. The amount of time it takes to turnout fire apparatus is different depending on whether the station is staffed by full-time permanent or otherwise assigned personnel, or whether the staffing is recalled (volunteer). Travel time is a function of speed and the availability of a road network to get to the scene of an emergency." (Page 20-3, lines 35-40.) Flawed Method of Analysis: Subsection 20.3.1, from page 20-29, line 16 through page	Evidence of the calls and emails, and all information received as a result, are a part of the administrative record. As stated in the analysis in Chapter 20, Public Services & Utilities, incorporating environmental commitments (Appendix 3B, Environmental Commitments, AMMs, and CMs) as part of each alternative (including creating a hazardous materials management plan (HMMP) that includes appropriate practices to reduce the likelihood of a spill of toxic chemicals and other hazardous materials during construction and facilities operation and maintenance; a spill prevention, containment, and countermeasure plan (SPCC Plan) will be developed and implemented to minimize effects from spills of oil or oil-containing products during construction and operation of the project; a fire prevention and control plan that will include fire prevention and suppression measures consistent with the policies and standards in the affected jurisdictions and will be in full compliance with the California Division of Occupational Safety and Health (Cal-OSHA) standards for fire safety and prevention) would minimize the potential for construction-related accidents associated with hazardous materials spills, contamination, or fires, and reduce potential effects associated with increased service demands from new construction workers in the Plan Area. As part of the environmental

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		20-30, line 8, recites a "desktop" method of analysis, limited solely to review of electronic data and telephone calls, perhaps limited to one voice message, and emails(s). These two methods are the only listed means attempted by the drafters and proponents of the Draft EIR/EIS to obtain information from the public agencies and utilities the drafter write about. There is absolutely no data presented in summary; raw or other form making representation of any data collected from the telephone calls and emails. This means that no such analysis was received. The calls and emails, and all information received as a result, should be disclosed in the Draft EIR/EIS. The lack of information is not disclosed, and should be disclosed. The Draft EIR/EIS, presented without any of the information collected via the personal methods, is flawed and defective because without the information obtained by telephone calls and email the readers and reviewers of the Draft EIR/EIS cannot effectively evaluate the Draft EIR/EIS. The conclusion is that the drafters have either hidden or failed to disclose the information received, or that information was received and not disclosed. The drafters further failed to inventory the equipment and training level of the Courtland Fire Protection District or any Delta public entity or utility, failed to estimate the increased service load on the Courland Fire Protection District due to the construction and/or operations of the projects listed in any of the alternatives, and failed to evaluate whether the District, or any other public entity or utility would possess the required equipment and training to respond to the increased service demands upon the District caused by any of the projects or proposals listed in the Draft EIR/EIS. Due to this, they have offered no plans to assist the District or any other public entity or utility. Further Flaw in Method: As stated above, Subsection 20.3.1, from page 20-29, line 16 through page 20-30, line 8, recites a "desktop" method of analysis, limited solely to review of electronic data and telephone calls, perhaps limited to one voice message, and email(s). The drafters of the Draft EIR/EIS completely failed to collect statements of mission, pains, purpose or any other matter from the data and information developed and stored at each public service entity, did not inspect or view any of the facilities listed, did not learn the scope, number or type of responses handled by the District, or any public service entity, in the Delta. The District submits that these flaws are fatal and the failures listed are required to be corrected in order to construct and understand the base line data points upon which the Draft EIR/EIS purports, and should be, based. As one example for illustration only: if such basic inquiry had been performed by the drafter of the Draft EIR/EIS, they would have learned that part of the primary mission of the District is to provide emergency medical aid, accident and other non-fire first responder services, and that annual calls of this type typically number above 100 per year. The drafters would have also learned that many of these calls result from existing and long-standing mutual aid agreements with neighboring Delta fire protection districts. The project, and all of the alternatives, clearly disrupt and delay the delivery of these non-fire responses. It is reasonably believed by the District, based on long experience, that loss of life, serious and permanent injury, some of a debilitating type, with corresponding catastrophic financial, social and quality of life loss.	commitment, fire suppression equipment will be kept at construction sites. Therefore, there is not expected to be an increased service load on the Courtland Fire Protection District due to the construction and/or operations of the proposed project. Additionally Mitigation Measure TRANS-1a was created in order to alleviate any impacts on response time to emergency medical situations (such as those provided by Courtland Fire Protection District). The project proponents will be responsible for developing the TMPs in consultation with the applicable transportation entities, including local agencies for local roads; including emergency responders. The mitigation measure also lists numerous other provisions that must be addressed to avoid impacts to emergency response traffic that must be included in the site-specific traffic management plans.
1934	19	Flawed Environmental Analysis: Subsection 20.3.1.1, in reference to the Environmental Consequences as applied to Fire Protection states, that Fire Protection entities have the potential to be affected by construction activities in the same ways as law enforcement	Impact UT-7 in Chapter 20 discusses impacts of operations and maintenance on all public services and utilities. The analysis finds that "Given the limited number of workers involved and the large number of work sites, it is not anticipated that routine operations and maintenance activities or major inspections would

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		agencies (page 20-30, line 30). The law enforcement section immediately above this quoted sentence identifies four potential impacts: increased number of construction personnel moving into the Plan Area, construction encroachment on station(s), road impacts, and decreased funding. This analysis is flawed in the following ways: 1. The analysis is limited to "construction activities" (Pg. 20-30, line 30.) The effects analysis (referred to below) lists both constructions and operations activities as creating effects. The flaw here is the failure of the scope of environmental analysis limited to "construction", whereas the effects analysis focuses on both construction and operation. The environmental analysis must focus and include operations in addition to constructions. Such expansion of analysis to include operations will require further study, additional data, and expanded outreach to understand the true environmental impacts of the BDCP operations upon public services such as Fire and Emergency Response. 2. The Environmental analysis as applied to fire protection, by simply incorporating the analysis as applied to law enforcement, fails to included emergency response, fire suppression, medical aid and other first responder duties which are difference than law enforcement.	result in substantial demand for law enforcement, fire protection, or emergency response services."
1934	20	Flawed Effects Analysis of Both Adverse Effects (NEPA) and Significant Impacts (CEQA): Subsection 20.3.2, Determination of Effects (beginning at page 20-33, line 1) should be titled "Determination of Effects and Impacts", to cover both NEPA and CEQA analysis. The effects and impacts analysis on page 20-33 should include "lack of suppression equipment to serve the needs of substantially greater, adverse and significantly higher number of calls and events requiring fire suppression by the Courtland Fire Protection District both within its boundaries and through the District's mutual aid agreements. The effects and impacts analysis on page 20-33 should include "lack of emergency response and medical aid equipment."	The commenter's recommendations are appreciated; however, the potential adverse effects and significant impacts which are evaluated for the proposed project will remain the same.
1934	21	Comments regarding Public Health: The Draft EIR/EIS fails to take into account various flood potential, flood dangers, and flood risks. In particular, the Draft EIR/EIS in final form should include the Lower Sacramento River/Delta North Regional Flood Management Plan (July 2014), its findings, analysis, conclusions and recommendations. Flood risk, flood events, and high water events have been a significant and serious part of life at all levels in the Delta. Flood dangers and risks, and actual flood events, should be an integral part of each and every chapter of the Draft EIR/EIS. The lack of such analysis throughout and in every chapter is a fatal flaw.	Alternative 4A no longer includes an HCP or Conservation Measures. Alternative 4A has been developed in response to public and agency input. Flood dangers and risks were evaluated in Draft EIR/EIS Chapter 6, Surface Water, and revisions to the analysis were included in the RDEIR/DEIS Appendix A. Final EIR/EIS Appendix 6A, BDCP/California WaterFix Coordination with Flood Management Requirements, includes a compilation of flood and levee-related information that is provided in detail in the other applicable EIR/EIS chapters. Levees are an important public safety resource and the proposed project would not change levee policy or replace ongoing programs and grant projects aimed at facilitating and supporting levee improvements in or outside the Delta. It recognized that levee maintenance and safety in the Delta is an important issue for the residents of the Delta and for statewide interests. DWR will consult with local reclamation districts and other flood management entities to ensure that construction activities and operations of the project would not conflict with flood protection measures and routine maintenance. Please refer to Final EIR/EIS Appendix 6A, Section 6A.6.2.1.3, for a discussion on DWR consistency with the State Plan of Flood Control (SPFC), and Section 6A.6.1.2 f for information on project consistency with USACE, CVFPB, and DWR flood standards and regulations. In addition, implementation of the proposed project would not affect existing flood management programs and funding mechanisms, including those outlined in

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			the CVFPP and associated RFMP's.
1934	22	Comments Regarding Environmental Justice: The Courtland Fire Protection District observed no dedicated outreach to the Hispanic or Asian members of our community.	The comment is noted and does not raise any issues related to the environmental analysis in the 2015 RDEIR/SDEIS or the 2013 Draft EIR/EIS. Please refer to Final EIR/EIS Chapter 28, Environmental Justice, which describes the outreach and noticing activities that occurred to reach environmental justice communities. These activities were consistent with EO 12898 and the obligations described under Section 28.4, Regulatory Setting, of this chapter, including Reclamation's NEPA guidance in the Draft NEPA Handbook requirements. Public outreach documents are available in six languages (in addition to English), on the website, located at: http://baydeltaconservationplan.com/2015PublicReview/2015PublicReviewInformationalMaterials/2015_Multi-Lingual.aspx. Additionally, project proponents have provided translators at public scoping meetings; the BDCP Website in Spanish; and a multi-lingual information hotline for project information in English, Spanish, Tagalog, Vietnamese, or Chinese (Mandarin).
1934	23	Comments Regarding Public Participation, Consultation and Coordination: The public participation, consultation and coordination activities on the part of the preparers of the Draft EIR/EIS did not include any directed or specific outreach to the Courtland Fire Protection District itself. The preparers of the Draft EIR/EIS have provided the communities of the District, some of the most affected communities in the Delta, with little to no informational outreach. Anyone wishing to participate and take part must travel to neighboring communities which are less impacted by the Draft EIR/EIS. Although the District is a major unit of local government in the Courtland and Hood communities, the lack of outreach from the preparers of the Draft EIR/EIS to the District and all affected communities, is a fatal flaw. The District reached out informally on a number of occasions, but none of these substitute for the formal outreach from the preparers of the Draft EIS/EIS to the District.	Since 2006, the proposed has been developed based on sound science, data gathered from various agencies and experts over many years, input from agencies, stakeholders and independent scientists, and more than 600 public meetings, working group meetings and stakeholder briefings. DWR staff has made best efforts to try to maintain contact with interested citizens. In 2013, DWR staff and the public outreach team conducted a series of "Delta Office Hours" in communities throughout the Sacramento-San Joaquin Delta. In many instances, attendees had questions outside the scope of the BDCP that staff committed to following up on. Such comments and questions were recorded and DWR staff attempted to follow up with participants. In some circumstances, such as where DWR staff was being unable to identify whom to follow up with when participants met in small groups, DWR staff was not able to follow-up with all participants. Contact information for the DWR Landowner Liaison was provided to all participants, and was made available online for any Delta Landowners to contact outside of the scheduled office hours. Please see Master Response 40 and 42 for additional information on public outreach adequacy and the public comment period respectively.
1934	24	The Courtland Fire Protection District requests that the final EIR/EIS presentation clearly identify and specifically show all places where each and every one of the comments above is specifically addressed. A redline copy of the Draft EIR/EIS, accompanying the EIR/EIS, would greatly aid in helping the public understand where and how all comments are addressed in the final product.	Redline changes made to the Draft EIR/EIS in response to comments were released as part of the 2013 Partially Recirculated Draft EIR/Supplement Draft EIS. To the extent that comments resulted in text changes, responses to comments that accompany the Final EIR/EIS will indicate what change was made and where.
1935	1	The problem the Bay Delta Conservation Plan proposes to solve can only be solved with a complete Environmental Impact Study of all the water exported from the California Delta. It is incredible that a project of this magnitude could progress to this date without an EIR or EIS. This is one of the biggest water projects in the history of the earth with no impact study or recognition of the adverse effects of the existing State Water Project which will continue to be used. The wordy BDCP contains some 450 megabytes of data but few facts that are educational in nature.	Neither CEQA nor NEPA requires an analysis of existing conditions. Instead, the EIR/EIS provides an exhaustive analysis of proposed and alternative operations of the SWP and CVP. The DEIR/EIS was released to the public in 2013 in combination with the draft BDCP document.
1935	2	What is the effect of taking even 1000 cfs (cubic feet per second) from one point in the Delta and exporting it? One thousand cubic feet per second equals 448,800 gallons a minute. People stating flows of 8,000 to 15,000 cfs do not appear to realize that 15,000 cfs would be a wall of water 20 feet high and 750 feet wide, passing at one foot per second, 6,732,000 gallons a minute. This deluge of water will negatively affect the Delta and yet the fact is not addressed.	The action alternatives could only deliver the amount of water diverted under the existing SWP and CVP water rights and the existing and future related regulatory requirements based upon river water levels and flow, water available in the system, the presence of threatened and endangered fish species, and water quality standards. As described in Chapter 3, Description of Alternatives, in the Final EIR/EIS, diversions of up to 15,000 cfs would not occur unless Sacramento River flows at Freeport were at least 25,000 cfs. Generally, this would occur primarily in the winter months of Wet and Above Normal water year types. The Final EIR/EIS analysis indicates that annual water diversions from the Delta would be within 10 percent of the historic, 20-year average.

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1935	3	If armed the property between the SWP intake and the Delta Mendota Canal intake for fifty years and I continue to be harmed by both projects. The State of California and the Federal government have ignored my letters that ask them to stop damaging our property and compensate us completely. They continue to ignore us and act like neighborhood bullies. This damage is real and continuing. Why can these agencies be so dishonest in dealing with physical facts like levee repairs, pump repairs, and even rodent damage.	The comment does not refer to the EIR/EIS but to other existing projects. Please note that as described in Chapter 16, Socioeconomics, under the California Constitution, public agencies may use eminent domain to acquire private property, but they must pay "just compensation" to the owner. Just compensation includes: (1) the fair market value of the real property and its improvements; and (2) any diminution in value of the remaining property when property taken is part of a larger parcel.
1935	4	When the Delta Mendota pumps were first started in the 1950's, there were no fish or trash screens. All the siphons on Clifton Court Tract became inoperative. The fish screens that were built as a result and are in place today have openings approximately one inch wide and six inches long. Any large scale water diversion destroys the fish. If we truly wish to save the delta smelt, these screens must be changed	DWR and Reclamation are required to improve fish collection efficiency at the existing south Delta salvage facilities, as part of facility improvements required by the National Marine Fisheries Service 2009 biological opinion on the SWP/CVP. For example, in 2014 Reclamation replaced the secondary louver system with a traveling screen system. These screens provide protection by guiding fish into the holding tanks while catching debris on pegs and transporting debris to a collection system at the work surface. The technology required at the proposed north Delta intakes and the existing south Delta export facilities differ fundamentally. The north Delta intakes would be located on the side of the river channel and so would be designed to comply with CDFW, NMFS, and USFWS fish screening criteria (BDCP Appendix 5B Section 3.B.3.3). The south Delta export facilities are located on dead-end channels and requires active collection and salvage of fishes. Screening the intakes at Clifton Court Forebay was analyzed during the water conveyance alternative development process and is described in the FEIR/EIS, Appendix 3A. This alternative was eliminated from further evaluation because initial results of recent studies, including information included in the recent NMFS biological opinions, supported a phased approach that would emphasize improvements to operations of fish handling facilities and reduced predator potential within Clifton Court Forebay prior to further analysis of installation of fish screens. Nevertheless, DWR and Reclamation will continue investigating strategies to increase fish salvage efficiency, reduce pre-screen losses, and improve screening efficiencies, consistent with the 2009 biological opinion of the SWP/CVP.
1935	5	A long term study of California weather is another must for the EIR. Droughts are a part of our history long before California was a state or the United States was even a country. Water that doesn't exist can't be shared.	Diversions at the north Delta intakes would be low in the dry and critical dry years (drought years), as shown in Table C-11-1-1 through C-11-1-25 in Appendix 5A, Section C, of the Final EIR/EIS.
1935	6	Finally we need to look at the power used to pump water hundreds of miles. Almost one half of the power required for the SWP is fossil fuel generated. Coal is a part of that fuel. The EIR/EIS needs to address the pollution caused by pumping billions of gallons of water south each day.	As indicated on Pg. 22-43 in Chapter 22, the proposed project will result in additional SWP energy demands in excess of 15 GWh/year. Impacts related to pumping activities associated with the SWP are evaluated in Impact AQ-16 in the RDEIR/SDEIS. This analysis includes an estimate of GHG emissions associated with SWP requirements, and are based on the U.S. EPA's eGrid emission factors for the CAMX region (which includes California), which accounts for the current mix of energy sources (both renewable and fossil fuel-derived) that comprises the CAMX region's electricity portfolio. As described in Chapter 22, Air Quality and Greenhouse Gases, Section 22.3.2.3, operational emissions associated with increased SWP pumping and project maintenance are evaluated for consistency with DWR's Climate Action Plan (CAP). Since the action alternatives would result in additional SWP energy demands in excess of 15 gigawatt hours per year, required consultation with DWR's SWP Power and Risk Office has occurred, and modifications to the Renewable Energy Procurement Plan (REPP) to accommodate the action alternatives have been identified to ensure that covered activities do not conflict with DWR's ability to achieve the GHG reductions outlined in the CAP, as the REPP describes the amount of additional renewable energy that DWR expects to purchase each year to meet its GHG emissions reduction goals. The CAP commits DWR to monitoring its emissions each year and evaluating its emissions every five years to determine whether it is on a trajectory to achieve its GHG emissions reduction goals.

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1935	7	It is time to take politics out of water. We need honest facts and figures for problem solutions. A complete Environmental Impact Study must be done now on what is known today as the California State and Federal Water projects. When the environmental effects of diversions of 1000 cubic feet per second to 15,000 cfs are known, then solutions can follow	The Federal and State Lead Agencies have done their best to make the EIR/EIS for the proposed project as fair, objective, and complete as possible. The Lead Agencies are following the appropriate legal process and are complying with CEQA and NEPA in preparing the EIR/EIS for the proposed project. These agencies readily acknowledge, however, that the document addresses a number of topics for which some scientific uncertainty exists. Such uncertainty can give rise to differing opinions as to what conclusions may be reached. Resource areas are addressed separately in the EIR/EIS under sections for each of the new project Alternatives, including surface water, groundwater, water quality, fish and aquatic resources, terrestrial biological resources, agricultural resources, air quality and greenhouse gases, and others. Where impacts are determined to be significant, environmental commitments and mitigation measures will be implemented to avoid and/or offset these effects, where possible.
1936	1	I have been in San Joaquin County all my life and I think it is a shame to send our water someplace else. Gov. Brown thinks that we will have all the water we want, no matter how much he takes. But it is not true. If we do not have water here, we will dry up all the land and lose all our agriculture.	The proposed California WaterFix Project is designed to provide a more reliable water supply, in a way more protective of fish. It is projected that water deliveries from the federal and state water projects would be about the same as the average annual amount diverted in the last 20 years with project implementation. See Master Response 28 for more information regarding operational criteria.
1936	2	If there is no water in our canals and the sun will not be able to pick it up for the clouds and no more rain. The south can use the ocean for water, by refining it. Just like they do on the ships. Leave our valley alone and cut off all the tunnels and destroy the ones they have.	The BDCP/California WaterFix is just one element of the state's long-range strategy to meet anticipated future water needs of Californians in the face of expanding population and the expected effects of climate change. The BDCP/California WaterFix is not a comprehensive, statewide water plan, but is instead aimed at addressing many complex and long-standing issues related to the operations of the SWP and CVP in the Delta, including reliability of exported supplies. It is important to note that the proposed project is not intended to serve as a statewide solution to all of California's water problems, and it is not an attempt to address directly the need for continued investment by the State and other public agencies in conservation, storage, recycling, desalination, treatment of contaminated aquifers, or other measures to expand supply and storage (as described in Section 1.C.3 of Appendix 1C, Water Demand Management).
1937	1	I believe stealing San Joaquin County's water is just like stealing anything. Has not Brown Sr. stole enough of our water? There has never been a vote on this issue, and it should be stopped now. And the tunnels should be melted down and used for some good use.	The proposed California WaterFix Project is designed to provide a more reliable water supply, in a way more protective of fish. It is projected that water deliveries from the federal and state water projects would be about the same as the average annual amount diverted in the last 20 years with project implementation. The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis provided in the EIR/S.
1937	2	In the U.S. Navy, they distilled the seawater and we lived. Why cannot the south build seawater refiners and use their own water (seawater)? Why do we have to suffer drought because of them? Give a certain date to build the refinery or buy an out of commission Navy ship to refine their water as they need it.	The comment does not raise any environmental issue related to the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS. Please see Master Response 7, which describes why an alternative focused on desalination is not included in the EIR/EIS. Desalination is one strategy used in California to develop new supplies, yet it is not the primary solution for the State's water shortage due to many factors, including limited capacity and technology, high costs and energy demands, and regulatory uncertainty.
1938	1	I oppose the BDCP because: It does not create a new water source.	Under the range of alternatives considered in the Final EIR/EIS, only water under existing water rights issued by State Water Resources Control Board to DWR and Reclamation could be delivered to SWP and CVP water contractors. The proposed project would not impact senior water users or groundwater users outside of the Delta. There are no guaranteed water flows to the SWP and CVP water contractors. The action alternatives were developed to deliver SWP and CVP water up to the upper limit of legal SWP and CVP contractual water amounts, with the understanding that full contract amounts would not be delivered on average for the alternatives considered in the Final EIR/EIS. Please see Master Response 3. No new water sources would be required.
1938	2	I oppose the BDCP because:	The commenter's opposition to the project is acknowledged.

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		It will severely damage the Delta ecosystem.	
1938	3	I oppose the BDCP because: It will severely damage the Northern California farming community.	The commenter's opposition to the BDCP is acknowledged.
1938	4	I oppose the BDCP because: It is extremely expensive and taxpayers, not water users, will be forced to pay for it.	Please see Master Response 5 for a discussion of the proposed project funding.
1938	5	I oppose the BDCP because: We can no longer afford to supply water to farmers that turn deserts into farmland. Farming is a business, and like any business, it takes risks. It creates a moral hazard to bail out farmers who risk their farms by betting on getting water no matter what the climate does. With climate change a reality, we must look to changing the way California subsidizes farmers with very low cost water.	In its efforts to achieve the co-equal goals of water supply reliability and ecosystem restoration, the BDCP seeks to protect dozens of species of fish and wildlife in the Delta while also securing reliable water deliveries for two-thirds of California. Please refer to Master Response 3 for additional information regarding the purpose and need behind the proposed BDCP. State constitutional restrictions require the reasonable and beneficial use of water and state law requires that water supplied from the Delta be put to beneficial uses. The Lead Agencies do not have the authority to designate what water deliveries are used for. Please refer to Master Response 34 regarding the potential uses of water delivered via BDCP proposed conveyance facilities.
1938	6	I oppose the BDCP because the money we would borrow to build this boondoggle would be better utilized building more water containment, developing seawater purification systems and conservation.	Please note that the BDCP is no longer the preferred alternative. The preferred alternative is now Alternative 4A and no longer includes an HCP. Alternative 4A has been developed in response to public and agency input. For more information regarding cost and funding sources please see Master Response 5, respectively. Although components such as desalination plants and demand management measures have merit from a statewide water policy standpoint, and are being implemented or considered independently through the state, they are beyond the scope of the proposed project. It is important to note that the proposed project is not intended to serve as a state-wide solution to all of California's water problems, and it is not an attempt to address directly the need for continued investment by the State and other public agencies in conservation, recycling, desalination, treatment of contaminated aquifers, or other measures to expand supply and storage. Please see Master Response 4 for discussion of the scope of the proposed project and alternatives (such as desalination or water storage) that were not carried forward for analysis in this document due to the fact that required actions beyond the scope of the proposed project. Also, refer to Master Response 6 and Appendix 1C for further information on demand management measures, including increasing agricultural water use efficiency and water conservation.
1938	7	I urge you to reject the Twin Tunnel plan.	The preferred alternative is now Alternative 4A (i.e., the California WaterFix Project) and no longer includes an HCP.
1939	1	I am writing in regards to the BDCP/California Environmental Quality Act Preferred Alternative. First, I want to express my appreciation for the opportunity to comment on this project. I am deeply concerned about the effect this twin tunnel plan will have on the fish species of the Delta, and primarily the striped bass. I am a lifelong resident of the San Francisco Bay and Delta region. Since I was a child growing up on the peninsula I have always enjoyed pursuing striped bass. As a sport fishing charter boat Captain, striped bass was also one of my customers most sought after prize. Now I am President of the Board of Directors for the California Striped Bass Association. As President, I represent the concerns of anglers from all over Northern California. I fear this project will be the downfall for many of the bay and Delta's species.	This comment addresses Alternative 4 (known also as the BDCP) or analysis contained within the draft BDCP Effects Analysis. Alternative 4A, also known as California WaterFix, has been developed in response to public and agency input and is the new CEQA Preferred Alternative. Alternative 4A is also the NEPA Preferred Alternative, a designation that was not attached to any of the alternatives presented in the 2013 Public Draft EIR/EIS. Alternative 4 remains a potentially viable alternative and is being carried forward in this RDEIR/SDEIS because it represents the original habitat conservation plan/natural community conservation plan (HCP/NCCP) alternative approach, and because it provides an important reference point from which the Alternative 4A, 2D, and 5A descriptions and analyses were developed. If the Lead Agencies ultimately choose the alternative implementation strategy and select an alternative presented in the RDEIR/SDEIS after completing the CEQA and NEPA processes, elements of the conservation plan contained in the alternatives in the 2013 Public Draft EIR/EIS may be utilized by other programs for implementation of the long term

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			conservation efforts. The analysis of effects of all alternatives on striped bass and other fish species is included in Final EIR/EIS Chapter 11.
1939	2	My first concern is the effect on the spawn and the ability for striped bass to reproduce. The striped bass spawn in two areas of the Delta -- the San Joaquin River and the Sacramento River. [Footnote 1: Turner, Jerry L. 1976. Striped Bass Spawning in the Sacramento and San Joaquin Rivers in Central California from 1963 to 1972. Calif. Fish and Game, 62(2): 106-118.] The spawn on the San Joaquin has contributed to the striped bass population less and less since the export of Delta water commenced in the south Delta. The primary cause of this decline is that the screens on the pumps can screen fish but not fish eggs. These fertilized eggs are drawn through the pumps, rather than hatch in the river and survive. The current striped bass population is being supported by the spawn that occurs in the Sacramento River primarily in the Colusa area, beyond the effects of the current pumping system. I greatly fear that by putting a second intake on the Sacramento River, the same effect will occur on the spawn of striped bass in that area, as has happened to the spawn on the San Joaquin. No amount of habitat restoration or habitat creation will keep striped bass eggs out of an additional intake.	As described in response to comment 1939-1 above, Alternative 4A is the new preferred alternative; this comment was provided in reference to the previous preferred alternative. New quantitative analyses presented in RDEIR/SDEIS Section 4.3.7 assess the potential for entrainment of striped bass eggs/larvae at the proposed North Delta Diversion and other intakes (see Impact AQUA-201). The analysis concluded for all alternatives that this would be a significant and unavoidable impact, albeit with uncertainty because of the unclear link between losses of early life stages and subsequent adult abundance.
1939	3	My second concern is the removing of fresh water that dilutes the effects of harmful discharges from cities and agriculture. Dr. David Ostrach has published scientific research that shows the harmful effect of various pollutants on the survival rate of fertilized striped bass eggs. [Footnote 2: Ostrach, D.J., J.M. Low, K.J. Eder, S.J. Whiteman and J.G. Zinkl. Maternal Transfer of Xenobiotics and Effects on Larval Striped Bass in the San Francisco Estuary (2008). Proceedings of the National Academy of Science, volume 105, (49), p. 19353-19358 http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2614765/] Without increased controls on the releases of these contaminants, the removal of fresh water's diluting effect these harmful influences will increase and be a further detriment to the striped bass ability to reproduce.	Pharmaceuticals and personal care products (PPCPs) have been addressed in Final EIR/EIS Section 8.1.3.8 and in Appendix 8C, Screening Analysis. Note that the surface water discharges are regulated via the State's NPDES program. A related action of the BDCP is CM19, for Alternatives 1–9, which is to provide funding for urban storm water treatment measures.
1939	4	The creating of new "habitat" from existing farmland will do nothing to protect or restore the Delta ecology or help the striped bass population. This creation of new habitat may sound good, and seem to fulfill the "co-equal" goal of restoration of the ecology of the Delta, but the reality for most of the species of the Delta is little or no effect. The habitat that needs to be restored to its pre-pumping conditions, that would have the biggest positive effect for both striped bass and sturgeon, would be the Suisun Bay marshland. The Suisun Marshes are traditionally a brackish water estuary where the salinity varies with the tides. This has been a nursery of sorts for juvenile striped bass and sturgeon as they acclimate from the fresh water of their birth to the salt water they will spend part of their lives in. At the current level of pumping in the Delta, the Suisun Marshes and the Eastern end of San Pablo Bay have become salt water. This condition has existed for the last ten years. This can be documented by the fact that when the California Department of Fish and Wildlife do their trawl for sturgeon as part of the population estimate they have found mostly saltwater species in these areas. The only way this habitat can be restored is to allow more fresh water to flow through to the bay, not less.	As described in response to comment 1939-1 above, Alternative 4A is the new preferred alternative; this comment was provided in reference to the previous preferred alternative. The alternatives that include substantial habitat restoration (those that are an HCP for compliance with ESA) would restore several thousand areas of tidal habitats in the Delta and Suisun Marsh. Suisun Marsh restoration would be consistent with the Suisun Marsh Habitat Preservation, Management, and Restoration Plan previously adopted by several state and federal agencies, and which is meant to restore aquatic and terrestrial habitats to the benefits of multiple species. Alternatives 4A, 2D, and 5A are not HCPs and therefore do not propose restoration beyond what is required to mitigate the impacts of each of the alternatives.
1939	5	The species listed in California Environmental Quality Act Preferred Alternative that this plan would somehow protect are all native species. Yet as Dr. Ostrach has said, the fish of the Delta are 90% non-native species. Aren't all the species of the Delta worthy of protection? Current estimates show that the activity of fishing brings in over 780 million	As described in response to comment 1939-1 above, Alternative 4A is the new preferred alternative; this comment was provided in reference to the previous preferred alternative. The preferred alternative, 4A, includes operational criteria intended to minimize and avoid effects on sensitive fish species and does not

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		dollars per year to the economy of the Delta. It is our opinion that this plan does little or nothing to protect the fish species of the Delta, native or non-native.	contain a HCP. The EIR/EIS analyzes all alternatives, including Alternative 4A. Final EIR/EIS Chapter 11 evaluates potential impacts to covered fish (applies to those alternatives with an HCP component), as well as non-covered fish. Covered fish species are those identified as endangered, threatened, or at risk of being listed as endangered or threatened during the HCP permit term, for which the HCP alternatives would provide conservation and management. The non-covered fish and aquatic species are identified by state or federal agencies as special status or of particular ecological, recreational, or commercial importance. The list of fish species evaluated in Final EIR/EIS Chapter 11.
1939	6	The demands for a better water system for California are obvious, but the people of California deserve a better plan than this. Plans such as the Responsible Exports plan submitted by the Environmental Water Caucus, should be given more attention. The third goal set forth by the Assembly (Reliable Water Source, Restore the Ecology of the Delta, Less Reliance on Delta Water) has largely been ignored. The members of the California Striped Bass Association endorse any plan that reduces exports from the Delta, encourages the investment in local sources, invests in rainwater capture, and invests in water recycling. We can do better than this!	Please refer to Master Response 4 for information regarding alternatives development. The alternatives included in the 2013 Draft EIR/EIS represent a legally adequate reasonable range of alternatives and the scope of the analysis of alternatives fully complies with both CEQA and NEPA. The specific proposals that were considered but ultimately rejected by the Lead Agencies are discussed in Final EIR/EIS Appendix 3A, Identification of Water Conveyance Alternatives, Conservation Measure 1. Appendix 3A explains why various proposals were not analyzed in the 2013 Draft EIR/EIS, including the NRDC Portfolio-Based Proposal, Congressman Garamendi's Water Plan, and other similar concepts that would require actions that are beyond the scope of the proposed project. For more information regarding supplemental modeling requested by the SWRCB related to increased delta outflows please see Final EIR/EIS Appendix 5E, Supplemental Modeling Requested by the State Water Resources Control Board Related to Increased Delta Outflows.
1940	1	Central Valley reclamation districts, including Union Island Reclamation District No. 1 (RD 1) and south and central delta water agencies have consistently and continue to oppose the Bay Delta Conservation Plan (BDCP) and the construction of the proposed Twin Tunnels. Following a review of the 2013 BDCP and the EIR/EIS documents associated therewith, RD 1 steadfastly opposes, and wholeheartedly believes that this project should not proceed.	Please note that the BDCP is no longer the preferred alternative. The preferred alternative is now Alternative 4A and no longer includes an HCP. Alternative 4A, also known as California WaterFix, has been developed in response to public and agency input and is the new CEQA Preferred Alternative. Alternative 4A is also the NEPA Preferred Alternative, a designation that was not attached to any of the alternatives presented in the 2013 Public Draft EIR/EIS. Alternative 4 remains a potentially viable alternative and is being carried forward in this RDEIR/SDEIS because it represents the original habitat conservation plan/natural community conservation plan (HCP/NCCP) alternative approach, and because it provides an important reference point from which the Alternative 4A, 2D, and 5A descriptions and analyses were developed. If the Lead Agencies ultimately choose the alternative implementation strategy and select an alternative presented in the RDEIR/SDEIS after completing the CEQA and NEPA processes, elements of the conservation plan contained in the alternatives in the 2013 Public Draft EIR/EIS may be utilized by other programs for implementation of the long term conservation efforts. The comment does not raise any environmental issue related to the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS.
1940	2	The BDCP would have a detrimental impact on Delta farmland and habitat, harm State and Federal Parks and Reserves and other established conservation lands. Many of the lands within this reclamation district have been farmed by generation after generation of the same family. In addition to the agricultural benefit these farms provide not just to California but the entire country, they also bring a substantial economic benefit to this community.	This comment addresses Alternative 4 (known also as the BDCP) or analysis contained within the draft BDCP Effects Analysis. Alternative 4 remains a viable alternative. However, a modified proposed project (Alternative 4A/California WaterFix) also is being considered. For information regarding impacts to agriculture and the economy, please refer to Chapter 14, Agricultural Resources, and Chapter 16, Socioeconomics. Please refer to Master Response 18 for more information about agricultural impact mitigation.
1940	3	Under the Plan, ten percent (10%) of fertile delta cultivated farm land is proposed to be taken through eminent domain process for experimental mitigation efforts so that more desert lands can be irrigated. The proposed mitigation lands are adjacent to this reclamation district and represent a prime source for agriculture. This is a reckless proposal considering the additional water requirement per acre and delivery expense to irrigate the southern San Joaquin Valley.	For detailed responses on the primary issues being raised regarding proposed habitat restoration and mitigation areas associated with the BDCP or Alternative 4, as well as a discussion of the current status of the draft BDCP Effects Analysis, please see Master Response 5. Master Response 34 addresses beneficial use of water supported by the proposed project.
1940	4	Before take permits can be issued under a habitat mitigation plan, funding must be	Please see Master Response 5 for a discussion of project funding.

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		shown to be sufficient for all proposed activities, and all financial contributors and planned allocation of funds must be identified . The ability for the public to review and comment the funding plan has been stunted due to the late submittal of said plan.	
1940	5	The BDCP assumes, as part of its analysis, that devastating levee failures will occur over the next 50 years due to earthquake. However, no levee failure due to earthquake has ever occurred during recorded history. Additionally, University of California, Los Angeles researchers tried, but could not cause a levee failure with a simulated 7.0 earthquake. Furthermore, studies provide that if the Twin Tunnels are constructed the Delta residents will see their levees further deteriorated from being further ignored by the state and increased construction traffic. As the public agency assigned the task of maintaining the levees within this district, we take the stability of the levees as serious business.	Please see Appendix 6A, Section 6A.5.2, FEIR/EIS, for discussion on potential impacts of seismic events to the Delta. Also, see Section 6A.6.3.4 for information on seismic event impacts to water conveyance facilities under the proposed project. Also, see Chapter 2 for the BDCP/CWF purpose and need, and Appendix 6A Sections 6A.2 and 6A.3 for discussion on existing levee improvement programs and funding mechanisms, which would not be affected by the BDCP/CWF. Refer to Section 6A.6.3.2 for information on potential impacts to levee integrity as result of increased construction traffic. Model levee constructed for the dynamic field tests conducted by University California, Los Angeles did not represent the conditions of the existing levees on the Sherman Island. Most of the levees in the Delta are composed of un-engineered fills that are often sandy and susceptible to liquefaction, and typically rest atop peaty organic foundation soils, although liquefiable soils are also sometimes present in the foundations. The UCLA study focused on the behavior of the underlying peat rather than the better-understood liquefaction behavior of loose sandy levee fills. The model levee was constructed from non-liquefiable unsaturated clayey fill reinforced using a combination of biaxial geogrids and geosynthetics.
1940	6	Union Island Reclamation District No. 1 urges that other ways to store and conserve water be explored. The State's limited resources would be better spent on increasing water conservation and re-use and investing in new sources of water by way of capturing and treating storm water, new water storage facilities, desalination efforts and reducing the irrigation of desert lands in the southern Central Valley where severe drainage problems exist. RD 1 strongly encourages the State to continue its maintenance and support of the California levee systems. In conclusion, RD 1 respectfully request that you consider these and other comments submitted in opposition of the BDCP and the construction of the proposed Twin Tunnels.	Please see Master Response 4 for a discussion of the scope of the proposed project and alternatives (such as water storage) that were not carried forward for analysis in this document due to the fact that they required actions beyond the scope of the proposed project. Also, refer to Master Response 6 and Appendix 1C for further information on demand management measures, including increasing agricultural water use efficiency and conservation. With regards to storage, please see Master Response 37. While flood management is not a project purpose of the proposed project, it recognized that levee maintenance and safety in the Delta is an important issue for the residents of the Delta and for statewide interests. The proposed project is just one element of the state's long-range strategy to meet anticipated future water needs of Californians in the face of expanding population and the expected effects of climate change. The proposed project is not a comprehensive, statewide water plan, but is instead aimed at addressing many complex and long-standing issues related to the operations of the SWP and CVP in the Delta, including reliability of exported supplies and threatened and endangered species that depend on the Delta.
1941	1	Central Valley reclamation districts, including Union Island Reclamation District No. 2 (RD 2) and south and central delta water agencies have consistently and continue to oppose the Bay Delta Conservation Plan (BDCP) and the construction of the proposed Twin Tunnels. Following a review of the 2013 BDCP and the EIR/EIS documents associated therewith, RD 2 steadfastly opposes, and wholeheartedly believes that this project should not proceed.	The commenter's opinion on the merits of the proposed project is noted. Alternative 4A, also known as California WaterFix, has been developed in response to public and agency input and is the new CEQA Preferred Alternative. Alternative 4A is also the NEPA Preferred Alternative, a designation that was not attached to any of the alternatives presented in the 2013 Public Draft EIR/EIS. Alternative 4 remains a potentially viable alternative and is being carried forward in this RDEIR/SDEIS because it represents the original habitat conservation plan/natural community conservation plan (HCP/NCCP) alternative approach, and because it provides an important reference point from which the Alternative 4A, 2D, and 5A descriptions and analyses were developed. If the Lead Agencies ultimately choose the alternative implementation strategy and select an alternative presented in the RDEIR/SDEIS after completing the CEQA and NEPA processes, elements of the conservation plan contained in the alternatives in the 2013 Public Draft EIR/EIS may be utilized by other programs for implementation of the long term conservation efforts..
1941	2	The BDCP would have a detrimental impact on Delta farmland and habitat, harm State and Federal Parks and Reserves and other established conservation lands. Many of the lands within this reclamation district have been farmed by generation after generation of the same family. In addition to the agricultural benefit these farms provide not just to	Chapter 16 of the FEIR/EIS and RDEIR/SDEIS Appendix A (Socioeconomics) identifies the unique features of the Delta and describes the potential effects on Delta communities. Please see chapter 15 for a discussion on impacts to recreation. Impacts to agriculture are identified and discussed in Chapter 14; the lead agencies have proposed measures that would support and protect agricultural production in the Delta by

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		California but the entire country, they also bring a substantial economic benefit to this community.	securing agricultural easements and/or by seeking opportunities to protect and enhance agriculture with a focus on maintaining economic activity on agricultural lands. Please see Master Response 18 for more information on agricultural mitigation and Master Response 24 for information on the Delta As a Place.
1941	3	Under the Plan, ten percent (10%) of fertile delta cultivated farm land is proposed to be taken through eminent domain process for experimental mitigation efforts so that more desert lands can be irrigated. The proposed mitigation lands are adjacent to this reclamation district and represent a prime source for agriculture. This is a reckless proposal considering the additional water requirement per acre and delivery expense to irrigate the southern San Joaquin Valley.	As discussed in response to comment 1941-2, impacts to agriculture are identified and discussed in Chapter 14; the lead agencies have proposed measures that would support and protect agricultural production in the Delta by securing agricultural easements and/or by seeking opportunities to protect and enhance agriculture with a focus on maintaining economic activity on agricultural lands. Please see Master Response 18 for more information on agricultural mitigation and Master Response 24 for information on the Delta As a Place.
1941	4	Before take permits can be issued under a habitat mitigation plan, funding must be shown to be sufficient for all proposed activities, and all financial contributors and planned allocation of funds must be identified. The ability for the public to review and comment the funding plan has been stunted due to the late submittal of said plan.	Please see Master Response 5 for a discussion of project funding.
1941	5	The BDCP assumes, as part of its analysis, that devastating levee failures will occur over the next 50 years due to earthquake. However, no levee failure due to earthquake has ever occurred during recorded history. Additionally, University of California, Los Angeles researchers tried, but could not cause a levee failure with a simulated 7.0 earthquake. Furthermore, studies provide that if the Twin Tunnels are constructed the Delta residents will see their levees further deteriorated from being further ignored by the state and increased construction traffic. As the public agency assigned the task of maintaining the levees within this district, we take the stability of the levees as serious business.	See response to comment 1941-1. Please see Appendix 6A, Section 6A.5.2, FEIR/EIS, for discussion on potential impacts of seismic events to the Delta. Also, see Section 6A.6.3.4 for information on seismic event impacts to water conveyance facilities under the proposed project. Also, see Chapter 2 for the BDCP/CWF purpose and need, and Appendix 6A Sections 6A.2 and 6A.3 for discussion on existing levee improvement programs and funding mechanisms, which would not be affected by the BDCP/CWF. Refer to Section 6A.6.3.2 for information on potential impacts to levee integrity as result of increased construction traffic. Model levee constructed for the dynamic field tests conducted by University California, Los Angeles did not represent the conditions of the existing levees on the Sherman Island. Most of the levees in the Delta are composed of un-engineered fills that are often sandy and susceptible to liquefaction, and typically rest atop peaty organic foundation soils, although liquefiable soils are also sometimes present in the foundations. The UCLA study focused on the behavior of the underlying peat rather than the better-understood liquefaction behavior of loose sandy levee fills. The model levee was constructed from non-liquefiable unsaturated clayey fill reinforced using a combination of biaxial geogrids and geosynthetics.
1941	6	Union Island Reclamation District No. 2 urges that other ways to store and conserve water be explored. The State's limited resources would be better spent on increasing water conservation and re-use and investing in new sources of water by way of capturing and treating storm water, new water storage facilities, desalination efforts and reducing the irrigation of desert lands in the southern Central Valley where severe drainage problems exist. RD 2 strongly encourages the State to continue its maintenance and support of the California levee systems. In conclusion, RD 2 respectfully request that you consider these and other comments submitted in opposition of the BDCP and the construction of the proposed Twin Tunnels.	See response to comment 1941-1. Please see Master Response 4 for discussion of alternatives development. Also, refer to Master Response 6 and Appendix 1C for further information on demand management measures, including water use efficiency and conservation. See also Master Response 37 for more discussion about water storage. While flood management is not a project purpose of the proposed project, it recognized that levee maintenance and safety in the Delta is an important issue for the residents of the Delta and for statewide interests. The proposed project is just one element of the state's long-range strategy to meet anticipated future water needs of Californians in the face of expanding population and the expected effects of climate change. The proposed project is not a comprehensive, statewide water plan, but is instead aimed at addressing many complex and long-standing issues related to the operations of the SWP and CVP in the Delta, including reliability of exported supplies threatened and endangered species that depend on the Delta.
1942	1	Central Valley reclamation districts, including Reclamation District No. 544 (RD 544) and south and central Delta water agencies have consistently and continue to oppose the Bay Delta Conservation Plan (BDCP) and the construction of the proposed Twin Tunnels.	Please note that the BDCP is no longer the preferred alternative. The preferred alternative is now Alternative 4A and no longer includes an HCP. Alternative 4A has been developed in response to public and agency input. The EIR/EIS analyzes all alternatives, including Alternative 4A. The comment does not

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		Following a review of the 2013 BDCP and the EIR/EIS documents associated therewith, RD 544 steadfastly opposes, and wholeheartedly believes that this project should not proceed.	raise any environmental issue related to the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS.
1942	2	The BDCP would have a detrimental impact on Delta farmland and habitat, harm State and Federal Parks and Reserves and other established conservation lands. Many of the lands within this reclamation district have been farmed by generation after generation of the same family. In addition to the agricultural benefit these farms provide not just to California but the entire country, they also bring a substantial economic benefit to this community.	This comment addresses Alternative 4 (known also as the BDCP) or analysis contained within the draft BDCP Effects Analysis. Alternative 4 remains a viable alternative. However, a modified proposed project (Alternative 4A/California WaterFix) also is being considered. For information regarding impacts to agriculture and the economy, please refer to Chapter 14, Agricultural Resources, and Chapter 16, Socioeconomics. Please see RDEIR/SDEIS Appendix A Chapter 14, Agricultural Resources, Impact AG-1 and Impact AG-2 and their associated mitigation measures for complete analysis of how the proposed project will effect and mediate important farmland in the Delta. With regards to agricultural impact mitigation, please see Master Response 18. Chapter 16 of the EIR/EIS and RDEIR/SDEIS Appendix A (Socioeconomics) identifies the unique features of the Delta and describes the potential effects on Delta communities. Please see chapter 15 for a discussion on impacts to recreation. Impacts to agriculture are identified and discussed in Chapter 14; the lead agencies have proposed measures that would support and protect agricultural production in the Delta by securing agricultural easements and/or by seeking opportunities to protect and enhance agriculture with a focus on maintaining economic activity on agricultural lands. Please see Master Response 18 for more information on agricultural mitigation and Master Response 24 for information on the Delta As a Place.
1942	3	Under the Plan, ten percent (10%) of fertile delta cultivated farm land is proposed to be taken through eminent domain process for experimental mitigation efforts so that more desert lands can be irrigated. The proposed mitigation lands are composed of the lands within this reclamation district and represent a prime source for agriculture. This is a reckless proposal considering the additional water requirement per acre and delivery expense to irrigate the southern San Joaquin Valley.	Please Response to Comment 1942-2, above, which identifies information in the RDEIR/SDEIS relevant to agricultural and socioeconomic issues raised by the comment. For detailed responses on the primary issues being raised regarding proposed habitat restoration and mitigation areas associated with the BDCP or Alternative 4, as well as a discussion of the current status of the draft BDCP Effects Analysis, please see Master Response 5. Master Response 34 addresses beneficial use of water supported by the proposed project.
1942	4	Before take permits can be issued under a habitat mitigation plan, funding must be shown to be sufficient for all proposed activities, and all financial contributors and planned allocation of funds must be identified. The ability for the public to review and comment on the funding plan has been stunted due to the late submittal of said plan.	Please see Master Response 5 for a discussion of project funding.
1942	5	The BDCP assumes, as part of its analysis, that devastating levee failures will occur over the next 50 years due to earthquake. However, no levee failure due to earthquake has ever occurred during recorded history. Additionally, University of California, Los Angeles researchers tried, but could not cause a levee failure with a simulated 7.0 earthquake. Furthermore, studies provide that if the Twin Tunnels are constructed the Delta residents will see their levees further deteriorated from being further ignored by the state and increased construction traffic. As the public agency assigned the task of maintaining the levees within this district, we take the stability of the levees as serious business.	Please see Appendix 6A, Section 6A.5.2, FEIR/EIS, for discussion on potential impacts of seismic events to the Delta. Also, see Section 6A.6.3.4 for information on seismic event impacts to water conveyance facilities under the proposed project. Also, see Chapter 2 for the BDCP/CWF purpose and need, and Appendix 6A Sections 6A.2 and 6A.3 for discussion on existing levee improvement programs and funding mechanisms, which would not be affected by the BDCP/CWF. Refer to Section 6A.6.3.2 for information on potential impacts to levee integrity as result of increased construction traffic. Model levee constructed for the dynamic field tests conducted by University California, Los Angeles did not represent the conditions of the existing levees on the Sherman Island. Most of the levees in the Delta are composed of un-engineered fills that are often sandy and susceptible to liquefaction, and typically rest atop peaty organic foundation soils, although liquefiable soils are also sometimes present in the foundations. The UCLA study focused on the behavior of the underlying peat rather than the better-understood liquefaction behavior of loose sandy levee fills. The model levee was constructed from non-liquefiable unsaturated clayey fill reinforced using a combination of biaxial geogrids and geosynthetics.
1942	6	Reclamation District 544 urges that other ways to store and conserve water be explored. The State's limited resources would be better spent on increasing water conservation and	Please see Master Response 4 for discussion of the scope of the proposed project and alternatives (such as water storage) that were not carried forward for analysis in this document due to the fact that they required

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		reuse and investing in new sources of water by way of capturing and treating storm water, new water storage facilities, desalination efforts and reducing the irrigation of desert lands in the southern Central Valley where severe drainage problems exist. RD 544 strongly encourages the State to continue its maintenance and support of the California levee systems. In conclusion, RD 544 respectfully request that you consider these and other comments submitted in opposition of the BDCP and the construction of the proposed Twin Tunnels.	actions beyond the scope of the proposed project. Also, refer to Master Response 6 and Appendix 1C for further information on demand management measures, including increasing agricultural water use efficiency and conservation. While flood management is not a project purpose of the proposed project, it recognized that levee maintenance and safety in the Delta is an important issue for the residents of the Delta and for statewide interests. The proposed project is just one element of the state's long-range strategy to meet anticipated future water needs of Californians in the face of expanding population and the expected effects of climate change. The proposed project is not a comprehensive, statewide water plan, but is instead aimed at addressing many complex and long-standing issues related to the operations of the SWP and CVP in the Delta, including reliability of exported supplies and threatened and endangered species that depend on the Delta.
1943	1	Central Valley reclamation districts, including Stark Reclamation District No. 2089 (RD 2089) and south and central Delta water agencies have consistently and continue to oppose the Bay Delta Conservation Plan (BDCP) and the construction of the proposed Twin Tunnels. Following a review of the 2013 BDCP and the EIR/EIS documents associated therewith, RD 2089 steadfastly opposes, and wholeheartedly believes that this project should not proceed.	Please note that the BDCP is no longer the preferred alternative. The preferred alternative is now Alternative 4A and no longer includes an HCP. Alternative 4A, also known as California WaterFix, has been developed in response to public and agency input and is the new CEQA Preferred Alternative. Alternative 4A is also the NEPA Preferred Alternative, a designation that was not attached to any of the alternatives presented in the 2013 Public Draft EIR/EIS. Alternative 4 remains a potentially viable alternative and is being carried forward in this RDEIR/SDEIS because it represents the original habitat conservation plan/natural community conservation plan (HCP/NCCP) alternative approach, and because it provides an important reference point from which the Alternative 4A, 2D, and 5A descriptions and analyses were developed. If the Lead Agencies ultimately choose the alternative implementation strategy and select an alternative presented in the RDEIR/SDEIS after completing the CEQA and NEPA processes, elements of the conservation plan contained in the alternatives in the 2013 Public Draft EIR/EIS may be utilized by other programs for implementation of the long term conservation efforts. The comment does not raise any environmental issue related to the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS.
1943	2	The BDCP would have a detrimental impact on Delta farmland and habitat, and harm State and Federal Parks and Reserves and other established conservation lands. Many of the lands within this reclamation district have been farmed by generation after generation of the same family. In addition to the agricultural benefit these farms provide not just to California but the entire country, they also bring a substantial economic benefit to this community.	This comment addresses Alternative 4 (known also as the BDCP) or analysis contained within the draft BDCP Effects Analysis. Alternative 4 remains a viable alternative. However, a modified proposed project (Alternative 4A/California WaterFix) also is being considered. For information regarding impacts to agriculture and the economy, please refer to Chapter 14, Agricultural Resources, and Chapter 16, Socioeconomics. Please refer to Master Response 18 for more information about agricultural impact mitigation.
1943	3	Under the Plan, ten percent (10%) of fertile delta cultivated farm land is proposed to be taken through eminent domain process for experimental mitigation efforts so that more desert lands can be irrigated. The proposed mitigation lands are adjacent to the lands within this reclamation district and represent a prime source for agriculture. This is a reckless proposal considering the additional water requirement per acre and delivery expense to irrigate the southern San Joaquin Valley.	For detailed responses on the primary issues being raised regarding proposed habitat restoration and mitigation areas associated with the BDCP or Alternative 4, as well as a discussion of the current status of the draft BDCP Effects Analysis, please see Master Response 5. See also Master Response 34, which addresses beneficial use of water supported by the proposed project.
1943	4	Before take permits can be issued under a habitat mitigation plan, funding must be shown to be sufficient for all proposed activities, and all financial contributors and planned allocation of funds must be identified. The ability for the public to review and comment on the funding plan has been stunted due to the late submittal of said plan.	Please see Master Response 5 for a discussion of project funding.
1943	5	The BDCP assumes, as part of its analysis, that devastating levee failures will occur over the next 50 years due to earthquake. However, no levee failure due to earthquake has ever occurred during recorded history. Additionally, University of California, Los Angeles	Please see Appendix 6A, Section 6A.5.2, FEIR/EIS, for discussion on potential impacts of seismic events to the Delta. Also, see Section 6A.6.3.4 for information on seismic event impacts to water conveyance facilities under the proposed project. Also, see Chapter 2 for the BDCP/CWF purpose and need, and Appendix 6A

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		researchers tried, but could not cause a levee failure with a simulated 7.0 earthquake. Furthermore, studies provide that if the Twin Tunnels are constructed the Delta residents will see their levees further deteriorated from being further ignored by the state and increased construction traffic. As the public agency assigned the task of maintaining the levees within this district, we take the stability of the levees as serious business.	Sections 6A.2 and 6A.3 for discussion on existing levee improvement programs and funding mechanisms, which would not be affected by the BDCP/CWF. Refer to Section 6A.6.3.2 for information on potential impacts to levee integrity as result of increased construction traffic. Model levee constructed for the dynamic field tests conducted by University California, Los Angeles did not represent the conditions of the existing levees on the Sherman Island. Most of the levees in the Delta are composed of un-engineered fills that are often sandy and susceptible to liquefaction, and typically rest atop peaty organic foundation soils, although liquefiable soils are also sometimes present in the foundations. The UCLA study focused on the behavior of the underlying peat rather than the better-understood liquefaction behavior of loose sandy levee fills. The model levee was constructed from non-liquefiable unsaturated clayey fill reinforced using a combination of biaxial geogrids and geosynthetics.
1943	6	Reclamation District 2089 urges that other ways to store and conserve water be explored. The State's limited resources would be better spent on increasing water conservation and re- use and investing in new sources of water by way of capturing and treating storm water, new water storage facilities, desalination efforts and reducing the irrigation of desert lands in the southern Central Valley where severe drainage problems exist. RD 2089 strongly encourages the State to continue its maintenance and support of the California levee systems. In conclusion, RD 2089 respectfully request that you consider these and other comments submitted in opposition of the BDCP and the construction of the proposed Twin Tunnels.	Please see Master Response 4 for a discussion of the scope of the proposed project and alternatives (such as water storage) that were not carried forward for analysis in this document due to the fact that they required actions beyond the scope of the proposed project. Also, refer to Master Response 6 and Appendix 1C for further information on demand management measures, including increasing agricultural water use efficiency and conservation. With regards to storage, please see Master Response 37. While flood management is not a project purpose of the proposed project, it recognized that levee maintenance and safety in the Delta is an important issue for the residents of the Delta and for statewide interests. The proposed project is just one element of the state's long-range strategy to meet anticipated future water needs of Californians in the face of expanding population and the expected effects of climate change. The proposed project is not a comprehensive, statewide water plan, but is instead aimed at addressing many complex and long-standing issues related to the operations of the SWP and CVP in the Delta, including reliability of exported supplies and threatened and endangered species that depend on the Delta.
1944	1	Central Valley reclamation districts, including Mossdale Reclamation District No. 2107 (RD 2107) and south and central Delta water agencies have consistently and continue to oppose the Bay Delta Conservation Plan (BDCP) and the construction of the proposed Twin Tunnels. Following a review of the 2013 BDCP and the BIR/EIS documents associated therewith, RD 2107 steadfastly opposes, and wholeheartedly believes that this project should not proceed.	Please note that the BDCP is no longer the preferred alternative. The preferred alternative is now Alternative 4A and no longer includes an HCP. Alternative 4A, also known as California WaterFix, has been developed in response to public and agency input and is the new CEQA Preferred Alternative. Alternative 4A is also the NEPA Preferred Alternative, a designation that was not attached to any of the alternatives presented in the 2013 Public Draft EIR/EIS. Alternative 4 remains a potentially viable alternative and is being carried forward in this RDEIR/SDEIS because it represents the original habitat conservation plan/natural community conservation plan (HCP/NCCP) alternative approach, and because it provides an important reference point from which the Alternative 4A, 2D, and 5A descriptions and analyses were developed. If the Lead Agencies ultimately choose the alternative implementation strategy and select an alternative presented in the RDEIR/SDEIS after completing the CEQA and NEPA processes, elements of the conservation plan contained in the alternatives in the 2013 Public Draft EIR/EIS may be utilized by other programs for implementation of the long term conservation efforts. The comment does not raise any environmental issue related to the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS.
1944	2	The BDCP would have a detrimental impact on Delta farmland and habitat, harm State and Federal Parks and Reserves and other established conservation lands. Many of the lands within this reclamation district have been farmed by generation after generation of the same family. In addition to the agricultural benefit these farms provide not just to California but the entire country, they also bring a substantial economic benefit to this community.	This comment addresses Alternative 4 (known also as the BDCP) or analysis contained within the draft BDCP Effects Analysis. Alternative 4 remains a viable alternative. However, a modified proposed project (Alternative 4A/California WaterFix) also is being considered. For information regarding impacts to agriculture and the economy, please refer to Chapter 14, Agricultural Resources, and Chapter 16, Socioeconomics. Please refer to Master Response 18 for more information about agricultural impact mitigation.

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1944	3	Under the Plan, ten percent (10%) of fertile delta cultivated farm land is proposed to be taken through eminent domain process for experimental mitigation efforts so that more desert lands can be irrigated. The proposed mitigation lands are adjacent to this reclamation district and represent a prime source for agriculture. This is a reckless proposal considering the additional water requirement per acre and delivery expense to irrigate the southern San Joaquin Valley.	For detailed responses on the primary issues being raised regarding proposed habitat restoration and mitigation areas associated with the BDCP or Alternative 4, as well as a discussion of the current status of the draft BDCP Effects Analysis, please see Master Response 5. Master Response 34 addresses beneficial use of water supported by the proposed project.
1944	4	Before take permits can be issued under a habitat mitigation plan, funding must be shown to be sufficient for all proposed activities, and all financial contributors and planned allocation of funds must be identified. The ability for the public to review and comment on the funding plan has been stunted due to the late submittal of said plan.	Please see Master Response 5 for a discussion of project funding.
1944	5	The BDCP assumes, as part of its analysis, that devastating levee failures will occur over the next 50 years due to earthquake. However, no levee failure due to earthquake has ever occurred during recorded history. Additionally, University of California, Los Angeles researchers tried, but could not cause a levee failure with a simulated 7.0 earthquake. Furthermore, studies provide that if the Twin Tunnels are constructed the Delta residents will see their levees further deteriorated from being further ignored by the state and increased construction traffic. As the public agency assigned the task of maintaining the levees within this district, we take the stability of the levees as serious business.	Please see Appendix 6A, Section 6A.5.2, FEIR/EIS, for discussion on potential impacts of seismic events to the Delta. Also, see Section 6A.6.3.4 for information on seismic event impacts to water conveyance facilities under the proposed project. Also, see Chapter 2 for the BDCP/CWF purpose and need, and Appendix 6A Sections 6A.2 and 6A.3 for discussion on existing levee improvement programs and funding mechanisms, which would not be affected by the BDCP/CWF. Refer to Section 6A.6.3.2 for information on potential impacts to levee integrity as result of increased construction traffic. Model levee constructed for the dynamic field tests conducted by University California, Los Angeles did not represent the conditions of the existing levees on the Sherman Island. Most of the levees in the Delta are composed of un-engineered fills that are often sandy and susceptible to liquefaction, and typically rest atop peaty organic foundation soils, although liquefiable soils are also sometimes present in the foundations. The UCLA study focused on the behavior of the underlying peat rather than the better-understood liquefaction behavior of loose sandy levee fills. The model levee was constructed from non-liquefiable unsaturated clayey fill reinforced using a combination of biaxial geogrids and geosynthetics.
1944	6	Reclamation District 2107 urges that other ways to store and conserve water be explored. The State's limited resources would be better spent on increasing water conservation and re- use and investing in new sources of water by way of capturing and treating stormwater, new water storage facilities, desalination efforts and reducing the irrigation of desert lands in the southern Central Valley where severe drainage problems exist. RD 2107 strongly encourages the State to continue its maintenance and support of the California levee systems. In conclusion, RD 2107 respectfully request that you consider these and other comments submitted in opposition of the BDCP and the construction of the proposed Twin Tunnels.	Please see Master Response 4 for a discussion of the scope of the proposed project and alternatives (such as water storage) that were not carried forward for analysis in this document due to the fact that they required actions beyond the scope of the proposed project. Also, refer to Master Response 6 and Appendix 1C for further information on demand management measures, including increasing agricultural water use efficiency and conservation. With regards to storage, please see Master Response 37. While flood management is not a project purpose of the proposed project, it recognized that levee maintenance and safety in the Delta is an important issue for the residents of the Delta and for statewide interests. The proposed project is just one element of the state's long-range strategy to meet anticipated future water needs of Californians in the face of expanding population and the expected effects of climate change. The proposed project is not a comprehensive, statewide water plan, but is instead aimed at addressing many complex and long-standing issues related to the operations of the SWP and CVP in the Delta, including the reliability of exported water supplies for threatened and endangered species that depend on the Delta.
1945	1	I wanted to relay my support for this effort now that a draft solution is on the table and your agency is seeking comments from members of the public. Southern California is faring better than much of the state during this drought because of our investments in regional storage and conveyance that allowed us in the past to capture adequate supplies in wet years and store that supply for dry years. The supply from Northern California is critical for this system to work. Unfortunately, that supply is at risk until we modernize the Delta portion of the statewide water delivery system so that it reduces conflicts with Delta fish species and protects this supply in the event of natural disasters such as	The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis provided in the EIR/S.

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		earthquakes.	
1945	2	Water from Northern California is vital to the entire state, supporting our \$2 trillion urban and agricultural economy and sustaining the Delta environment. We need a solution that works for all stakeholders and we need every region of the state doing its part including increasing conservation and expanding local supplies. Please continue your important efforts on the Bay Delta Conservation Plan so that California can modernize this crucial link in our water system, restore the Delta ecosystem and put the state on a path to a more reliable water future.	Please note that the preferred alternative is now Alternative 4A (i.e., the California WaterFix Project) and no longer includes an HCP. The environmental documentation and project approval will be acted on by the decision makers from each lead agency at the conclusion of the CEQA and NEPA processes.
1946	1	I wanted to relay my support for this effort now that a draft solution is on the table and your agency is seeking comments from members of the public. Southern California is faring better than much of the state during this drought because of our investments in regional storage and conveyance that allowed us in the past to capture adequate supplies in wet years and store that supply for dry years. The supply from Northern California is critical for this system to work. Unfortunately, that supply is at risk until we modernize the Delta portion of the statewide water delivery system so that it reduces conflicts with Delta fish species and protects this supply in the event of natural disasters such as earthquakes.	The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis provided in the EIR/S.
1946	2	Water from Northern California is vital to the entire state, supporting our \$2 trillion urban and agricultural economy and sustaining the Delta environment. We need a solution that works for all stakeholders and we need every region of the state doing its part including increasing conservation and expanding local supplies. Please continue your important efforts on the Bay Delta Conservation Plan so that California can modernize this crucial link in our water system, restore the Delta ecosystem and put the state on a path to a more reliable water future.	Please note that the preferred alternative is now Alternative 4A (i.e., the California WaterFix Project) and no longer includes an HCP. The environmental documentation and project approval will be acted on by the decision makers from each lead agency at the conclusion of the CEQA and NEPA processes.
1949	1	The San Joaquin County Mosquito and Vector Control District (District) has reviewed the BDCP as presented. The restoration of the Delta Ecosystem must include implementation of best management practices (BMPs) for mosquito prevention and control. BMPs are necessary to implement during the design phase for these types of proposals. We can provide historical information on mosquito species and mosquito-borne virus prevalence associated with current habitat located in the Delta ecosystem. Our District conducts a comprehensive mosquito control program in the San Joaquin County Delta. This work includes mosquito/virus surveillance, ground and aerial mosquito larvicide treatments and ground I aerial adult mosquito control treatments. We prefer a proactive approach to mosquito control; whereby, through proper design and management techniques, mosquito prevention is key. One way to ensure these factors are part of the design phase is to follow at least two examples of BMPs to ensure mosquito prevention. Two BMPs (attached)that address these types of projects include: 1. Best Management Practices for Mosquito Control in California - Recommendations for the California Department of Public Health and the Mosquito and Vector Control Association of California	The Recirculated Draft EIR/Supplemental Draft EIS released in 2015 introduced a new preferred alternative, 4A, which does not include a HCP or Conservation Measures. The alternative implementation strategy allows for other State and federal programs to address the long term conservation efforts for species recovery in programs separate from the proposed project. Alternative 4A would implement substantially less habitat restoration than Alternative 4. Please refer to Final EIR Chapter 3, Description of Alternatives, for more detail. To aid in mosquito management and control during construction of the intakes, the project proponents will consult with appropriate Mosquito and Vector Control Districts (MVCDs). Consultation will occur with the following MVCDs: San Joaquin County Mosquito and Vector Control District and Sacramento-Yolo Mosquito and Vector Control District. This commitment is related to AMM33, Mosquito Management, described in BDCP Appendix 3.C. Consultation will occur before the sedimentation basins, solids lagoons, modified Clifton Court Forebay, and the intermediate forebay inundation area become operational. Once these components are operational, the project proponents will consult again with the MVCDs to determine if mosquito populations are beyond thresholds as defined in Mosquito Management Plan. See Appendix 3B, Environmental Commitments, of the Final EIR/EIS, for more detail on mosquito management plans. Also see Chapter 25, Public Health, of the Final EIR/EIS, regarding environmental analysis regarding vectors. For the proposed project (4A) the impact is less than significant to increase vector-borne diseases.

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		2. Central Valley Joint Venture Technical Guide to Best Management Practices for Mosquito Control in Managed Wetlands. (Developed in conjunction with the California Department of Fish and Wildlife, the U.S. Fish and Wildlife Service and Mosquito and Vector Control Districts.	
1949	2	San Joaquin County MVCD concerns include the habitat creation adjacent to existing development. The District must ensure any new habitat design, especially one that includes wetland habitat, follows the BMPs in order to prevent mosquito breeding. These winged insects do not remain at their point of origin; rather they will migrate toward a food source. Currently, should the residents of these areas experience a mosquito migration originating from the adjacent agricultural land, the District will respond by confirming the mosquito breeding site and abate as necessary in order to relieve the residents from the mosquito activity. This past year, the District conducted a number of both ground and aerial adult mosquito control applications to control West Nile virus carrying mosquitoes. We cannot have development of a site (conducive to mosquito breeding), that has great potential to create a public health risk to current residents adjacent to the proposed sites for planned habitat restoration. A significant portion of the Plan is dedicated to the restoration of wetland ecosystems and the development of migratory bird habitat. If not properly designed, built, managed and maintained, these types of aquatic features provide extensive mosquito-breeding habitat that requires responses and resources from the San Joaquin County Mosquito and Vector Control District. For example, to interrupt mosquito breeding cycles and West Nile virus transmission, the District can sometimes provide short-term control of immature and adult mosquitoes through applications of pesticides. For long term control, the District works with landowners and water managers to modify mosquito-breeding conditions to prevent or reduce the reoccurrence of mosquito development.	See response to comment 1949-1 regarding mosquito management plans and habitat restoration.
1949	3	The California Health and Safety Code authorizes mosquito control districts to conduct surveillance and control of mosquitoes, prevent the reoccurrence of mosquitoes, and legally abate the production of mosquitoes or public nuisance, defined as "Any activity that supports the development, attraction, or harborage of vectors, or that facilitates the introduction or spread of vectors" Landowners, both public and private, are subject to civil penalties of \$1,000 per day plus costs associated with control of the mosquitoes. To reduce the impacts to public health and the effects on public services, and to promote cooperative relationships between local government and public and private landowners, the District recommends that property owners implement mosquito prevention best management practices (BMPs) on lands developed for wetlands, ecosystem restoration projects, migratory bird habitat, and other man-made aquatic features.	See response to comment 1949-1 regarding mosquito management plans and habitat restoration.
1949	4	This District, in conjunction with Contra Costa County MVCD, Sacramento/Yolo MVCD and Solano County MAD worked with the Delta Protection Commission to develop recommendations on mosquito prevention strategies for wetlands and land flooding. The recommendations were developed to reduce mosquito populations, reduce the amount of pesticides applied to the environment, limit landowner liability, and lessen the impact on public services. Policy 10 (P-10) of the Natural Resources Section of DPC's Land Use and Resource Management Plan states: "Ensure that design, construction, and management of any flooding program to provide	See response to comment 1949-1 regarding mosquito management plans and habitat restoration.

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		seasonal wildlife and aquatic habitat on agricultural lands, duck club lands and additional seasonal and tidal wetlands, shall incorporate "best management practices" to minimize vectors including mosquito breeding opportunities, and shall be coordinated with the local vector control districts, (each of the four vector control districts in the Delta provides specific wetland/mosquito criteria to landowners within their district)." In conclusion, the San Joaquin County Mosquito and Vector Control District recommends that the EIR include the impacts to public health and the effects on public services we feel will result with the implementation of the plan.	
1949	5	Best Management Practices for Mosquito Control in California - Recommendations for the California Department of Public Health and the Mosquito and Vector Control Association of California	The comment describes an attachment to the comment letter. The attachment does not raise any additional issues related to the environmental analysis in the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS that are not already addressed in the comment referencing the attachment or the Final EIR/EIS. Please see response to comment 1949-1 regarding comment referencing this attachment.
1949	6	Central Valley Joint Venture Technical Guide to Best Management Practices for Mosquito Control in Managed Wetlands. (Developed in conjunction with the California Department of Fish and Wildlife, the U.S. Fish and Wildlife Service and Mosquito and Vector Control Districts.	The comment describes an attachment to the comment letter. The attachment does not raise any additional issues related to the environmental analysis in the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS that are not already addressed in the comment referencing the attachment or the Final EIR/EIS. Please see response to comment 1949-1 regarding comment referencing this attachment.