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| 1949 | 1 | <p>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</p> <p>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.</p> <p>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.</p> <p>Two BMPs (attached)that address these types of projects include:</p> <p>1. Best Management Practices for Mosquito Control in California - Recommendations for the California</p> <p>Department of Public Health and the Mosquito and Vector Control Association of California</p> <p>2. Central Valley Joint Venture Technical Guide to Best Management Practices for Mosquito Control in Managed</p> <p>Wetlands. (Developed in conjunction with the California Department of Fish and Wildlife, the U.S. Fish and</p> <p>Wildlife Service and Mosquito and Vector Control Districts.</p> | <p>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.</p> <p>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.</p> <p>See Appendix 3B, Environmental Commitments, of the Final EIR/EIS, for more detail on mosquito management plans.</p> <p>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.</p> |
| 1949 | 2 | <p>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.</p> <p>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.</p> | <p>See response to comment 1949-1 regarding mosquito management plans and habitat restoration.</p> |

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| | | <p>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,</p> <p>the District works with landowners and water managers to modify mosquito-breeding conditions to prevent or reduce the reoccurrence of mosquito development.</p> | |
| 1949 | 3 | <p>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.</p> <p>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.</p> | See response to comment 1949-1 regarding mosquito management plans and habitat restoration. |
| 1949 | 4 | <p>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:</p> <p>"Ensure that design, construction, and management of any flooding program to provide 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)."</p> <p>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.</p> | See response to comment 1949-1 regarding mosquito management plans and habitat restoration. |
| 1949 | Att:1 | Best Management Practices for Mosquito Control in California - Recommendations for the 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 |

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| | | Department of Public Health and the Mosquito and Vector Control Association of California | 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 | Att: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. | 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. |
| 1951 | 1 | We oppose the Bay Delta Conservation Plan in concept. Our review of the Draft BDCP Plan and its Draft EIR/EIS only heightens our opposition to the project, reinforcing our view that this project must not go forward. | 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) 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. |
| 1951 | 2 | Originally, the BDCP plan was conceived as a collaboration among south of Delta water export agencies. Their object was to increase exports from the Delta, using water supply "reliability" and ecosystem restoration as their stalking horse. Given the political power and influence of these large state, federal, and special district agencies!, claims by BDCP officials that the Twin Tunnels will not increase water exports must be taken with many grains of salt. Our comments, attached, demonstrate that BDCP's Twin Tunnels project will increase contract-based deliveries in wetter years, and will increase Delta exports in dry and drought years as the Tunnels increase water transfer opportunities for California's water market. The Bay Delta "Conservation" Plan has little to do with conservation. Indeed, the very name of the project is disingenuous at best and deeply cynical at worst. Even the planned tunnels - which are essentially a means for draining the Delta of life-sustaining fresh water in the most expeditious way possible - are perversely referred to as "Conservation | See response to comment 1951-1 regarding the BDCP. The action alternatives could only divert the amount of water under the existing SWP and CVP water rights and in accordance with 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. More information on the ranges of proposed water diversions, based on water year types and specific flow criteria, can be found in Chapter 3, Section 3.6.4.2, North Delta and South Delta Water Conveyance Operational Criteria, FEIR/EIS. By establishing a point of water diversion in the north Delta and new operating criteria the project is designed to establish a more natural east-west flow for migratory fish and allow for greater operational flexibility. The proposed project 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 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. Refer to Master Response 26 (Area of Origin). |

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| | | Measure 1." | |
| 1951 | 3 | The BDCP project objective to export more water from the Delta is a foregone conclusion, essentially predetermined from the start of the project and advocated by major south of Delta water exporters referenced above. | See response to comment 1951-2 regarding exports under the proposed project. |
| 1951 | 4 | BDCP is an even worse deal for the Delta. Purporting to restore Delta ecosystems and protect its most vulnerable fish species, BDCP would instead further reduce natural Delta outflows to San Francisco Bay, helping push listed, vulnerable salmon, sturgeon, and resident fish species into permanent oblivion. The people of the Delta, especially its poorest and most economically vulnerable, would endure a ten-year construction period only to find that the remaining catchable fish species would be more contaminated with mercury and selenium than they now are today. They would find that their agricultural, recreational, and regional economies would be decimated by the disruption from BDCP construction activities. | See response to comment 1951-2 regarding exports under the proposed project. See Chapter 11 of the Final EIR/EIS for a discussion on aquatic species impacts. No significant and unavoidable impacts to fish species occur from the proposed project (4A). USFWS and NMFS have authority under the federal Endangered Species Act to determine whether the proposed project meets the regulatory standard of ESA Section 7, and CDFW, has authority to determine if the proposed project meets the regulatory standards of CESA. See Master Response 14 regarding water quality impacts, including a discussion on selenium and mercury. 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 Final EIR/EIS. All impacts would be minimized and mitigated to the degree feasible and are described under each alternative in the FEIR/SDEIS individual resource chapters and in Appendix 3B, Environmental Commitments, FEIR/EIS. See Chapter 16 for a discussion on socioeconomic impacts, Chapter 15 for a discussion on impacts to recreation and Chapter 14 for a discussion on impacts to agriculture. |
| 1951 | 5 | While BDCP now trumpets the risks to California's water supply of massive Delta levee failures due to earthquakes and sea level rise, BDCP lifts not a finger to address these supposed seismic levee issues. At the same time, the Department of Water Resources ignores seismic risks to other components of the State Water Project underlain by active seismic faults at the San Luis Reservoir and in the Tehachapi Range crossing of the California Aqueduct. By the 2030s the Delta residents will see their levees further deteriorated from being ignored by the state, fresh water supplies exported, prime farmlands converted, and beloved fishable, swimmable and drinkable places of recreation ruined from Delta exports to San Joaquin Valley agribusinesses and southern California suburban development. Instead of the thriving regional economy the Delta is today integrated into the state, regional and global economies-it would by the 2030s be a subject colony of the Bay Delta Conservation Plan self-appointed "authorized entities." | The Delta is not subject to the same degree of overall seismic risk (i.e., threat of ground shaking and surface fault rupture) as much of the Bay area. However, although there is little threat of surface rupture in the Delta, the hazard of seismic ground shaking is moderate to high, based on expected seismic shaking modeling results conducted by the U.S. Geological Survey and DWR. See Section 3E.2.4.2 Ground Acceleration (Ground Shaking) of Appendix 3E and Section 9.1.1.4.2 Earthquake Ground Shaking in Chapter 9 of the 2013 Public Draft BDCP EIR/EIS. A moderate to strong earthquake could cause simultaneous levee failures on several Delta islands, which would result in island flooding with resultant island flooding. In 2002, the Working Group on California Earthquake Probabilities estimated that an earthquake of magnitude 6.7 or greater has a 62 percent probability of occurring in the San Francisco Bay Area before 2032, and could cause 20 or more islands to flood at the same time. 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. See response to comment 1951-4. |

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| 1951 | 6 | <p>BDCP and its EIR/EIS are meant to sell the project and try to limit the potential for critical thinking by an otherwise skeptical public. They conceal the Twin Tunnels' ulterior purpose of increasing the State Water Project's delivery capacity for enlarging the market for cross-Delta water transfers from Sacramento Valley "willing sellers."</p> <p>They reveal that Delta exports won't just increase in the wetter years, they will rise in the drier years as the water market grows in proportion that the Delta is colonized and controlled by BDCP. But by selectively modeling only the contractual water volumes and not the non-contractual amounts transferred via the water market in drier times, BDCP would prefer the public think they are merely "protecting and restoring" supplies already under contract from the effects of climate change and sea level rise.</p> | <p>See response to comment 1951-2 regarding exports under the proposed project.</p> <p>As described in Chapter 3, Description of Alternatives, the action alternatives considered in the EIR/EIS do not include specific water transfers. The EIR/EIS acknowledges that water transfers would continue in a similar manner as historic transfers and in accordance with State and Federal laws and regulations. The EIR/EIS also acknowledges that the use of water transfers between agencies could increase in the future as SWP, CVP, and other surface water supplies are reduced due to climate change, sea level rise, and increased water demand in the Delta watershed, as described in Appendix 1E, Water Transfers in California: Types, Recent History, and General Regulatory Setting, and Appendix 5D, Water Transfer Analysis Methodology and Results, of the Draft EIR/EIS. Because specific agreements have not been identified for water transfers and other non-project voluntary water market transactions, project level analysis of impacts upstream of the Delta is highly speculative and this EIR/EIS does not constitute the CEQA/NEPA coverage required for any specific transaction. Rather, it provides an analysis of how transfers relate to the proposed project facilities. Any future water transfers will require separate approvals. The analysis of any potential upstream impacts is not a part of this EIR/EIS and must be covered pursuant to separate laws and regulations once the specific transfer has been proposed.</p> <p>For more information on water transfers please see Master Response 43. Also see Appendix 5A of the Final EIR/EIS and Master Response 30 regarding modeling.</p> |
| 1951 | 7 | <p>The BDCP fails to provide an adequate range of alternatives to new conveyance as required by the National Environmental Policy Act and the California Environmental Quality Act; the listed "alternatives" to the tunnels are simply variations on tunnel export capacities and operational rules, none of which have any basis in existing water quality and operational regulations in the Delta. Alternatives that significantly reduce exports from recent historical levels have been ignored despite support from numerous environmental and water agency organizations throughout California, and despite scientific evidence confirming reduced exports and increased outflows to San Francisco Bay directly benefit Delta habitat restoration and fisheries recovery.</p> <p>Restored habitats cannot substitute for the river flows to and through the Delta that are needed for true recovery of the Delta's common wealth-its fish and its healthful, flowing waters.</p> | <p>The alternatives included in the Public Draft EIR/EIS, RDEIR/SDEIS, and Final 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 considered all potential alternatives that were proposed during the scoping process and while the EIR/EIS was being prepared. Although many of the proposed alternatives included meritorious water policy principles, the proposals rejected by the Lead Agencies did not qualify as appropriate alternatives for various reasons. For example, proposals were rejected because they were inconsistent with the project's objectives and its purpose and need or included components that are beyond the scope of the project. The text of the Draft EIR/EIS in Chapter 3 (section 3.2) and Appendix 3A thoroughly explain the process used to develop the alternatives, and explain why certain potential alternatives were considered but ultimately rejected by the Lead Agencies. See Master Response 4 regarding requirements of CEQA and NEPA, where an EIR/EIS must include a reasonable range of alternatives that would meet the purpose and need and all or most of the project's objectives (CEQA Guidelines, § 15126.6, subd. (a); 42 U.S.C. § 4332(2)(C)(iii); 40 C.F.R. §§ 1502.14, 1502.13.).</p> <p>See response to comment 1951-2 regarding exports under the proposed project.</p> |
| 2008 | 8 | <p>We expressly request "a range of reasonable alternatives" reducing exports both more and less than the reductions called for by the Responsible Exports Plan. The BDCP agencies must take this opportunity as part of the scoping of the recirculated EIR/EIS and other related documents to evaluate actions called for by the Responsible Exports Plan (attached hereto and also posted at http://www.ewccalifornia.org/reports/responsibleexportsplanmay2013.pdf). These actions include:</p> <p>reducing exports to no more than 3,000,000 acre-feet in all years in keeping with State Water Resources Control Board (SWRCB) Delta flow criteria (for inflow as well as outflow); water</p> | <p>See response to comment 2008-7 regarding operations and 2008-2 regarding alternatives.</p> <p>It should be noted that 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. It is important to note that the 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</p> |

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| | | efficiency and demand reduction programs including urban and agricultural water conservation, recycling, storm water recapture and reuse; reinforced levees above PL 84-99 standards; installation of improved fish screens at existing Delta pumps; elimination of irrigation water applied on drainage-impaired farmlands south of the Bay-Delta; return the Kern Water Bank to State control; restore Article 18 urban preference; restore the original intent of Article 21 surplus water in SWP contracts; conduct feasibility study for Tulare Basin water storage; provide fish passage above and below Central Valley rim dams for species of concern; and retain cold water for fish in reservoirs. | contaminated aquifers, or other measures to expand supply and storage (as described in Section 1.C.3 of Appendix 1C, Demand Management Measures). See Master Response 37 regarding storage, Master Response 34 regarding beneficial use of water, Master Response 6 regarding demand management. |
| 2008 | 9 | Responsible Exports Plan Alternatives could vary by how much time is allotted them to phase in export reductions over time. For instance, they could range from 10 to 40 years, which would comparatively span the same range of timelines provided, on one hand, for Tunnels construction, and on the other, the range of time provided for full implementation of habitat restoration projects under BDCP. Such comparisons would be useful for meaningful decisionmaking. | See response to comment 2008-2 regarding alternatives development. The comment does not raise any environmental issue related to the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS. |
| 2008 | 10 | We are aware that BDCP proponents are driving the project. They do not want the public including environmental organizations to have a BDCP alternative that they could support. This concealment to this date of any alternatives that would reduce exports is calculated to increase the likelihood of the BDCP proponents getting what they want. That strategy is illegal under CEQA, NEPA, and the state and federal ESAs and the state's Natural Communities Conservation Planning Act. Such a strategy promotes decision-making based on bad faith. | See response to comment 2008-2 regarding alternatives development. The alternatives included in the Final 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. For more information regarding alternatives development and screening please see Master Response 4. |
| 2008 | 11 | By this letter, the EWC, FOR, C-WIN, and CSPA repeat prior demands for consideration of the Responsible Exports Plan alternative and reasonable variants on that alternative. This demand follows up our similar requests which started back on April 16, 2012 but have to date been ignored in the BDCP process. | See response to comment 2008-2 regarding alternatives development. The alternatives included in the Final 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. For more information regarding alternatives development and screening please see Master Response 4. |
| 2008 | 12 | We also urge you to not load up the Responsible Exports Plan alternative with "poison pills" designed to make the alternative or variants on the alternative appear infeasible or undesirable. Our plan should be evaluated in good faith as a reduced exports/increased Delta inflow and Delta outflow alternative without prejudging its results. Our suspicions of future BDCP process intentional violations of NEPA, CEQA, and the ESA are heightened by the flat refusal of the BDCP agencies to develop or even consider a reasonable range of alternatives despite the clear warnings in this regard given by the National Academy of Sciences three years ago, and repeated by the EWC over the past three years. | See response to comment 2008-2 regarding alternatives development. The alternatives included in the FEIR/EIS represent a legally adequate reasonable range of alternatives and the scope of the analysis of alternatives fully complies with both CEQA and NEPA. For more information regarding alternatives development and screening please see Master Response 4. |
| 2008 | 13 | Under NEPA Regulations, "This [alternatives] section is the heart of the environmental impact statement." The alternatives section should "sharply" define the issues and provide a clear basis for choice among options by the decision-maker and the public. 40 C.F.R. § 1502.14. Moreover, if "a draft statement is so inadequate as to preclude meaningful analysis, the agency shall prepare and circulate a revised draft of the appropriate portion. The agency shall make every effort to disclose and discuss at appropriate points in the draft statement all major points of view on the environmental impacts of the alternatives including the proposed action." § 1502.9(a). The Responsible Exports Plan must be among those alternatives in the recirculated Draft EIR/EIS for BDCP that helps to sharpen and clarify issues and enrich the | The alternatives included in the Public Draft EIR/EIS, RDEIR/SDEIS, and Final 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 considered all potential alternatives that were proposed during the scoping process and while the EIR/EIS was being prepared. Although many of the proposed alternatives included meritorious water policy principles, the proposals rejected by the Lead Agencies did not qualify as appropriate alternatives for various reasons. For example, proposals were rejected because they were inconsistent with the project's objectives and its purpose and need or included components that are beyond the scope of the project. The text of the Draft EIR/EIS in Chapter 3 (section 3.2) and Appendix 3A thoroughly explain the process used to develop the alternatives, and explain why certain potential alternatives were considered but ultimately rejected by the Lead Agencies. See Master Response 4 |

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| | | basis for decision-making by the fishery agencies, the public, and all other public agencies that rely on the BDCP administrative record for their decision-making. ³ | regarding requirements of CEQA and NEPA, where an EIR/EIS must include a reasonable range of alternatives that would meet the purpose and need and all or most of the project's objectives (CEQA Guidelines, § 15126.6, subd. (a); 42 U.S.C. § 4332(2)(C)(iii); 40 C.F.R. §§ 1502.14, 1502.13.). |
| 2008 | 14 | The BDCP agencies have failed to produce an alternatives section that "sharply" defines the issues and provides a clear basis for choice among options as required by the NEPA Regulations, 40 C.F.R. § 1502.14. Again, those issues must include producing more Delta inflow and outflow through the estuary as habitat for listed fish species, and documenting the impacts on Delta ecosystems as called for in Water Code Section 85021. The choice presented must include increasing flows by reducing exports, not just reducing flows by increasing the capacity for exports as is called for by all of the so-called "alternatives" presented in the BDCP Draft Plan and EIR/EIS. | See response to comment 2008-7 regarding alternatives and flows. The alternatives included in the Final 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. For more information regarding alternatives development and screening please see Master Response 4. |
| 2008 | 15 | The failure to include a range of reasonable alternatives also violates CEQA. An EIR must "describe a range of reasonable alternatives to the project ... which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives." 14 Code Cal. Regs (CEQA Guidelines) § 15126.6(a). "[T]he discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly." § 15126.6(b). Recirculation of a new Draft EIR/EIS will be required by CEQA Guidelines section 15088.5(a)(3) because the Responsible Exports Plan alternative and other alternatives that would reduce rather than increase exports have not been previously analyzed but must be analyzed as part of a range of reasonable alternatives. | See response to comment 2008-13 regarding reasonable alternatives. The alternatives included in the Final 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. For more information regarding alternatives development and screening please see Master Response 4. |
| 2008 | 16 | With respect to the ESA, we have repeated several times in 2013 and 2014 that the failure of the federal agencies to prepare the ESA required Biological Assessments and Opinions concerning the US Bureau of Reclamation's activities with the Bay Delta Conservation Plan violates both the ESA Regulations (50 C.F.R. § 402.14(a) "at the earliest possible time" requirement and the NEPA Regulations (40 C.F.R. § 1502.25(a) "concurrently with and integrated with" requirement. (FOR January 14, 2014 comment letter and its four attachments). The missing Biological Assessments and Biological Opinions are essential to any meaningful public review and comment on a project claimed to be responsive to declining fish populations. | A biological opinion is not required prior to the release of the Draft BDCP/CWF EIR/EIS. For the Proposed Action, the USFWS and NMFS will conduct an internal ESA section 7 consultation prior to issuance of an Section 10(a)(1)(B) permit for the Proposed Action. These federal agencies will coordinate the ESA consultation process and other environmental review processes, such as the National Environmental Policy Act (NEPA), consistent with federal regulations. In addition, the USFWS and NMFS will consult with the Reclamation to complete biological opinions or a joint biological opinion prior to federal action to carry out the proposed project. The Biological Assessment has been completed and formal consultation with NMFS and USFWS is underway. The ROD will not be signed until biological opinions are issued by USFWS and NMFS. |
| 2008 | 17 | As conceded by BDCP Chapter 9, Alternatives to Take, the analysis of take alternatives must explain "why the take alternatives [that would cause no incidental take or result in take levels below those anticipated for the proposed actions] were not adopted." (BDCP Plan, Chapter 9, pp. 9-1, 9-2). Here, the lead agencies failed to even develop let alone adopt alternatives reducing exports and increasing flows to eliminate or reduce take. The agencies ignored the Responsible Exports Plan alternative that was provided to them a full year before they issued the Draft Plan and Draft EIR/EIS for public review and comment. | Please note that the BDCP is no longer the Proposed Project. The Proposed Project 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. Please see Master Response 4. 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 in response to the project objectives and purpose and need, as described in Chapter 2 of the EIR/EIS. The specific proposals that were considered but ultimately rejected by the Lead Agencies are discussed in Appendix 3A, Identification of Water Conveyance Alternatives, Conservation Measure 1. Appendix 3A thoroughly 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. |

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| | | | It is projected that water deliveries from the federal and state water projects under the Proposed Project would be similar to the average annual amount of water that would be diverted under the No Action Alternative (i.e. 2025 conditions without the Proposed Project). |
| 2008 | 18 | No matter how badly the BDCP proponents want to maintain or increase Delta exports, the Draft NEPA, CEQA, and ESA processes mandate inclusion of alternatives increasing flows and reducing exports as part of a range of reasonable alternatives. | See response to comment 2008-7 regarding alternative development and flows. The alternatives included in the Final 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. For more information regarding alternatives development and screening please see Master Response 4. |
| 2008 | 19 | In short, the fundamental flaws in the alternatives sections in the BDCP Draft EIR/EIS and Chapter 9 of the BDCP plan have led to a Draft EIR/EIS and Alternatives to Take analysis "so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded." 40 C.F.R. § 1502.9(a). | See response to comment 2008-17 represent a legally adequate reasonable range of alternatives. The alternatives included in the Final 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. For more information regarding alternatives development and screening please see Master Response 4. |
| 2008 | 20 | There is yet more. On August 26, 2014, the United States Environmental Protection Agency (EPA) issued its 40-page review of the Draft BDCP EIS. EPA declared that "we believe the NEPA process is well-suited to bring all of these considerations together, including the consideration of the environmental impacts of reasonable alternatives to the BDCP as it is currently proposed." (Letter, p 1). However, EPA found in BDCP's case that: operating any of the proposed conveyance facilities ... would contribute to increased and persistent violations of water quality standards in the Delta, set under the Clean Water Act, measured by electrical conductivity (EC) and chloride concentrations. We recommend that the Supplemental Draft EIS include one or more alternatives that would, instead, facilitate attainment of all water quality standards in the Delta. Specifically, we recommend that an alternative be developed that would, at minimum, not contribute to an increase in the magnitude or frequency of exceedances of water quality objectives, and that would address the need for water availability and greater freshwater flow through the Delta. Such an alternative should result in a decrease in the state and federal water projects' contributions to the exceedance of any water quality objectives in the Delta. (Id., p.2, emphasis added). | See response to comment 2008-2 regarding alternatives. Please note that the BDCP is no longer the preferred alternative. The preferred alternative is now Alternative 4A and no longer includes an HCP. The water quality impacts expected to occur under Alternative 4A, as well as Alternatives 2D and 5A, have been evaluated and the impacts disclosed in the RDEIR/SDEIS and FEIR/EIS. The EC water quality impacts are discussed in FEIR/EIS Chapter 8 Water Quality at Impact WQ-11: Effects on Electrical Conductivity Concentration Resulting From Facilities Operations and Maintenance. The EC objective that applies between Prisoners Point and Jersey Point applies in April and May of all water year types except Critical water years. When the model is predicting exceedances of the Prisoners Point objective, the maximum EC is about 600 uS/cm, which equates to roughly 120 mg/L chloride. This is well below municipal and industrial chloride objectives. Please see Master Response 14 regarding Water Quality and Master Response 28 regarding Operational Criteria. |
| 2008 | 21 | EPA's letter also indicated that the Tunnels project and each of its BDCP alternatives would result in increased residence time of interior Delta waters, resulting in increased toxic contamination from methyl mercury, mercury, selenium, boron, and other constituents. | See response to comment letter 2006 regarding EPA comments. See Master Response 14 and Chapter 8 regarding residence time and water quality. |
| 2008 | 22 | EPA further stated that "Data and other information provided in the Draft EIS indicate that all CM1 [Tunnels project] alternatives may contribute to declining populations of Delta smelt, Longfin smelt, green sturgeon, and winter-run, spring-run, fall-run and late-fall run Chinook salmon." (p. 10). "We recommend that the Supplemental Draft EIS consider measures to insure freshwater flow that can meet the needs of those [declining fish] populations and | See response to comment 2008-2 regarding alternatives. The RDEIR/SDEIS and FEIR/EIS include a NEPA and CEQA determination for each impact, which was based on the appropriate comparison to either the NEPA or CEQA baseline. For a description on the methodology for reaching impact conclusions, please see Section 11.3.2.2 in Chapter 11 of the FEIR/EIS. Following the |

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| | | <p>ecosystem as a whole, and is supported by the best available science. We recommend that this analysis recognize the demonstrated significant correlations between freshwater flow and fish species abundance."</p> <p>(Id.). These correlations were recently reviewed in the Delta Science Program/State Water Resources Control Board workshops on "Delta Outflows and Related Stressors" (held February 10-11 , 2014) and "Interior Delta Flows and Related Stressors" (held April 16-17, 2014).4 "Other reasonable alternatives could be developed by incorporating a suite of measures, including Integrated Water Management, water conservation, levee maintenance, and decreased reliance on the Delta." (Id. p. 3). In addition, EPA concluded that "The Draft EIS does not address how changes</p> <p>in the Delta can affect resources in downstream waters, such as San Francisco Bay, and require changes in upstream operations, which may result in indirect environmental impacts that must also be evaluated. We recommend that the Supplemental Draft EIS include an analysis of upstream and downstream impacts." (Id.).</p> | <p>methodology in Section 11.3.2.2 and the guidelines presented in Section 11.3.3, Determination of Effects, all impacts to covered fish species under the preferred alternative, 4A, were determined to be less-than-significant and not adverse. The Chapter 11 impact analyses demonstrated there would be no detectable population effects on the fish species referenced in this comment.</p> <p>Since the time of the Draft EIR/EIS, analyses of alternatives effects on areas downstream of the Plan Area in the San Francisco and San Pablo bays were included in the EIR/EIS for Chapter 8, Water Quality, and Chapter 11, Fish and Aquatic Resources. These analyses indicate that potential effects on water quality and fish species in the San Francisco and San Pablo bays would be less-than-significant. Please refer also to Master Response 14, which addresses the analysis of San Francisco Bay water quality effects.</p> |
| 2008 | 23 | <p>On July 29, 2014, the State Water Resources Control Board (SWRCB) issued its 38 page review of the Draft BDCP EIS/EIR. The SWRCB declared that the "environmental documentation prepared for the project must disclose the significant effects of the proposed project and identify a reasonable range of interim and long-term alternatives that would reduce or avoid the potential significant environmental effects." (Letter, comment 9 pp. 11-12). Further, "The justification for this limited range of Delta outflow scenarios is not clear given that there is significant information supporting the need for more Delta outflow for the protection of aquatic resources and the substantial uncertainty that other conservation measures will be effective in reducing the need for Delta outflow. For this reason a broader range of Delta outflows should be considered for the preferred project." (Id. comment 10 p. 12).</p> | <p>See response to comment 2008-2 regarding alternatives.</p> <p>The alternatives included in the Final 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. For more information regarding alternatives development and screening please see Master Response 4.</p> |
| 2008 | 24 | <p>On July 16, 2014, the United States Army Corps of Engineers (Corps) issued comments on the BDCP Drafts. The Corps' District Commander stated in crystal-clear language that: "I have determined the EIS/EIR is not sufficient at this time in meeting the Corps' needs under the National Environmental Policy Act (NEPA) ... in particular with regard to the incomplete description of the proposed actions, alternatives analysis ... and impacts to waters of the United States and navigable waters, as well as the avoidance and minimization of, and compensatory mitigation for, impacts to waters of the United States." (Letter p. 1). Additional Corps comments include the absence in the EIR/EIS of "an acceptable alternatives analysis" (comment 4), "the document needs a clear explanation of a reasonable range of alternatives and a comparison of such, including a concise description of the environmental consequences of each" (comment 19), and "new conveyance was not a part of the preferred alternative for CalFed. Does this EIS/EIR describe why the reasons for rejecting new conveyance in CalFed are no longer valid?" (Comment 22).</p> | <p>See response to comment 2008-2 regarding alternatives.</p> <p>DWR submitted an application for a 404 permit in 2015. The USACE deemed the application to be complete and issued a public notice, which solicited comments through November 9, 2015. The RDEIR/SEIS and FEIR/EIS includes Appendix E, Supplemental Information for the U.S. Army of Corps Engineers Regulatory program. The USACE expects to utilize the EIS to inform permit decisions under the authority of Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbor Act. USACE expects a supplemental NEPA document will be needed to inform the Section 408 clearance.</p> <p>As stated in the Section 404 Clean Water Act permit application, DWR has designed the proposed project to avoid impacts to Waters of the United States to the maximum extent practicable and has developed measures to minimize any unavoidable impacts. Numerous iterations of footprint locations for each of the conveyance components were evaluated to maximize the use of upland areas. An analysis of alternatives will be prepared and submitted to the Corps to demonstrate that the project as proposed is the least environmentally damaging practicable alternative, as required by Section 404(b)(1) of the Clean Water Act.</p> |
| 2008 | 25 | <p>EWC's Responsible Exports Plan-completely ignored so far by DWR and the other BDCP applicant agencies- fits the EPA's and SWRCB's calls for alternatives that would increase freshwater flow through the Delta and the Corps' call for an acceptable alternatives analysis. It is now time for the state and federal fishery agencies to terminate their abject submission to the</p> <p>dominance of the BDCP process by DWR and the other Section 10 applicants. It is also time to include among the range of reasonable alternatives required by law reduced Delta exports to</p> | <p>Please see Master Response 4. 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 in response to the project objectives and purpose and need, as described in Chapter 2 of the EIR/EIS. The specific proposals that were considered but ultimately rejected by the Lead Agencies are discussed in Appendix 3A, Identification of Water Conveyance Alternatives, Conservation Measure 1. Appendix 3A thoroughly explains why various proposals were not analyzed in the EIR/EIS, including the</p> |

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| | | increase freshwater flows through the Delta that are known to correlate with benefits to listed fish species. BDCP's scoping announcement in six to eight weeks must address the alternatives comprehensively and faithfully reproduce the Responsible Exports Plan alternative as part of the reasonable range of alternatives that are included in the recirculated documents. | 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. It is projected that water deliveries from the federal and state water projects under the Proposed Project would be similar to the average annual amount of water that would be diverted under the No Action Alternative (i.e. 2025 conditions without the Proposed Project). |
| 2008 | 26 | Please call Conner Everts, Co-Facilitator, Environmental Water Caucus at (310) 394-6162 ext. 111 or Robert Wright, Senior Counsel, Friends of the River at (916) 442-3155 ext. 207 with any questions you may have. | The comment does not raise any environmental issue related to the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS. |
| 2008 | Att:1 | RESPONSIBLE EXPORTS PLAN Developed by the Environmental Water Caucus May 2013 | The comment describes an attachment to the comment letter. Please see response to comments 3, 6, 8, 9, 11-13, 15, 17, and 25 regarding comments referencing this attachment. |
| 2009 | 1 | In quoting information from the BDCP species account for GGS I found an error/geographic inconsistency. see: page 2A.28-5, last sentence of last paragraph of: California Department of Water Resources (DWR). 2013. Bay Delta Conservation Plan. Public Draft. Appendix 2A.28. November. Sacramento, CA. Prepared by ICF International (ICF 00343.12). Sacramento, CA. These include the Yolo Bypass and vicinity west of the Stockton Deep Water Ship Channel and the eastern Delta fringe from approximately the Stone Lakes area south to Stockton and generally east of the Mokelumne River (Figure 2A.28-2). I believe the highlighted word should be Sacramento. | This comment is on the BDCP Plan, which is no longer the preferred project. It remains a viable option and if chosen as the proposed project the Plan document will be updated. Thank you for pointing out this error. |
| 2024 | 1 | Friends of the River (FOR), the California Water Impact Network (C-WIN), the California Sportfishing Protection Alliance (CSPA), and the Environmental Water Caucus (EWC) (a coalition of over 30 nonprofit environmental and community organizations and California Indian Tribes) here provide detailed scoping comments for consideration by the California Department of Water Resources "and the other state and federal agencies leading the Bay Delta Conservation Plan (BDCP) [that] will publish a Recirculated Draft BDCP, Draft EIR/EIS , and Draft Implementing Agreement (IA) in early 2015." Our organizations have communicated several times to BDCP officials our concerns about deficient analysis of alternatives in the BDCP process. 1 The single most glaring deficiency in the BDCP process and documents to date remains the failure of the BDCP agencies to develop and consider a range of reasonable alternatives that would increase freshwater flows by reducing exports. We addressed this in our letter of September 4, 2014. We are concerned that BDCP agencies continue to conceal this central problem for the Tunnels project from the public by their continuing refusal to post comments and correspondence on the BDCP | 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 new proposed project, Alternative 4A, significantly reduces the amount of planned habitat restoration, compared to the originally preferred BDCP HCP alternative, Alternative 4. Instead, the proposed project includes habitat restoration necessary 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). Please see Master Response 4 regarding Alternative Development. The action alternatives could only divert the amount of water under the existing SWP and CVP water rights and in accordance with 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. More information on the ranges of proposed water diversions, based on water year types and specific flow criteria, can be found in Chapter 3, Section 3.6.4.2, North Delta and South Delta Water Conveyance Operational Criteria, EIR/EIS. The specific proposals that were considered but ultimately rejected by the Lead Agencies are discussed in Appendix 3A, <i>Identification of Water Conveyance Alternatives, Conservation</i> |

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| | | <p>website. Nor have we had the courtesy of a reply to our letter of September 10, 2014 requesting "scoping" notices and participation and asking "How do Interested Parties Contact You?"</p> <p>We here summarize (in sections 1 through 7 below) our previous salient points about specific deficiencies. These deficiencies must be properly scoped and corrected in BDCP's revised, recirculated documents when they are reissued next year. In the wake of letters critical of BDCP from the US Environmental Protection Agency and the US Army Corps of Engineers, you have a number of difficult compliance and funding problems in revising BDCP documents for the next public review period. Many of these agencies' comments and observations about BDCP, its EIR/EIS, and its draft Implementing Agreement raise points echo our comment letters this summer. This letter is intended to clarify specific areas where changes must be made to bring BDCP documents, and the project on which they are based, into compliance with law and environmental sustainability. We reiterate: the most basic change needed is to increase freshwater flows through the Delta.</p> | <p><i>Measure 1.</i></p> <p>All formal comments received on the DEIR/EIS and RDEIR/SDEIS have been catalogued, evaluated, and responses incorporated into the Final EIR/EIS. All of the comments on the RDEIR/SDEIS were also made available on the project website. Comments received during the public review and other forms of public engagement resulted in changes to the preferred project (Alternative 4A is now the preferred alternative). The Final EIR/EIS has incorporated all public review comments and responses.</p> <p>Please see Master Response 46 Recirculation/Scoping and 42 regarding Public Comments</p> |
| 2024 | 2 | <p>Environmental Justice, Free Speech, and Full Disclosure Issues</p> <p>The BDCP agencies must refrain from using their web site as a propaganda tool to simply promote the Plan and instead post all comments, whether supportive or critical, on the BDCP web site. BDCP manipulates its web site to limit and exclude viewpoints critical of BDCP, rather than simply moderate them. BDCP agencies are all public agencies and have obligations under the U.S. Constitution's First Amendment, the California Constitution, and the California Government Code, as well as the California Environmental Quality and the National Environmental Policy Act to employ the web site to further full public disclosure of viewpoints about BDCP, which would benefit environmental justice communities, and promote full disclosure about the Bay Delta Conservation Plan.</p> <p>Enforcing the Public Trust Doctrine is an environmental justice issue. The Delta is a common pool resource, as recognized by the Department of Water Resources. Delta public trust resources—the listed and covered fish species and the non-covered fish species of the Delta alike—are all nurtured at some point in their lives (if not their whole lives) in the Delta common pool. Members of environmental justice communities in the Delta live, play, work, and subsist in and through the resources of the Delta common pool. State government has a fiduciary responsibility and obligation to protect the public trust. The Public Trust Doctrine is an affirmation of the duty of the state to protect the people's common heritage in streams, lakes, marshlands, and tidelands.</p> <p>Restore the Delta for all. Accordingly, it is incumbent on the BDCP agencies to produce a revised plan that seeks to restore the Delta for all interested parties, including the beneficial users from environmental justice communities. BDCP agencies need to overcome previous barriers to participation faced by members of environmental justice communities, including access to decision-making processes, provision of language translations, and interpretation of BDCP meetings. Environmental justice issues also span the scope of drinking water quality and supply, land use risk and hazards, water transfers that cross the Delta, impacts to affordable housing and transportation equity, air quality, public health, and jobs and economic impacts. [footnote: See the EWC's detailed comment letter of June 11, 2014, pp. 23-27, 116-117, 135-138, 164-166, 191-192, and 227-254. Accessible online at http://ewccalifornia.org/reports/bdcpcomment_s6-11-2014-3.pdf.]</p> | <p>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.</p> <p>As described in Appendix 3A, Section 3A.9.3, of the 2013 Public Draft EIR/EIS the State Water Resources Control Board prepared a Delta Flow Criteria Report in accordance with the requirements of the Sacramento-San Joaquin Delta Reform Act of 2009. Information from that report included “determinations of flow criteria for the Delta ecosystem to protect public trust resources. The report makes clear, however, that the flow criteria do not consider the balancing of public trust resource protection with public interest needs for water. The flow criteria also did not consider other public trust resource needs such as the need to manage cold-water resources in reservoirs tributary to the Delta. Nonetheless, the flow determinations contained in the Delta Flow Criteria Report, together with recent scientific conclusions of other State and federal agencies, including the Department of Fish and Wildlife, National Marine Fisheries Service, and the Interagency Ecological Program provide a useful guide to establish one side of a reasonable range of alternatives” (State Water Resources Board letter dated April 19, 2011). The information in the flow criteria report was used to inform the development of the proposed project.</p> <p>Due to the sheer size of the BDCP and the EIR/EIS for the BDCP, translation of the entirety of these documents was impractical and therefore inappropriate. Even so, BDCP and EIR/EIS Fact Sheets were translated into Spanish, Hmong, Cambodian, Tagalog, Chinese (Mandarin), and Vietnamese. Translated fact sheets were posted to the website and hard copies were provided upon request. Additionally, a multilingual toll-free phone line has been established for questions about the BDCP, which includes information in Spanish, Tagalog, Vietnamese and Chinese (Mandarin) in addition to English (based on Census data) as well as Hmong and Cambodian (based on requests).</p> <p>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</p> |

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| | | | <p>as well.</p> <p>The California Water Plan evaluates different combinations of regional and statewide resources management strategies to reduce water demand, increase water supply, reduce flood risk, improve water quality, and enhance environmental and resource stewardship. Follow the California Water Plan here: http://www.waterplan.water.ca.gov/.</p> <p>Please see Master Response 40 Public Outreach Adequacy, Master Response 41 Transparency, and Master Response 42 Public Comments.</p> |
| 2024 | 3 | <p>Endangered Species Act/Natural Communities Conservation Planning Act Issues</p> <p>Early Disclosure of Incidental Take of Covered Species. BDCP must disclose to the public during the public review period incidental take levels in the recirculated BDCP and EIR/EIS to be inserted in the incidental take permits for covered species. It is too late for adequate participation by the public to release take levels as part of proposed issuance of the permits themselves. Such a process defeats the public's important role in reviewing BDCP, its associated documents, and the proposed levels of incidental take.</p> <p>Complying with All Laws Will Firm Up Needed Assurances. BDCP must upgrade what are currently inadequate biological and ecological assurances concerning covered fish species. The Delta Independent Science Panel's review confirmed our analysis that there are flawed habitat restoration hypotheses employed in the habitat restoration conservation measures of the Plan. The US EPA has noted, bolstering our arguments in previous comments, that the Tunnels project will create outflow and hydrodynamic issues that will reduce salmon survival rates and increase Delta smelt entrainment risks at the North Delta intakes. There are also stranding issues in Yolo Bypass and potentially other restoration opportunity areas. Climate change analysis is noted by US EPA and ourselves as inadequately handled in BDCP documents. Real-time operations and adaptive management processes are relied upon by BDCP as crutches to cover over serious uncertainties associated with scientific and organizational gaps in Tunnels and Conservation Measure 2 (i.e., Yolo Bypass fish facilities) contributing to stranding and habitat restoration deficiencies. Other stressor measures, such as potential selenium, mercury, and methyl mercury issues, in the overall Conservation Strategy have similar gaps and uncertainties.</p> <p>No Water Quality Violations by the Tunnels Project. Operation of the Tunnels project would cause increased residence times throughout the Delta, as we documented in our June comments, and which US EPA confirms in their appraisal of the project. Water quality violations of objectives established by the State Water Resources Control Board and EPA are to be expected for salinity, electrical conductivity, mercury, methyl mercury, selenium, pesticides, and other constituents.</p> <p>Fix Models and Improve Forecasting Accuracy. Modeling of upstream storage and carryover for supplies and temperature control must be clarified and addressed, as found by US EPA, the Corps, and the independent modeling review by MBK Engineers.</p> <p>Additional Changed Circumstances Needed. The list of "changed circumstances" in the Bay Delta Conservation Plan should be expanded to include increased discharge of selenium, arsenic, boron, molybdenum, and other toxic contaminants known to occur naturally in the drainage impaired lands of the western San Joaquin Valley that are tributary to the San Joaquin River. This is necessary so that the costs of drainage remediation are borne by the</p> | <p>Alternative 4A, the California WaterFix proposed action, will be subject to incidental take authorization under ESA Section 7 and CESA Section 2081(b), and will therefore be subject to review by federal and state fisheries agencies. The Alternatives to Take analysis presented in the 2013 Draft BDCP and required by Section 10 of the ESA is not applicable to the new Proposed Project, Alternative 4A. 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.</p> <p>In addition, please see Master Response 29 regarding the Endangered Species Act and 45 regarding Permitting. Please see Master Response 3 for further information regarding the level of detail provided in the EIR/EIS Analysis</p> <p>Please see Master Response 5 regarding BDCP Conservation Measures. 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 Action Alternative. As exports are reduced, Delta outflows increase. The range of alternatives included in the EIR/EIS would result in a wide range of changes in Delta outflows as compared to the Existing Conditions and the No Action Alternative. The No Action Alternative and Alternatives 2A, 2B, 2C; 4H2, 4H3, 4H4; 5; 6A, 6B, 6C; 7; 8; and 9 would result in greater average annual Delta outflow than under Existing Conditions. Similarly, Alternatives 6A, 6B, 6C; 7; 8; and 9 would result in greater average annual Delta outflow than under the No Action Alternative. 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 in the south Delta export facilities. For instance, implementing a dual conveyance system would align water operations, and their location, to better reflect natural seasonal flow patterns by creating new water diversions in the north Delta equipped with State-of-the-Art fish screens, thus reducing reliance on south Delta exports during times of the year when listed aquatic species are present and most vulnerable.</p> <p>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 Project, 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 Project will continue to be pursued as part of existing projects and programs. Examples of these include habitat restoration addressed in the 2008 and 2009 USFWS and NMFS biological opinions (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.</p> <p>The setting is not deficient in its characterization of current water quality conditions, presenting a comprehensive description of existing conditions complete with citations to current literature and data summaries. Additional data would be just that and would not contribute to an appreciably altered characterization of existing conditions. The data that were compiled were of sufficient quantity and quality to characterize conditions for all constituents of concern to all beneficial uses that would be affected by the project alternatives throughout the study area and support the qualitative and quantitative assessments. Collection of additional field data is not part of the scope of the setting nor was it necessary given the</p> |

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| | | <p>BDCP Applicants and are not externalized onto the public at large.</p> <p>Adaptive Management Should Not Be a Crutch. Reduce the reliance of the Bay Delta Conservation Plan on adaptive management as a substitute for regulatory authority of the State Water Resources Control Board and other appropriate regulatory agencies.</p> | <p>extent of data that was available.</p> <p>Please see Master Response 14 regarding Water Quality and 30 regarding Modeling.</p> <p>Please see Master Response 33 regarding Adaptive Management.</p> |
| 2024 | 4 | <p>Funding Assurances and Financing Plan Issues</p> <p>Needed Financial Assurances. Recirculated BDCP documents, including especially the Plan's financial/cost sections, and the draft Implementing Agreement, must include:</p> <p>Funding sources, amounts, and uses for the Supplemental Adaptive Management Fund (intended for use purchasing water for environmental flows into the Delta)</p> <p>Detailed financing plan, including state and federal water contractor participation commitments, and local financial sources and uses statements that indicate extent of reliance by participating agencies on water rate increases, State Water Project property tax increases, and other potential sources of revenue such as special parcel taxes subject to vote of the electorate.</p> <p>Detailed financing plan for creation and expansion of the BDCP Natural Reserve called for in Conservation Measure 3, including specific plans for acquisition of existing restoration sites, as well as prospective new ones. This is necessary to ensure clear understanding by the public about what BDCP Applicants acquire as existing habitat restoration projects initiated by others versus what BDCP Applicants actually create with restoration funding resources.</p> <p>Stabilize the unreasonable baseline assumptions concerning future Delta water exports by conducting a more diversified alternatives analysis in BDCP Chapter 8, parallel to the revised alternatives analysis that will be required for the Draft EIR/EIS.</p> <p>Directly and in good faith address and analyze BDCP Tunnels project's poor cost competitiveness with other cheaper water source alternatives.</p> <p>[Improve the inadequate analysis of water demand by both urban and agricultural customers by conducting several previously omitted analyses:</p> <p>Evaluate each BDCP Applicant's realistic ability to reduce reliance specifically on imported water supplies from the Delta (as required by the Delta Reform Act).</p> <p>Apply demand elasticities to the customer service areas of both agricultural and urban BDCP Applicants to determine economically what alternative levels of investment would be needed to meet their demand for water. This should be done using a transparent, reasonable methodology which in so doing helps decision makers and the public evaluate need for the Tunnels project of Conservation Measure 1.]</p> <p>Include "step-up" provisions in contractual requirements for all water contractors participating in Delta Tunnels financing arrangements, and then determine which BDCP Applicants and other potential water contractors are still willing to participate and where water would come from (i.e., only the State Water Project or would there also be wheeling arrangements with the Central Valley Project?).</p> | <p>The proposed project is costly, but proponents have assessed the benefits as described in the funding sources. Notably, the water contractors benefitting from the proposed project and their constituents will bear all costs associated with constructing new conveyance facilities and mitigating for the impacts of those facilities.</p> <p>The proposed project, Alternative 4A which is the new preferred alternative, is estimated to cost significantly less relative to the former preferred alternative, Alternative 4. The difference in cost is largely due to the reduced level of restoration specifically funded by the project, as well as other Conservation Measures that are not included under Alternative 4A. As such, the total estimated cost for Alternative 4A is \$14.9 billion in undiscounted 2014 dollars. The estimated cost to implement the former preferred alternative is \$24.7 billion in undiscounted 2012 dollars. The construction of the water delivery facilities is estimated to cost \$14.9 billion, an amount that would be paid for by the state and federal water contractors who rely on Delta exports. The range of costs for water vary widely among contractors south of the Delta. Costs depend on the source of water, transport facilities, energy requirements, among other factors. For the agricultural customers of the CVP, prices range from \$100 per acre-foot to more than \$400 per acre-foot. The Metropolitan Water District of Southern California, which buys water from the SWP, estimates that the cost of the proposed project would translate into about \$5.00 extra per household, per month in its service area. The final cost of water from the new conveyance facilities would be determined by numerous factors. A number of these significant factors, such as the project yield and allocation of costs, have yet to be determined. Please see Master Response 5 for information regarding funding of the proposed project, and Master Response 1 regarding Environmental Baselines.</p> <p>As discussed for each impact under each alternative (Chapter 16 Socioeconomics, Impact ECON-4 EIR/EIS), the lead agencies would make arrangements to compensate local governments for the loss of property tax or assessment revenue for land used for constructing, locating, operating, or mitigating for new Delta water conveyance facilities. Notably, California Water Code section 85089 provides that "[c]onstruction of a new Delta conveyance facility shall not be initiated" until the benefitting federal and state water contractors, or a joint powers authority representing them, have made arrangements or entered into contracts requiring them to pay for both (a) the "costs of the environmental review, planning, design, construction, and mitigation" required for such a facility and (b) "[f]ull mitigation of property tax or assessments levied by local governments or special districts for land use in the construction, location, mitigation, or operation of new Delta conveyance facilities."</p> <p>The 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 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. It is important to note that the 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.</p> <p>Similarly, for land acquired for habitat restoration measures under the environmental commitments (see Impact ECON-16), the lead agencies would compensate local governments and special districts for forgone</p> |

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| | | | <p>revenue.</p> <p>Please see Master Response 31 regarding Compliance with the Delta Reform Act, and Master Response 3 regarding Purpose and Need.</p> |
| 2024 | 5 | <p>Governance and Assurances</p> <p>Ensure that ecological assurances are supported, rather than undermined, by BDCP's governance structure.</p> <p>Make BDCP biological goals and objectives critical to incidental take permit compliance.</p> <p>Make BDCP biological goals and objectives accountable to provisions of the Delta Reform Act of 2009 that require that BDCP demonstrate recovery of listed fish species.</p> <p>Sever control of all habitat restoration funds from the BDCP Implementation Office, and make its control directly proportional to habitat restoration funds invested by BDCP Applicants.</p> <p>Recognize the impossibility of adhering to both the "No Surprises " Rule and to a fully-functioning and integrated Adaptive Management Program.</p> <p>BDCP stacks the deck of governance and decision-making responsibility in favor of Tunnel operations, which violates the Delta Reform Act's co-equal goals.</p> <p>Address and clarify the Bureau of Reclamation's Role. Describe how BDCP will overcome the legal asymmetry imposed by the Bureau of Reclamation's exclusion from ESA Section 10 eligibility to participate in a habitat conservation plan. How would the BDCP agencies (including the Bureau) still meet Section 10 ecological and funding assurance requirements?</p> <p>Address the lack of funding assurances, currently visible in the Plan, in the Draft Implementing Agreement as well.</p> <p>Obtain a legal opinion from the State Attorney General about whether California would contract away its financial responsibility to enforce the Public Trust Doctrine by signing incidental take permits and the Implementing Agreement for BDCP.</p> <p>Ensure inclusion of environmental justice community members. Reconsider composition of the BDCP stakeholder council to ensure broad inclusion of environmental justice community members and ensure funding that facilitates participation through use of stipends and language accessibility.</p> <p>Brown Act Compliance by BDCP Entities. Ensure that the Authorized Entity Group and the Permit Oversight Group each comply with California's open public meeting law, the Brown Act. Please explain whether and under what circumstances federal members of both Groups might have difficulty doing so, and describe how such problems could be overcome to facilitate Brown Act compliance.</p> | <p>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). Please note that the BDCP is no longer the Preferred Alternative. The new Preferred Alternative, Alternative 4A, has been developed in response to public and agency input. Alternative 4A would not serve as a habitat conservation plan/natural community conservation plan (HCP/NCCP) under ESA Section 10 and the NCCPA. Instead, Alternative 4A, as the California WaterFix proposed action, will be subject to incidental take authorization under ESA Section 7 and CESA Section 2081(b), and will therefore be subject to review by federal and state fisheries agencies. Please also see Master Response 5 for more information regarding governance under BDCP and CA WaterFix, as well as project funding.</p> <p>For more information regarding the purpose and need of the project please see Master Response 3, and for information regarding project compliance with the Delta Reform Act please see Appendix 3I of the Final EIR/EIS and Master Response 8.</p> <p>Please refer to Chapter 28 of the Final EIR/EIS regarding an analysis of project impacts on Environmental Justice populations, and any mitigation offered as a result.</p> |
| 2024 | 6 | <p>Water Quality Issues</p> <p>Increase Freshwater Flows Into and Through the Delta. Again, the most fundamental need in the Delta is to increase freshwater flows through the Delta and not adopt the Tunnels or other new upstream conveyance alternative. If that is not done, demonstrate how the revised, recirculated Tunnels project and associated documents and restoration plans comply</p> | <p>Please refer to Master Response 14 regarding project impacts on water quality (including salinity, electrical conductivity, mercury, methyl mercury, pesticides, and selenium), and the relevance of State and Federal antidegradation policies. For individual impact analyses regarding water quality, please see Chapter 8, Final EIR/EIS.</p> <p>As described in Appendix 3A, Identification of Water Conveyance Alternatives, EIR/EIS, comments and</p> |

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| | | <p>with federal Clean Water Act and state Porter-Cologne Water Quality Control Act anti-degradation requirements.</p> <p>Demonstrate how the revised, recirculated Tunnels project and associated documents and restoration plans would reduce residence time in such a way as to improve water quality in the Delta and facilitate meeting the co-equal goals established for the project instate law.</p> <p>Demonstrate how the revised, recirculated Tunnels project and associated documents and restoration plans comply with water quality objectives and criteria for all regulated constituents, including but not limited to, salinity, electrical conductivity, mercury, methyl mercury, pesticides, and selenium.</p> <p>Antidegradation analysis required by state and federal clean water laws for the Tunnels project and other components of the BDCP Conservation Strategy.</p> | <p>suggestions received from the State Water Board were influential in defining the range and content of alternatives considered in the EIR/EIS, including the State Water Board’s Delta Flow Criteria Report, prepared pursuant to the Sacramento-San Joaquin Delta Reform Act of 2009. Scoping comments from the State Water Board included requests for an alternative providing for reduced diversions and an alternative incorporating changes to Delta outflows (and potentially inflows) that would reflect a more natural hydrograph. The Lead Agencies determined that an additional alternative would be required to be responsive to the State Water Board’s comments. Informed by these comments, as well as several letters from the State Water Board to the Natural Resources Agency, DWR met with State Water Board staff to identify a general approach to model an increased spring Delta outflow alternative. This alternative was designed to increase spring Delta outflow by approximately 1.5 million acre-feet, on average, above the NEPA baseline assumptions. This became Alternative 8 as analyzed in the EIR/EIS.</p> <p>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 proposed project. 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 project alternatives would be able to completely counteract all of the impacts of climate change.</p> <p>California Waterfix would help to address the resilience and adaptability of the Delta to climate change through water delivery facilities combined with a range of operational scenarios, measures focused on the protection, restoration, and enhancement of the Delta ecosystem and measures to reduce other stressors (Environmental Commitments 3, 4, 6, 7, 8, 9, 10, 11, 12, 15, 16). In addition to the added water management flexibility created by new water diversions and operational scenarios, California Waterfix would improve habitat, increase food supplies and reduce the effects of other stressors on the Delta ecosystem. By improving and expanding available habitat, the proposed project would increase resilience and adaptability to climate change by making alternative habitat available during periods of high stress, such as very high or low freshwater inflow or very high salinity intrusion.</p> |
| 2024 | 7 | <p>NEPA/CEQA Compliance</p> <p>Provide complete environmental survey and geotechnical data relating to habitat restoration, Tunnels, and other water facilities of BDCP.</p> <p>Prepare all needed biological assessments and biological opinions to accompany revised, recirculated BDCP documents and NEPNCEQA documents.</p> <p>Incorporate all elements of the Tunnels project’s purpose and need, including the role of water transfers meeting supplemental demands of contractors and increasing capacity utilization of the Tunnels project.</p> <p>Explicitly define water supply reliability comprehensively, and indicate how BDCP addresses reliability, while still achieving co-equal goals.</p> <p>As mandated by EPA and many other commenters, provide a reasonable range of alternatives including several that examine reduced exports to achieve higher Delta outflow in relation to habitat restoration outcomes.</p> <p>Include use of Delta flow criteria developed by the State Water Resources Control Board pursuant to Water Code Section 85086, with variations in habitat restoration actions.</p> | <p>The alternatives included in the FEIR/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 Appendix 3A, Identification of Water Conveyance Alternatives, Conservation Measure 1. Appendix 3A thoroughly 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 development and screening please see Master Response 4.</p> <p>Complete environmental survey and geotechnical data for all element of the proposed project is not required for the purpose of CEQA/NEPA. For more information regarding project and program level analysis please see Master Response 2.</p> <p>For more information regarding purpose and need of the proposed project please see Master Response 3.</p> <p>A biological opinion is not required prior to the release of the EIR/EIS. For the Proposed Action, the USFWS and NMFS will conduct an internal ESA section 7 consultation prior to issuance of a 2081(b) permit for the Proposed Action by the CDFW. USFWS and NMFS will coordinate the ESA consultation process and other environmental review processes, such as the NEPA process, consistent with federal regulations. In addition, the USFWS and NMFS will consult with Reclamation to complete biological opinions or a joint biological opinion prior to federal action to carry out the proposed project.</p> |

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| | | <p>Include invasive nonnative clam (<i>Potamocorbula amurensis</i> in particular) management as a conservation measure to provide variations in habitat restoration components of the BDCP Conservation Strategy, coordinated with increased outflow alternatives.</p> <p>Include selenium management conservation measure in tandem with habitat restoration components that increase Delta inflows and outflow (especially for the San Joaquin River).</p> <p>Include among the new reasonable range of alternatives examination of the Environmental Water Caucus's Responsible Exports Plan.</p> <p>Evaluate fish population survival rates from increased flow alternatives with reduced exports.</p> <p>Beef up setting discussions in the areas of environmental justice, over-appropriation of water rights, water transfers (both as a point of controversy and as an objectively frequent occurrence), present and past groundwater conditions in the Sacramento Valley, direct comparison of Tunnels project's operational modeling criteria with existing Delta water quality objectives now in force, and disclosure of chronic violations of Del.ta water quality objectives by the Bureau and DWR.</p> <p>Provide adequate impact analyses of:</p> <p>Environmental justice issues.</p> <p>Water transfers, especially in supplemental demand years (where State Water Project allocations are 50 percent or less of Table A contract amounts, and CVP allocations are 40 percent or less of contractual amounts).</p> <p>Groundwater impacts in the Sacramento Valley of groundwater substitution water transfers.</p> <p>Conservation Measure 1 construction and operational effects on Delta subirrigation practices.</p> <p>Methyl mercury impacts from sediment disturbance and other bioavailability pathways through covered and non-covered species to public health and environmental justice issues.</p> <p>Habitat restoration and water quality effects (through increased residence time) on piscivorous predator behavior, invasive bivalves, and food webs generally.</p> <p>Potential water quality violations, as described above.</p> <p>Effects of Tunnels and habitat restoration actions in BDCP on subsistence beneficial users described in the State Water Board's Bay-Delta Water Quality Control Plan of 2006 and 1995.</p> <p>Effects of the Conservation Strategy on area land use, agriculture, and Delta economy, and impacts as a result on environmental justice communities.</p> | <p>Alternative 8, as analyzed in the EIR/EIS, was designed to increase spring Delta outflow by approximately 1.5 million acre-feet, on average, above the NEPA baseline assumptions. Please refer to response to comment 6 within this comment letter for more information (and Master Response 4).</p> <p>The new preferred alternative no longer includes an HCP or conservation measures. A discussion of the invasive nonnative clams (including <i>Potamocorbula</i>) in the Delta is provided in Chapter 11 in the final EIR/EIS.</p> <p>A detailed analysis of each of the proposed alternatives' impacts on fish populations, including Alternative 8 (designed to increase spring Delta outflow), is provided in Chapter 11.</p> <p>Please refer to Chapter 5 regarding project impacts on water supply, Chapter 7 regarding impacts on groundwater, Chapter 28 regarding impacts on Environmental Justice populations (including impacts on subsistence beneficial uses), and Chapter 8 regarding impacts on water quality.</p> <p>Importantly, all water exported by the SWP and CVP is the subject of the existing water rights. Exports do not come at the expense of other water rights holders. The proposed project and its alternatives analyzed in the EIR/EIS only include the use of water from existing SWP and CVP water rights or voluntary water transfers from other water rights holders. The proposed project and its alternatives do not reduce the protections for other water right holders.</p> <p>The issue of crops and water use is beyond the scope of the proposed project. For more information please refer to the updated draft 2013 California Water Plan's strategy for agricultural water use efficiency, which describes the use and application of scientific processes to control agricultural water delivery and use. 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 beneficial use of water, please see Master Response 34.</p> <p>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. An analysis of economic impacts of the proposed project, including impacts related to agriculture, recreation, water rates, and taxes are also evaluated and described in the Statewide Economic Impact Report (http://baydeltaconservationplan.com/Libraries/Dynamic_Document_Library/Draft_BDCP_Statewide_Economic_Impact_Report_8-5-13.sflb.ashx).</p> |
| 2024 | 8 | <p>Delta Reform Act and Water Code Compliance</p> <p>Develop and consider alternatives that would actively establish recovery of Delta ecosystems and listed fish populations to levels already established in the California Fish and Game Code and the Central Valley Project Improvement Act of 1992.</p> <p>Demonstrate how the revised Bay Delta Conservation Plan would comply with the co-equal</p> | <p>Regarding the expected benefits of the project on the Delta ecosystem and fish populations and the range of alternatives selected, please refer to Master Responses 3 and 4, respectively. Also see response to comment 6 within this comment letter.</p> <p>For more information regarding compliance with the Delta Reform Act please see Master Response 31.</p> <p>Please note that 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</p> |

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| | | <p>goals of the Delta Reform Act.</p> <p>In coordination with the analysis described above about the BDCP Applicants demonstrating how they would reduce reliance on imported supplies specifically from the Delta, ensure that analysis demonstrates compliance with Water Code Section 85021.</p> <p>Incorporate analyses that reflect the best available science obtained through the information proceeding conducted by the State Water Resources Control Board in 2010, and their approval of the Delta Flow Criteria Report that August.</p> <p>Again, the most fundamental need is to increase freshwater flows through the Delta and not adopt the Tunnels or other new upstream conveyance alternative. If this action to increase flows is not taken, then demonstrate how the revised, recirculated Tunnels project and associated documents and restoration plans comply with the Public Trust Doctrine and the state's constitutional requirement for reasonable use and method of use and diversion of water applicable to the Delta.</p> <p>Demonstrate how the revised, recirculated Tunnels project and associated documents and restoration plans comply with area of origins water rights of the Delta and other upstream areas of California.</p> <p>Demonstrate how the revised, recirculated Tunnels project and associated documents and restoration plans comply with the non-injury rule in California water rights law, and the need to change the State Water Project's point of diversion, and its purpose and place of use of Tunnels water.</p> | <p>change under the No Action Alternative. The BDCP 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, 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).</p> <p>The project does not increase the amount of water to which DWR holds water rights or for use as allowed under its contracts. Please refer to Master Response 26 for more information on how the project relates to area of origin rights in the Delta and areas upstream of the Delta.</p> |
| 2024 | 9 | <p>NEPA Compliance for BDCP and Integrated Consultation on the Coordinated Long-term Operation of the CVP and SWP with the BDCP</p> <p>Our organizations commented earlier this year regarding BDCP and the EIR/EIS about piecemealing problems with the first round of these documents. This problem has worsened. We attach a 25-page document entitled "Performance Work Statement, National Environmental Policy Act (NEPA) Compliance for the Integrated Consultation on the Coordinated Long-term Operation of the Central Valley Project (CVP) and State Water Project (SWP) with the Bay Delta Conservation Plan (BDCP)"(July 16, 2014).</p> <p>The background section of the attached Performance Work Statement explains that:</p> <p>Review of the potential impacts of the alternatives under NEPA must be completed on the entirety of the CVP and SWP coordinated operation in conjunction with implementation of the BDCP (which includes new water conveyance facilities and large-scale habitat restoration in the Delta) in order to determine the overall effects of the proposed action. New conveyance and habitat restoration resulting from implementation of the BDCP needs to be considered within the context of operation of the CVP and SWP system as a whole.</p> <p>(Performance Work Statement at p.1; emphasis added).</p> <p>The Performance Worked Statement includes in explaining the purpose and scope of the work that:</p> <p>The required environmental compliance documentation includes an Environmental Impact Statement analyzing the impacts of the coordinated long-term operation of the CVP and SWP, including new water conveyance facilities and large-scale habitat restoration as proposed by</p> | <p>The proposed project is prepared in compliance with the requirements of CEQA and NEPA. Before the selection and approval of an alternative considered, the Lead Agencies must comply with the necessary state and federal environmental review requirements. The Final EIR/EIS is intended to provide sufficient CEQA and NEPA support for approval of the proposed project or any of the action alternatives for either compliance strategy. As implementation of the proposed project or any of the action alternatives will require permits and approvals from public agencies other than the Lead Agencies, the CEQA and NEPA documents are prepared to support the various public agency permit approvals and other discretionary decisions. These other public agencies are referred to as responsible agencies and 20 trustee agencies under CEQA (State CEQA Guidelines Sections 15381 and 15386) and cooperating agencies under NEPA (e.g., USACE and EPA).</p> <p>For more information regarding how the lead agencies analyzed the project as a whole, including piecemealing/segmentation, please see Master Response 8.</p> <p>Existing Conditions for the EIR/EIS include continuation of operations of the State Water Project (SWP) and Central Valley Project (CVP) by DWR and the Bureau of Reclamation (Reclamation), respectively. Assumptions for the Existing Conditions related to operations of the SWP and CVP are described in the <i>Biological Assessment on the Continued Long-term Operations of the Central Valley Project and the State Water Project</i> (August 2008) prepared by Reclamation (2008) as modified by the June 2009 NMFS BiOp and the December 2008 USFWS BiOp. Detailed assumptions for the SWP and CVP operations are represented in hydrological and water quality analytical models, as described in Appendix 5A, <i>BDCP/California WaterFix FEIR/FEIS Modeling Technical Appendix</i>. Appendix 3A, <i>Identification of Water Conveyance Alternatives, Conservation Measure 1</i>, provides additional information on assumptions made for Existing Conditions.</p> <p>Each resource area chapter in the FEIR/EIS includes project impacts and cumulative impacts with their</p> |

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| | | <p>the BDCP in the Delta. The required analyses and resultant documentation must be completed in accordance with NEPA.</p> <p>(Performance Work Statement at p. 2).</p> <p>It appears that a federal BDCP agency, the Bureau of Reclamation, is the lead agency for carrying out the NEPA work as the Statement specifies that "all deliverables (other than invoices) shall be delivered to the Contracting Officer's Representative (COR) at Reclamation's Bay-Delta Office on the specified due dates listed below." (Id.).</p> <p>The Statement explains under "Task 2: Alternatives Development" that a sufficient range of alternatives should be developed . (p. 8). The narrative for the Project Description states: "The proposed action will be the proposed coordinated operation of the CVP and SWP with new conveyance facilities and associated conservation measures proposed in the BDCP." (p. 9, emphasis added).</p> <p>The NEPA compliance for the Integrated Consultation on operation of the CVP and SWP is being carried out separately from the ongoing BDCP NEPA and CEQA process. If separation continues, both the BDCP process and the compliance for Integrated Consultation process will violate the NEPA and CEQA prohibitions against "piecemealing," also called "segmenting," environmental review. Moreover, the NEPA and CEQA requirements that cumulative impacts be disclosed and analyzed will also be violated by this separation of environmental review.</p> <p>FOR has already commented on the secret BDCP planning going on between the agencies and the exporters and their consultants in our July 24, 2014 BDCP comment letter. Our comment letter (pp. 5-6) referred to a document called the "BDCP Federal Open Issues Tracker" (apparently dated March 28, 2014). Those issues with respect to BDCP new conveyance operation included "2) whether the High Outflow Scenario (HOS) draws from Oroville only or whether other COA [Coordinated Operations Agreement] 'adjustments' will occur; 3) whether water transfer programs are part of meeting the HOS requirements, and if so, how to address their NEPA/CEQA-related effects;"</p> <p>The BDCP Federal Open Issues Tracker also states with respect to "CVP Upstream Operations":</p> <p>a. STATUS; Recent refinements to real-time operations state that meeting BDCP exports will require an (unspecified) accounting between the CVP and the State project. This accounting needs to be clarified and agreed upon.</p> <p>b. This change raises several fundamental issues of project operations and Project impacts and it may trigger additional NEPA/CEQA analyses. This change may also affect the scope and timing of the ESA section 7 consultations associated with the BDCP.</p> <p>It is difficult if not impossible to imagine a closer relationship for NEPA and CEQA purposes than that between the proposed new BDCP water conveyance facilities and the operations of the upstream CVP and SWP reservoirs as well as other facilities of the CVP and SWP system. Planned long-term operations of the CVP and SWP system determine whether the new conveyance proposed by the BDCP makes any sense as an alternative. In turn, whether or not the new conveyance proposed by the BDCP is approved will make a major difference in the actual long-term operations of the CVP and SWP system.</p> <p>If it continues, this deliberate separation of the BDCP NEPA and CEQA process from the NEPA</p> | <p>associated mitigation measures, including project effects from implementing CM 2-21 of Alternative 4.</p> <p>As stated above the new proposed project, Alternative 4A, significantly reduces the amount of planned habitat restoration, compared to the originally preferred BDCP HCP alternative, Alternative 4. Instead, the proposed project includes habitat restoration necessary 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).</p> <p>The Lead Agencies will make the final decisions regarding the selection of an alternative (and therefore, an operational scenario) for the purposes of CEQA and NEPA. USFWS and NMFS have authority under the federal Endangered Species Act to determine whether the Proposed Project meets the regulatory standard of ESA Section 7, and CDFW, a CEQA responsible agency, has authority to determine if the Proposed Project meets the regulatory standards of CESA. Please see Chapter 3 of the FEIR/EIS for additional information on Proposed Project operations.</p> <p>Also please refer to Master Response 28, Operational Criteria.</p> <p>Please see Master Response 28 and 29 for more information regarding operational scenarios and compliance with ESA respectively.</p> <p>For more information regarding water transfer analysis methodology and results please see Appendix 5D of the FEIR/EIS.</p> <p>At this time it is anticipated that CVP upstream operations will not change to accommodate construction and operation of new water conveyance facilities as may be proposed by the project. However, if Reclamation determines that changes in upstream operations are warranted to maintain operational efficiencies or for other reasons, Reclamation may undertake additional environmental analysis.</p> <p>For the Proposed Action, the USFWS and NMFS will conduct an internal ESA section 7 consultation prior to issuance of an Section 10(a)(1)(B) permit for the Proposed Action. These federal agencies will coordinate the ESA consultation process and other environmental review processes, such as the National Environmental Policy Act (NEPA), consistent with federal regulations. In addition, the USFWS and NMFS will consult with the United States Bureau of Reclamation (Reclamation) to complete biological opinions or a joint biological opinion prior to federal action to carry out the proposed project.</p> |

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| | | <p>compliance process for the Integrated Consultation on the Coordinated Long-term Operation of the CVP and SWP with the BDCP will be a bad faith segmentation of environmental review for the purpose of avoiding environmental full disclosure of environmental and cumulative impacts required by NEPA and CEQA.</p> <p>CEQA requires that "an agency must use its best efforts to find out and disclose all that it reasonably can" about a project being considered and its environmental impacts. <i>Vineyard Area Citizens v. City of Rancho Cordova</i>, 40 Cal.4th 412, 428 (2007). Under CEQA a "project" is defined as "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. . ." I 4 Code Cal. Regs (CEQA Guidelines) § 15378(a). The courts have explained that:</p> <p>Theoretical independence is not a good reason for segmenting environmental analysis of the two matters. Doing so runs the risk that some environmental impacts produced by the way the two matters combined or interact might not be analyzed in the separate environmental reviews. Furthermore, if the two matters are analyzed in sequence (which was a situation here) and the combined or interactive environmental effects are not fully recognized until review of the second matter, the opportunity to implement effective mitigation measures as part of the first matter may be lost.</p> <p><i>Tuolumne County Citizens for Responsible Growth v. City of Sonora</i>, 155 Cal.App.4th 1214, 1230 (2007).</p> <p>Also, the California Supreme Court has held that future water sources "and the impacts of exploiting those sources are not the type of information that can be deferred for future analysis ." <i>Vineyard Area Citizens</i>, 40 Cal.4th 412, 431 . "An EIR that neglects to explain the likely sources of water and analyze their impacts, but leaves long-term water supply considerations to later stages of the project, does not serve the purpose of sounding an environmental alarm bell before the project has taken on overwhelming bureaucratic and financial momentum." <i>Vineyard Area Citizens</i>, 40 Cal.4th 412, 441 (internal citations and quotation marks deleted).</p> <p>The rules under NEPA are similar in these respects to those under CEQA. The NEPA Regulations are codified at title 40 of the Code of Federal Regulations (C.F.R.). The NEPA Regulations specify that "Agencies shall make sure the proposal which is the subject of an environmental impact statement is properly defined. . . Proposals or parts of proposals which are related to each other closely enough to be, in effect, a single course of action shall be evaluated in a single impact statement."</p> <p>(40 C.F.R. § 1502.4(a). See also, § 1508.25(a)(l) ("Connected actions, which means that they are closely related and therefore should be considered in the same impact statement.")).</p> <p>The NEPA Regulations also require that agencies "Integrate the requirements of NEPA with other planning and environmental review procedures required by law or by agency practice so that all such procedures run concurrently rather than consecutively." § 1500.2(c). See also § 1501.2 ("Agencies shall integrate the NEPA process with other planning at the earliest possible time to insure that planning and decisions reflect environmental values, to avoid delays later in the process, and to head off potential conflicts.").</p> <p>Preparing separate environmental impact statements for BDCP and long-term operation of the CVP and SWP, including new water conveyance facilities proposed by the BDCP in the</p> | |

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| | | <p>Delta would be a blatant bad faith effort to approve the proposed Water Tunnels first, before evaluating the overall consequences for long-term operations of the CVP and SWP. Segmentation of environmental review if carried out will violate both NEPA and CEQA.</p> <p>To proceed in the manner required by NEPA and CEQA, the BDCP agencies must drop the plan to prepare separate EIS's and instead prepare one EIR/EIS addressing both the BDCP and the long-term operation of the CVP and SWP including new water conveyance facilities proposed by the BDCP in the Delta.</p> | |
| 2024 | 10 | <p>Likely Settlement Agreement between Westlands and the United States</p> <p>We also attach a document entitled "Principles of Agreement for a Proposed Settlement Between the United States and Westlands Water District regarding Drainage" (Draft December 6, 2013). We are also aware of Federal Defendants' Status Report of October 1, 2014 filed October 1, 2014 (Document 980) in Firebaugh Canal Water District v. United States, in action no. CV-F-88- 634-LJO/DLB in the Eastern District of California. In that document, the Department of Justice attorney for the United States stated among other things that "Federal Defendants now report that negotiators for the United States and Westlands have reached consensus, subject to approval, on potential terms for settlement regarding the management of drainage within Westlands' service area." (p. 3:14-16).</p> <p>Pursuant to the negotiations the water supply to Westlands would be permanent and also arbitrarily and capriciously receive a much higher water delivery priority. The terms of the proposed agreement need to be disclosed and evaluated in the BDCP process. They must be also subject to environmental and alternatives analysis under NEPA and the Endangered Species Act (ESA) in the upcoming new BDCP draft documents. Scientists and federal agencies, including the U.S. Geological Survey and the U.S. Fish and Wildlife Service, have previously concluded that the best solution to the drainage problem would be to retire 300,000 to about 400,000 acres in the western San Joaquin Valley from irrigation. Instead, negotiations with Westlands appear headed toward producing the worst possible outcome of continuing to irrigate lands producing enormous amounts of salt and selenium while allowing Westlands growers to establish in effect a permanent water supply for sale, as opposed to reducing exports as lands are and should be retired from irrigation. They have sought such a dream deal for over a decade. It is time to have it fully evaluated in ESA, NEPA and CEQA documents for which proposed settlement terms must be considered a cumulative project, at a minimum.</p> | <p>Please see comment response number 7 in this letter. The action alternatives could only divert the amount of water under the existing SWP and CVP water rights and in accordance with 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. More information on the ranges of proposed water diversions, based on water year types and specific flow criteria, can be found in Chapter 3, Section 3.6.4.2, North Delta and South Delta Water Conveyance Operational Criteria, EIR/EIS. Water rights by other water users are not affected to meet the water quality objectives. The FEIR/EIS analyzed the effects of the climate change and sea level rise in the Delta and in the reservoirs in the Delta watershed through the comparison of conditions under the action alternatives to conditions under the Existing Conditions. The operational criteria are the same for the upstream reservoirs under the Existing Conditions, No Action Alternative, Proposed Project, and all action alternatives.</p> <p>The State Water Resources Control Board, not DWR, is responsible for decisions relating to water rights. DWR holds water rights approved by the State Water Resources Control Board but does not have the power or authority to issue water rights to others. Additionally, the proposed project does not seek any new water rights nor include any regulatory actions that would affect water rights holders other than DWR, Reclamation, and SWP and CVP contractors.</p> <p>Please refer to Master Response 32 regarding water rights issues.</p> <p>For more information regarding water supply impacts and its associated mitigation measures please see Chapter 5 and Appendix 5A of the FEIR/EIS.</p> <p>For more information regarding the development of alternatives please see Master Response 4.</p> <p>For more information regarding existing conditions, no action alternative, no project alternative, and cumulative impact conditions please see Appendix 3D of the FEIR/EIS.</p> |
| 2024 | 11 | <p>The continuing drive to supply irrigation water to drainage-impaired lands, and authorizing cross-Delta water transfers has yet to be fairly and dispassionately analyzed in BDCP documents to date. Meanwhile, to repeat: BDCP environmental documents must make a good faith effort to analyze alternatives that reduce exports and increase inflow to and outflow through the Delta. Lands retired from irrigation need to be up front and center, disclosed, and analyzed in the revised draft EIR/EIS including the setting/affected environment sections of the EIR/EIS, and in the changed circumstances and relevant conservation measure discussions in the revised draft BDCP documents now scheduled to be issued in 2015. Adhering to our recommendations in good faith, BDCP agencies would go a long way toward among other things, acting in a rational way to retire drainage-impaired lands from irrigation and reducing exports and adoption of an alternative increasing freshwater flows through the Delta, and not adopting a plan for new conveyance in the</p> | <p>Please see comment response number 2 and 7 in this letter.</p> <p>Please also see Appendix 5E of the FEIR/EIS <i>Supplemental Modeling Requested by State Water Resources Control Board Related to Increased Delta Outflows</i>.</p> |

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| | | Delta. | |
| 2024 | 12 | Attachment 2: Performance Work Statement | 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 2024-9 regarding the comment related to this attachment. |
| 2024 | 13 | Principles of Agreement for a Proposed Settlement Between the United States and Westlands Water District regarding Drainage | 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 2024-13. |
| Stevie G | 1 | The Delta tunnels idea is a total joke. This is a plan to line the pockets of the few rich who want to distribute the water for huge profits. And they want the State of California to pay for it. It's a political ploy that skirts all of the real issues. And why did the BDCP take down their website during the comment period? Was it in the name of transparency? | Please see Master Responses 3, 5, 41, and 42 regarding the proposed project purpose and need, cost, transparency, and public comments, respectively. The BDCP website has been available during public commenting periods and even included links directing the public on how to provide comments on the environmental documents. |
| J Giese | 1 | This proposed project will have unacceptable negative consequences to the Delta's environment and community if completed. It's ludicrous that this project is even being considered. The Delta is a fragile ecosystem that already is battling saltwater intrusion and lower water flows from its inlet rivers. How will siphoning more water from this delicate system of waterways going to help our community? It's NOT! | Please see Master Response 24 for information on how the EIR/EIS addresses impacts on Delta as place, and Master Response 3 for the project purpose and need. |
| J Giese | 2 | This project is about big money and big business!!! How much more water does Southern California need seriously? The largest So Cal water supplier isn't even considering conservation efforts since it has been storing Nor Cal water in a reservoir. Despite the drought, this supplier will still have plenty of water beyond next year. This comes in the face of our dwindling water supplies and record lows in Nor Cal reservoirs. This is unacceptable!!! | Please see Master Response 3 for the project purpose and need, and Master Response 6 regarding demand management. Also, see Master Response 26 regarding exports under the proposed project. |
| J Giese | 3 | This project will have a devastating effect on Northern California while the only part of the state that benefits will be residents and future residents of Southern California. This project is about building up Southern California to the point it is only sustainable on the backs of Northern California communities and environment, taxing our rivers and the creatures that inhabit them!!! When is enough enough? Other solutions need to be explored that do not harm the Delta's ecosystem! No thorough environmental review would conclude anything else. Keep your credibility and conduct an honest environmental review! | Please see Master Response 3 for the project purpose and need, and Master Response 6 regarding demand management. Also, see Master Response 26 regarding exports under the proposed project. |
| Pam Burns | 1 | I strongly oppose another peripheral canal plan to divert large amounts of water from the Delta to Southern California, which not only threatens the health of the Delta, but also diverts a dwindling precious resource from Northern California to Southern and Central California huge water wasters. Any politician voting for this plan no longer will have my vote. | Please see Master Response 3 for the project purpose and need, and Master Response 36 on why the proposed project is different than the peripheral canal. |

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| Barbara Marking | 1 | <p>I am writing to you to express my concerns with the delta water tunnels. I have lived in the delta for 21 years, and I have raised my children here. If these tunnels go through it will destroy our home. As you take water from our rivers, salt water from the oceans will replace the fresh water and destroy every life form that is indigenous to the fresh water delta. The farmers who use the river to water their crops will no longer be able to. As a result they will lose their livelihoods and their homes. These tunnels will cause more damage than they will do good.</p> <p>Please do not destroy the California Delta, it provides many activities for tourists and residents, as well as homes for the indigenous wildlife. If these tunnels are made then the beauty of the California delta that we are known for will be eliminated.</p> <p>Thank you for hearing me in this matter. I pray, for the Delta's sake, you stop this nonsense with the tunnels.</p> | <p>Please see Master Response 24 for information on how the EIR/EIS addresses impacts on Delta as place, and Master Response 3 for the project purpose and need. For information on water quality, please see Master Response 14. Also, see Chapter 14 (Agricultural Resources), FEIR/EIS, for potential impacts to agricultural resources under the project alternatives. Implementation of Mitigation Measure WQ-11 is expected to reduce water quality effects on agricultural resources to a less-than-significant level under the preferred alternative, 4A.</p> |
| Cathy Dorman | 1 | <p>I live in Stockton, which is beleaguered with so many problems. The tunnels will destroy and impede many avenues of enjoyment that I am still able to experience! It will change the lives and livelihoods of many hardworking Americans who represent our way of life and culture here. I also fear the reliability of the tunnel construction. Will they work, or just cause more financial drain on our state? Think of us Northern Californians who need the water here!</p> | <p>Please see Master Response 24 for information on how the EIR/EIS addresses impacts on Delta as place, and Master Response 3 for the project purpose and need. Chapter 15 (Recreation) of the FEIR/EIS describes potential impacts to recreation in the Delta under the project alternatives. Also, see Master Response 5 regarding cost of the project.</p> |
| Jerry Gates | 1 | <p>Please do not allow the increased take of black and striped bass as proposed. These fish provide year round sport fishing opportunities that help support local economy's . There is no real proof that elimination of these great sport fish will help salmon populations. Water interests are doing more damage to the Delta than anything else. Please leave our fish alone and focus on water transportation methods that will do less harm to the salmon and other fish.</p> | <p>Under the preferred alternative, 4A, predator reduction (Environmental Commitment 15) would only be implemented at the north and south Delta export facilities and would not be used to reduce the overall populations of these fish species. Given that the numbers of predatory fishes are high and the extent of the habitats in which they occur is extensive, the effects of Environmental Commitment 15 will not be adverse.</p> |
| Rieker, Jeffrey | 1 | <p>I received, via the Dept of Interior's Executive Secretariat, BDCP comments from the City of Roseville and County of Sacramento. Both cover letters indicated they were provided directly to Ryan Wulff; these were copies to the Secretary of Interior. I routed the Roseville comments electronically to Michelle Banonis and Patti</p> <p>Idlof at Reclamation. The County of Sacramento document is extremely large and cannot be scanned. I will send it via regular mail to Michelle Banonis. Let me know if you need me to do anything else with these documents.</p> | <p>The comment does not raise any environmental issues related to the environmental analysis.</p> |
| Kyle Olsen | 1 | <p>I have a product and solution that may assist with the matters concerning the Bay Delta Conservation. I am reviewing the reports that have been released regarding this project, and I believe we can save an extraordinary amount of money, time, and resources by stabilizing the existing dams and levees that comprise the Delta.</p> <p>I would very much like to talk to anybody that can point me in the right direction. My contact info is attached below. Thank you very much and I look forward to your reply.</p> | <p>The comment does not raise any environmental issues related to the environmental analysis. For information on the range of alternatives analyzed in the environmental documents, please see Master Response 4.</p> <p>For information on BDCP/California WaterFix Coordination with Flood Management Requirements please see Appendix 6A of the Final EIR/EIS.</p> |
| Kathy Klonecke | 1 | <p>To Whom it may concern:</p> <p>Sorry to miss the deadline. I understand you have postponed the decision.</p> <p>I have been reading a book on CA. I would tell you the name but I</p> | <p>The comment does not raise any environmental issues related to the environmental analysis. For information on potential effects to Delta resources, please see the FEIR/EIS resource chapters.</p> |

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| | | <p>left at another house for now. It was written by a woman at UC Davis. It talks about the Indians and the wealth of wildlife that dominated CA. I read we are like no other place on earth with all our different microclimates. The deserts, sierras, coastal, valleys, meadows etc. The Indians knew how to be good stewards of the land.</p> <p>I wonder if the people deciding this project are true experts in the field management of our resources. I know Gov is a resident of SoCal so I wonder where his allegiance lies at times. Hey, I'm all for the rapid transit project though.</p> <p>This water project could have huge impact on the wildlife of this area. I understand there are 9 species it threatens that are not mentioned.</p> <p>I don't want to go on here. I will email you the name of that book next week. ·</p> <p>My idea is to raise the level of the Folsom dam 5ft. A heck of a lot less costly than the Delta project. Preserve our open spaces and wetlands. If you have ever seen a flock of Egrets taking flight you will understand the importance.</p> | <p>Please see Chapter 12 of the FEIR/EIS for potential impacts on terrestrial species under the project alternatives. The FEIR/EIS analyzes a total of 149 wildlife and plant species that could be affected by the project alternatives. For a discussion on the endangered species act please see Master Response 29.</p> <p>Please see Master Response 5 regarding project costs, and Master Response 37 on why additional storage is not included in the project alternatives.</p> |
| Kyle Olsen | 1 | <p>I know the comments timeframe is closed, but this is critically important. Our concern doesn't specifically land in the Bay Delta region, but rather over all of CA, but a presentation was given to us regarding the Delta specifically, where there is concern of failing levees in the instance of a significant seismic event. They talked about the inferior construction of the levees and the water supply being supported by it.</p> <p>Our company specializes in levee stabilization by using a proprietary polymer and patented process to surgically inject expanding polyurethane into the soil to density it, creating a stable matrix of soil where voids and weak densities once existed.</p> <p>The polymer is environmentally neutral, it has its NSF61 (can inject near potable water), and does not biodegrade. It is a closed cell polymer, so it is hydro-insensitive, which makes it ideal for use in leak sealing and displacement of water (it even reacts within the water). There's absolutely no excavation, and the product was even presented at the 8th pacific world conference as a remedy for soils subject to liquefaction (attached).</p> | <p>The comment does not raise any environmental issues related to the environmental analysis. For information on alternatives development please see Master Response 4.</p> |

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| | | <p>I have attached some white papers with technical info, and our company provides presentations to groups of engineers regularly, and I wouldn't mind buying lunch for your group and its constituents and presenting to you- as I mentioned, I'm just trying to get word out right now, I really think this would be a major benefit to the levees that are suspect.</p> <p>Look forward to hearing back from you ... thanks so much in advance.</p> | |
| Kyle Olsen | Att:1 | <p>Utilization of Highly Expansive Polymer Injection to Mitigate Seismic Foundation Failure for Existing Structures</p> | 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 comment referencing the attachment or the Final EIR/EIS. |
| Kyle Olsen | Att:2 | <p>NSF International Certifies that the products appearing on this Listing conform to the requirements of NSF/ANSI Standard 61 - Drinking Water System Components - Health Effects</p> <p>This is the Official Listing recorded on April 20, 2010.</p> | 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 comment referencing the attachment or the Final EIR/EIS. |
| Kyle Olsen | Att:3 | 2009 Report Card for America's Infrastructure | 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 comment referencing the attachment or the Final EIR/EIS. |
| Kyle Olsen | Att:4 | <p>The URETEK Deep Injection® Process (UDI) For Roadways and Building Structures</p> | 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 comment referencing the attachment or the Final EIR/EIS. |
| Kyle Olsen | Att:5 | URETEK CASE STUDIES | 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 comment referencing the attachment or the Final EIR/EIS. |
| Kyle Olsen | Att:6 | <p>The URETEK™ Advantage for Public and Private Infrastructures</p> | 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 comment referencing the attachment or the Final EIR/EIS. |