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2300	1	Redding is located at the northern end of the Sacramento Valley, just below Shasta Dam, and enjoys many benefits from the Sacramento River. As a Settlement Contractor, nearly half of Redding's domestic water supply comes from the Sacramento River through its municipally-owned water utility. Additionally, Redding's municipally-owned electric utility receives nearly 8 percent of the hydroelectric output from the Central Valley Project (CVP) which equals ·on average approximately 30 percent of Redding's annual power supply. Federal hydropower from the CVP is the most cost-effective, renewable, and carbon-free resource currently in Redding's power supply portfolio. Any efforts that may affect Redding's water supply reliability or hydroelectric supply are of significant concern to Redding and its residents. Redding's primary concerns with the RDEIR/SDEIS are related to the water and power supply impacts and overall cost of the project. Specifically: 1. Direct and indirect impacts to upstream water rights have not been evaluated; 2. The costs and cost allocations to CVP contractors have not been adequately addressed; 3. The cumulative impacts of the BDCP and other proposed projects (such as the raising of Shasta Dam or the State Water Resources Control Board's proposed Flow Criteria) have not been contemplated; and 4. Other alternatives, such as smaller conveyance systems and additional storage, are not fully considered. Redding supports further exploration of these issues in the development of a Final BDCP and associated Final Environmental Impact Report and Environmental Impact Statement, and requests that other conveyance alternatives and additional storage be given significant consideration.	The proposed project would not affect upstream water rights. It aims to allow the federal and state water projects to deliver more reliable water supplies, in a way less harmful to fish. The project does not increase the amount of water to which DWR holds water rights or for use as allowed under its contracts. The CALSIM II modeling performed for conveyance facility operations takes into account projected future demand for water supply in areas upstream of the Delta (as part of the future No Action baseline) prior to calculating Proposed Project diversion estimates to ensure that no area-of-origin protections or upstream water rights are affected by project conveyance facilities. Please see Appendix 5A of the FEIR/FEIS for additional modeling details. Please see Master Response 25 for information on upstream storage effects, Master Response 26 regarding water resources in northern California, and Master response 32 regarding water rights. Regarding project costs and funding please see Master Response 5, BDCP. Cumulative impact analysis is discussed in Master Response 9. For information on alternatives development, please see Master Response 4. The proposed project is one component, among many, of the California Water Action Plan. 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/. By establishing a point of water diversion in the north Delta the proposed project is designed to improve native fish migratory patterns while securing reliable water deliveries. Appendix 3A, Identification of Water Conveyance Alternatives, Conservation Measure 1, Final EIR/EIS, describes the range of conveyance alternatives considered in the development of the EIR/EIS. Appendix 1B, Water Storage, Final EIR/EIS, describes the potential for additional water storage and Appendix 1C, Demand Management Measures, Final EIR/EIS, describes conservation, water use efficiency, and other sources of water supply including desalination. While these elements are not proposed as part of the proposed project, the Lead Agencies recognize that they are important tools in managing California's water resources.
2301	1	I would like to state my opposition to the proposed tunnels project. I have lived in the Central Valley for over 50 years. We are the bread basket of the nation and are growing at a rate unequaled in the rest of the state. There has to be a better way to do this. Perhaps bring water down from the Pacific Northwest which receives much rain and snow yearly or from the Rockies. Don't rob us of water we need.	Please refer to Master Response 4 for additional details on the selection of alternatives. Also, please see Master Response 3 for additional details on the project purpose and need.
2302	1	No money should be spent 'improving' the north-to-south water conveyance system until water resources in the south are more fully utilized. For example, water effluent from sewage treatment plants should be reused directly, not dumped into the ocean. This technology is already in use elsewhere and would drastically reduce the need for water conveyed from the north. The costs of water from the north-to-south aqueducts should reflect the need to implement facilities that will make Southern California more water independent. The current price to end users does not fully embody the value of the resource, nor does it encourage alternatives such as desalination plants and water recycling.	The proposed project is just one element of the state's long-range strategy to meet anticipated future water needs of Californians in the face of expanding population and the expected effects of climate change. Although conservation components and demand management measures have merit from a statewide water policy standpoint, and are being implemented or considered independently through the state, they are beyond the scope of the proposed project. The California WaterFix is not a comprehensive, statewide water plan, but is instead aimed at addressing many complex and long-standing issues related to the operations of the SWP and CVP in the Delta, including reliability of exported supplies, and the recovery and conservation of threatened and endangered species that depend on the Delta. Appendix 1C, Demand Management Measures, in the EIR/EIS, describes conservation, water use efficiency, and other sources of water supply including storm water drainage. While these elements are not proposed as part of the BDCP or the California WaterFix, the Lead Agencies recognize that they are important tools in managing California's water resources.

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			Please also see Master Response 7 regarding desalination.
2302	2	If California can afford the cost of alternatives such as 4A, then it can afford the cost of implementing all available technology to maximize the use of supplied water, including water recycling and desalination plants.	For more information regarding cost of the proposed project please see Master Response 5. For more information regarding desalination please see Master Response 7.
2303	1	I oppose the proposed tunnel project and the undemocratic way the process is being carried out. This project will destroy the Delta and produce no new water. A project this big and expensive deserves a public vote and better public input. - Comments made by the public are not posted for the public to see. -Hearings have been one-way, with no public input, just sit and listen, yet the public is ultimately on the hook for the cost of the project. -Better alternatives are available.	The comment does not raise any environmental issue related to the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS. Please refer to Chapter 32 in the 2013 EIR/EIS and Master Response 40 regarding the adequacy of outreach conducted for California WaterFix and the BDCP and Master Response 42 regarding treatment of public comments. For comments pertaining to the range of alternatives evaluated, please refer to Master Response 4.
2303	2	Cost-effectiveness: -The EIR has failed to adequately analyze cost-effectiveness for a project estimated to cost $15 to $50 billion. - It does not accurately describe the amount of water available and the cost of that water. - The amount of water the Delta needs to be viable must first be determined before the project can be considered. -Water will be expensive. What happens if private water contractors, who have promised to pay for the project, fail to pay, as history shows they may? If they default, what recourse do ratepayers and taxpayers have? -The project described in the EIR is not financially feasible and does not make financial sense to those paying for the tunnels. Continuing to focus on Alternative 4A simply diverts resources from consideration of better solutions.	Water supplied under senior water rights to those assigned to the SWP and CVP would be the same under the No Action Alternative and all action alternatives. The amount of SWP and CVP water supplies to be made available under the Existing Conditions, No Action Alternative, and all action alternatives are presented in Appendix 5A, Section C. In accordance with the Project Objectives and Purpose and Need (see Chapter 2 of the EIR/S), all of the action alternatives would continue the operation of the SWP and CVP in accordance with the existing water rights and regulatory criteria adopted by the State Water Resources Control Board, U.S. Fish and Wildlife Service, National Marine Fisheries Service, and California Department of Fish and Wildlife. All of the alternatives evaluated in the EIR/EIS would only divert water under existing water rights which were issued to DWR and Reclamation by the State Water Board with consideration for senior water rights and Area of Origin laws and requirements. The proposed project does not seek any new water rights nor reduction in total water rights issued to DWR and Reclamation. 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.
2303	3	Scare tactics/earthquake impact: -Scare tactics are being used to raise unwarranted concerns about earthquake threats. -If needed, levees could be reinforced for a fraction of the tunnel cost. -What impact will 10-14 years of pile driving have on levees if they are so fragile?	See Section 6A.5.2 in Appendix 6A, FEIR/EIS, for information on seismic risks in the Delta, and Section 6A.6.3.4 for potential impacts to Delta levees from pile driving on.
2303	4	The physical and economic impact on boating and recreation has not been carefully considered, particularly the impact on boating, fishing, waterskiing, etc. during the 10-14-year construction phase.	Please refer to Alternative 4A in Chapter 16, Socioeconomics, Impact ECON-1 regarding temporary effects on regional economics and employment, ECON-3 regarding changes in community character, ECON-4 regarding changes in local government fiscal conditions, and ECON-5 regarding recreational economics. Impacts to

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			boating are discussed in Impacts REC-3 and 7 in Chapter 15, Recreation.
2303	5	Water quality and quantity: -Changes in water quality, quantity and levels caused by the tunnels have not been adequately explored. -Two forty-foot wide tunnels have the capacity to divert up to half the flow of the Sacramento River. -Toxic algae bloom is already a threat on the Sacramento River and near Big Break in Oakley. Any reduction in water flow could raise additional threats. -The tunnels will not solve California's water problems. They will produce no new water. -If water now flowing through the Delta is reduced, reduction of water flow threatens to increase salinity, resulting contamination to crops.	Changes in Delta water quality are discussed in Chapter 8, Water Quality, including changes in bromide, chloride, and electrical conductivity. The total amount of water exported by month in each water year type for each action alternative is presented in Appendix 5A, Section C, CALSIM II and DSM2 Model Results, of the EIR/EIS. As shown in Appendix 5A, Section C, the north Delta intake tunnels would not be fully utilized except for a few months in wet years. However, it is important to have the maximum capacity in the intakes and tunnels during those periods of time to convey water during extremely wet periods to areas south of the Delta for storage and use during drier times. The north Delta intakes would have minimal flows that would be required for maintenance of the pumps during critical dry years. Assessment of effects to Microcystis and microcystin levels in the upstream of Delta and Delta regions, SWP/CVP export service area, and San Francisco Bay is included in the FEIR/EIS in Impacts WQ-32, WQ-33, and WQ-34 based on public comments on the Draft EIR/S. For Alternatives 1A, 1B, 1C, 2A, 2B, 2C, 3, 4, 5, 6A, 6B, 6C, 7, 8, 9, the impact conclusion was significant, primarily due to the increased residence time that would occur in certain Delta channels that could potentially lead to increased Microcystis blooms and, thus, microcystins in the waters. These increased residence times would be primarily associated with the proposed restoration areas. For Alternatives 4A, 2D, and 5A, the impact on Microcystis and microcystin would be less than significant. Please refer to Master Response 14. To summarize changes in Delta outflow under Alternative 4A, late-fall and winter outflows remain similar or show minor reductions in Alternative 4A (ELT) compared to No Action Alternative (ELT) and are slightly higher relative to Existing Conditions. In the spring months, outflow would remain similar under Alternative 4A (ELT) as compared to No Action Alternative (ELT), and would be slightly reduced compared to Existing Conditions. In the fall months, outflow under Alternative 4A would increase relative to Existing Conditions, and as compared to the No Action Alternative (ELT), would be similar because of Fall X2 requirements in wet and above-normal years. The EIR/EIS modeling results for the No Action Alternative indicate that, with or without the project, rising sea levels will bring saline tidal water further into the Delta than occurs at present.
2303	6	Economic impact: -The economic impact on taxpayers and on ratepayers, who ultimately will pay for the limited but expensive water carried by the tunnels, has not been adequately analyzed. -The economic impact on Delta farmers and businesses has not been adequately studied. Plans have already been announced to acquire as many as 300 farms in the Delta. What will happen when farmland is contaminated by increased salinity? -The tunnel plan will decimate the Delta's $5.2 billion annual agricultural economy and destroy family farms dating back to the 1850s. -When salinity ruins Delta farmland, who will be standing by to convert that land into more housing?	Chapter 16, Socioeconomics, evaluates the economic impacts of the project and satisfies CEQA and NEPA requirements. Additionally, DWR is revising the Socioeconomic Impact Analysis for the project based on changes included in the RDEIR/SDEIS. As described in Impact ECON-6 under Alternative 4A in Chapter 16, Socioeconomics, construction of conveyance facilities would convert land from existing agricultural uses to project-related construction uses, and agricultural land could also be affected by changes in water quality and other conditions that would affect crop productivity. These direct effects on agricultural land are described under Impacts AG-1 and AG-2 in Chapter 14, Agricultural Resources. Total value of irrigated crop production in the Delta would decline on average by $5.3 million per year during the construction period, with total irrigated crop acreage declining by about 4,700 acres. Other effects related to production costs, travel time, and loss of investments in production facilities and standing orchards and vineyards would also occur as a result of facilities construction. When required, DWR would provide compensation to property owners for economic losses due to implementation of the alternative. As described under Impact AG-2 in Chapter 14, Agriculture, water quality modeling results indicate that it is unlikely that there would be increased frequency of exceedance of agricultural electrical conductivity (salinity) objectives in the western, interior, or southern Delta. However, there could be increased long-term and drought period average EC levels during the summer months in the Sacramento River at Emmaton

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			under Alternative 4A relative to the No Action Alternative (ELT), which could adversely affect agricultural beneficial uses. Implementation of Mitigation Measures AG-1, GW-1, GW-5, and WQ-11 (including Mitigation Measure WQ-11ea) will reduce the severity of these adverse effects.
2303	7	There are better alternative solutions: -Alternative solutions have not been seriously considered. Focus should be on boosting regional self-sufficiency across the state. -Los Angeles, for example, should first repair its aging water main system to prevent more major leaks and wasted water. -California WaterFix ignores technology that could solve our water shortages in a way beneficial to all, including desalination, reuse, recycling and better storage during wet years. -The future is not as predictable as some think: El Nino may bring more water to Southern California than [Northern California], making tunnels an even less viable solution to drought.	The comment does not raise any environmental issue related to the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS. Appendix 1C of the Final EIR/EIS, Demand Management Measures, describes conservation, water use efficiency, and other sources of water supply including desalination. Refer to Master Response 6 for more information on demand management. Although components such as desalination plants and demand management measures have merit from a statewide water policy standpoint, and are being implemented or considered independently through the State, they are beyond the scope of the project. Also, please see Master Response 3 for additional details on the project purpose and need and Master Response 7 regarding desalination.
2303	8	The process as presented under WaterFix is compromised at the outset. For years this was always to be a dual plan, with twin goals of water sustainability and environmental protections. Suddenly, the environmental part has been dropped. Were we misled all along? Why are we to trust promises now? What safeguards are there to prevent maximum use of the tunnels' capacity and diverting up to half of the river flow? This plan benefits a few corporate growers who wish to farm marginal land in the western San Joaquin Valley at the expense of multi-generation Delta farmers. The EIR comment period is not yet ended, yet permits are being taken and plans made, as if it is a done deal (the "Fix"). To quote our Congressman: "The tunnels are a repackaging of old ideas that waste billions of dollars and threaten the way of life for an entire region without creating a single new drop of water. We should be using our resources to fund innovative, forward-thinking solutions that create new water and take pressure off the Delta by boosting regional self-sufficiency across the state."	Since 2006, the proposed has been developed based on sound science, data gathered from various agencies and experts over many years, input from agencies, stakeholders and independent scientists, and more than 600 public meetings, working group meetings and stakeholder briefings. DWR's fundamental purpose of the proposed project is to make physical and operational improvements to the SWP system in the Delta necessary to restore and protect ecosystem health, water supplies of the SWP and CVP south of the Delta, and water quality within a stable regulatory framework, consistent with statutory and contractual obligations. By establishing a point of water diversion in the north Delta and new operating criteria to improve water volume, timing, and salinity, the proposed project is designed to improve native fish migratory patterns and allow for greater operational flexibility. Please see Master Response 3 for additional information regarding the purpose and need behind the proposed project. Although Alternatives 4A, 2D, and 5A include only those habitat restoration measures needed to provide mitigation for specific regulatory compliance purposes, habitat restoration is still recognized as a critical component of the state's long-term plans for the Delta. Such larger endeavors, however, will likely be implemented over time under actions separate and apart from these alternatives. The primary parallel habitat restoration program is called California EcoRestore (EcoRestore), which will be overseen by the California Resources Agency and implemented under the California Water Action Plan. Under EcoRestore, the state will pursue restoration of more than 30,000 acres of fish and wildlife habitat by 2020. These habitat restoration actions will be implemented faster and more reliably by separating them from the water conveyance facility implementation.
2304	1	This is not the solution to California's water problems. We were just in Southern California for a week, Pasadena and Santa Barbara mostly. Not a dead lawn did we see. People down there just do not get it. Dead lawns are everywhere in the Bay Area. We care about water and we care about the delta. Same with big agriculture. Hype about almonds aside, most of the agriculture water goes to beef, most of that for "forage". There is about ten times the protein mass per pound of water in nuts as there is in beef. I do eat beef, but we can all eat less and it can be grown elsewhere than in a drought state. If we must worry about jobs, worry about fishermen and tourism too. Let's get smart with new thinking (groundwater replenishment and storage; incentives to restructure agriculture in California) rather than more of the same old "ship the water to the	The comment does not raise any environmental issue related to the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS. Appendix 1C of the Final EIR/EIS, Demand Management Measures, describes conservation, water use efficiency, and other sources of water supply including desalination. Refer to Master Response 6 for more information on demand management. Although components such as desalination plants and demand management measures have merit from a statewide water policy standpoint, and are being implemented or considered independently through the State, they are beyond the scope of the project. Also, please see Master Response 3 for additional details on the project purpose and need, Master Response 34 for additional details on the determination of beneficial use, Master Response 4 for more information on alternatives considered, and Master Response 7 regarding desalination.

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		southland" nonsense. That time has come and gone. The southland has to learn to live the way everyone else does, with respect for their limits.	
2305	1	I oppose the Delta Tunnel plan. This plan will impact California in three vital areas. Due to this, the state should find alternative means to address the water needs of Southern California. Environmentally, the current project has not addressed the impact on wildlife and the surrounding landscape. Removing fresh water from the delta will influence migratory fish species and the current mammal and bird population that currently use the environs. The lack of freshwater means greater saltwater intrusion and its terrible consequences. Public health could be impacted with further depletions of fresh water from the delta as the freshwater table is reduced by pumping the water south. Saltwater intrusion means less potable water for domestic and commercial use. Agriculturally, Delta farmers may not have the water resources they need for farming. The economic cost of the tunnels has not been adequately reviewed. There are other viable alternatives to improve water availability via recycling and groundwater recharging projects. They will be cheaper than the current proposal and help Southern California become more self-sustaining water wise. Retiring farmland in the San Joaquin Valley will reduce the need for water especially for agricultural products being grown for export. Also, the dike system in the delta is in need of repair and with the tunnel potentially taking money away from this need we delay vital earthquake preparedness. The EIR/EIS have not adequately addressed these concerns and why oppose the tunnels.	The proposed project was developed to meet the rigorous standards of the Clean Water Act as well as federal and state Endangered Species Acts; as such it is intended to be environmentally beneficial. By establishing a point of water diversion in the north Delta and new operating criteria to improve water volume, timing, and salinity, the proposed project is designed to improve native fish migratory patterns and allow for greater operational flexibility. The impacts to mammals and bird populations and mitigation for these impacts were addressed in Chapter 12 (Terrestrial Resources) of the EIR/EIS, while impacts to and mitigation for impacts to aquatic resources were addressed in Chapter 11. See Chapter 3.4.1.2 of the 2015 RDEIR/SEIS for a description of operation requirements for the project. Refer to Master Response 4 (Alternatives) and Master Response 6 (Demand Management). The Water Fix and repair and maintenance of levees are two independent projects. Funding for the Water Fix would not affect the levee repair funding.
2306	1	As a resident of Berkeley CA, and someone who values the environmental health of San Francisco Bay and Estuary, I oppose the construction of the proposed Twin Tunnels. I prefer sustainable alternatives that will cost much less, have proven success (groundwater recharge, enhanced water conservation measures, recycling) and will not further harm the Delta's environment. Please do not issue permits for the Twin Tunnels.	DWR's fundamental purpose of the proposed project is to make physical and operational improvements to the SWP system in the Delta necessary to restore and protect ecosystem health, water supplies of the SWP and CVP south of the Delta, and water quality within a stable regulatory framework, consistent with statutory and contractual obligations. By establishing a point of water diversion in the north Delta and new operating criteria to improve water volume, timing, and salinity, the proposed project is designed to improve native fish migratory patterns and allow for greater operational flexibility. Please see Master Response 3 for additional information regarding the purpose and need behind the proposed project, Master Response 4 regarding the selection of alternatives analyzed, Master Response 7 regarding desalination, Master Response 6 regarding demand management, and Master Response 37 regarding water storage.
2307	1	I am writing this email to strongly urge you to abandon the plan to construct water tunnels to move fresh water from the Sacramento River out of its normal watercourse – reject all 4 alternatives of the RDEIR/SDEIS. I believe that the San Francisco Bay and associated Delta need the freshwater flows to maintain a healthy ecosystem, and prevent saltwater from creeping east into the estuary. I think that the proposed $10+ billion expense of constructing the tunnels would be better spent by investing in programs that promote conservation: 1. Groundwater recharge and storm water capture	The proposed project is one component, among many, of the California Water Action Plan. 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/. By establishing a point of water diversion in the north Delta the proposed project is designed to improve native fish migratory patterns while securing reliable water deliveries. Appendix 3A, Identification of Water Conveyance Alternatives, Conservation Measure 1, EIR/EIS, describes the range of conveyance alternatives considered in the development of the EIR/EIS. Appendix 1B, Water Storage, EIR/EIS, describes the potential for additional water storage and Appendix 1C, Demand Management Measures, EIR/EIS,

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		2. Urban conservation projects (low flow devices and grey water use) 3. Agricultural improvements (use of drip irrigation, growing more annual type crops - NOT almonds) 4. Updating and revising water allocation laws/rights. This would also be a more natural solution California's water issues. As the past has proven, Nature always wins in the end. Please reconsider the decision to spend this tremendous amount of money on a single construction project. The voters rejected the Peripheral Canal proposal in 1982 – this plan is merely a rehash of that failed solution. Let the rivers flow naturally.	describes conservation, water use efficiency, and other sources of water supply including desalination. While these elements are not proposed as part of the proposed project, the Lead Agencies recognize that they are important tools in managing California's water resources. Please see Master Response 4 for additional details on the selection of alternatives, Master Response 34 on beneficial use of water, Master Response 36 regarding the differences between the proposed project and the peripheral canal, and Master Response 3 for additional details on the project purpose and need.
2308	1	1) I believe there is agreement that Southern California (SoCal) needs more freshwater. 2) I think there is agreement that taking freshwater from the Delta, no matter how it is taken, is bad for the Delta. The sane solution for both problems would be to build desalination plants in SoCal. The $25 billion planned for the tunnels would build a lot of desalination plants. Leave the Delta alone! The EIR is flawed because the map of the Legal Delta does not include the Suisun Marsh. The term Legal Delta is both absurd and arrogant. Every marsh east of the Golden Gate will be affected by removing fresh water from the Delta. The animation for the tunnel project intakes shows settling basins for silt. What is the plan for disposing of the silt? If the silt can be removed from freshwater, surely salt can be removed from seawater. The plan is a huge boondoggle. It will benefit special interests at planet Earth's expense. Spend the $25B on desalination plants. There is an inexhaustible supply of seawater.	For more information regarding desalination please see Master Response 7. Please see Master Response 35 regarding water use and conservation in Southern California.
2309	1	This is a grab of Northern California water by Southern California interests. They don't like the quality of the Delta water they get presently so they want to bypass the delta and take it directly from the Sacramento River. Projects like these claim to be saving the delta but do just the opposite. This project will encourage more farmers in the southern valley to plant orchards where they have no business doing so. I am totally against this project.	Since 2006, the proposed project has been developed based on sound science, data gathered from various agencies and experts over many years, input from agencies, stakeholders and independent scientists, and more than 600 public meetings, working group meetings and stakeholder briefings. DWR's fundamental purpose of the proposed project is to make physical and operational improvements to the SWP system in the Delta necessary to restore and protect ecosystem health, water supplies of the SWP and CVP south of the Delta, and water quality within a stable regulatory framework, consistent with statutory and contractual obligations. By establishing a point of water diversion in the north Delta and new operating criteria to improve water volume, timing, and salinity, the proposed project is designed to improve native fish migratory patterns and allow for greater operational flexibility. Please see Master Response 3 for additional information regarding the purpose and need behind the proposed project.
2310	1	Do not build the Tunnels taking water from the Sacramento River. Stop waiving clean water standards.	The comment does not raise any environmental issue related to the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS.
2310	2	Protect native fish; preserve the estuaries.	The commenter requests protection of native fish and estuaries. No comments on the content of the EIR/EIS are provided.
2310	3	Invest in projects that promote groundwater recharge, storm water capture, water recycling and urban conservation.	It is important to note, as an initial matter, that the proposed project is not intended to serve as a state-wide solution to all of California's water problems and it is not an attempt to address directly the need for continued investment by the State and other public agencies in conservation, recycling, desalination, treatment of contaminated aquifers, or other measures to expand supply and storage. Nor is the proposed project intended to solve all environmental challenges facing the Delta. Please see Master Response 6

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			(Demand Management) for further information regarding how many of the suggested components have merit from a state-wide water policy standpoint, and some are being implemented or considered independently throughout the state, but are beyond the scope of the proposed project. The scope and purpose of the proposed project is much more limited. As explained in Chapter 2 Project Objectives and Purpose and Need of the Final EIR/EIS, the fundamental purpose of the proposed project is to make physical and operational improvements to the State Water Project (SWP) system in the Delta necessary to restore and protect ecosystem health, water supplies of the SWP and Central Valley Project (CVP) south-of-Delta, and water quality within a stable regulatory framework with statutory and contractual obligations. Please see Master Response 3 (Purpose and Need) for additional information.
2311	1	As a 43-year Rocklin resident and California voter with four grandchildren growing up in the Sacramento area, I strongly oppose building the Delta Tunnels "WaterFix" project. The more I have learned about it over the past few years, the more I am convinced it is a frightfully expensive attempt to solve one problem by creating countless other problems. And I fear those other problems will be unfixable at any price, leading to severe environmental and economic decline in the Sacramento Delta and the San Francisco Bay regions if even more river water is diverted away from their already fragile ecosystems.	DWR's fundamental purpose of the proposed project is to make physical and operational improvements to the SWP system in the Delta necessary to restore and protect ecosystem health, water supplies of the SWP and CVP south of the Delta, and water quality within a stable regulatory framework, consistent with statutory and contractual obligations. The project would help to address the resilience and adaptability of the Delta to climate change through water delivery facilities combined with a range of operational flexibility. In addition to the added water management flexibility created by new water diversions and operational scenarios, the project would improve habitat, increase food supplies and reduce the effects of other stressors on the Delta ecosystem. 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 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 to that document thoroughly explain the process used to develop the alternatives, and explain why certain potential alternatives were considered but ultimately rejected by the Lead Agencies. It is important to note, that the proposed project is not intended to serve as a state-wide solution to all of California's water problems and it is not an attempt to address directly the need for continued investment by the State and other public agencies in conservation, recycling, desalination, treatment of contaminated aquifers, or other measures to expand supply and storage. Nor is the proposed project intended to solve all environmental challenges facing the Delta. Please see Master Response 6 (Demand Management) for further information regarding how many of the suggested components have merit from a state-wide water policy standpoint, and some are being implemented or considered independently throughout the state, but are beyond the scope of the proposed project. Please refer to Master Response 4 (Alternatives), Master Response 31 (Delta Reform Act), and Master Response 3 (Purpose and Need).
2311	2	This project would trample the rights of many Delta property owners, could negatively impact future funding for other important projects in our state, and would purposely circumvent state and federal environmental protection requirements.	The California WaterFix would be implemented to meet all applicable laws related to property rights and property acquisition and is complying with all Federal and State environmental regulations, including CEQA, NEPA, Clean Water Act, and ESA and CESA, among other required permit requirements.
2311	3	As a voter, I also feel disenfranchised in a way that smacks of subterfuge by the agencies promoting this project and by our Governor, whose environmental policies I generally support and applaud.	The comment does not raise any environmental issue related to the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS.
2311	4	Our complex water needs in California have become even more complicated in these long years of drought and with predictions that Northern California may never again have the rainfalls and Sierra snowpacks that we took for "normal" in the past.	The comment does not raise any environmental issue related to the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS.

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		Being a science major long ago in college and a life-long conservationist, I understand the valid concerns about rising ocean levels and increasing salt water incursions into the Delta and San Francisco Bay. All the more reason to allow rivers to flow unimpeded into those regions. I also understand the need to supply California farms with adequate fresh irrigation. But one can still witness wasteful practices in fields, with jets of water shooting over crops at midday.	
2311	5	Tunnel funding could be better used to subsidize more efficient agricultural methods statewide and new water storage facilities in Southern California, among other things.	The commenter offers an opinion on the merits of a particular water supply augmentation approach (greater agricultural conservation, more storage in Southern California) and does not raise a specific issue related to the adequacy of the EIR/EIS. 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. For more information regarding agricultural beneficial water use please see Master Response 34.
2311	6	"The Times They Are A-Changin'" sang Dylan -- and so are our weather patterns -- and so must our water policies. We need to meet our state's newest water challenges in the spirit of "a work in progress," and never expect that any single project will solve them as a fait accompli. I believe this "WaterFix" project is too simplistic to address the complex and changing realities we face here. We need much smarter, multi-faceted, long-term remedies for water storage and management and conservation. The majority of Californians have shown they are willing and able to use water more efficiently in their homes and gardens, once they get clear direction. Please bring us all on board as part of the solution. Please at least postpone the tunnel project and explore the alternative solutions proposed by other water management and environmental experts. I write in generalities for the sake of brevity, believing that common sense outweighs 48,000 pages of contradictory EIR data and a million hours of self-serving study and rhetoric. Finally, I write to you for the sake of my own grandchildren and for all who will make California their home after I am gone.	The comment does not raise any environmental issue related to the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS. No response is required. The proposed project was considered as only part of a state-wide response to 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 local water self-sufficiency such as conservation, storage, recycling, desalination, treatment of contaminated aquifers, or other measures to expand supply and storage (as described in Master Response 6 and Section 1.C.3 of Appendix 1C, Demand Management Measures).
2312	1	Salinity intrusion already impacts western Delta farms. Removing Sacramento River freshwater inflows from the system will make matters worse. Delta farmers cannot irrigate crops with salt water and they certainly cannot plant crops in contaminated soils. The agricultural economy of the Delta, which involves generations of family farms and farm workers, generates $5.2 billion a year for the California economy. For example, the Delta is California's best place to grow the Chenin Blanc wine varietal -- even Napa Valley wineries source their Chenin from the Delta. The plan fails to address such issues.	This comment letter is in part a form letter that has been submitted by many commenters. To locate the response to the form letter portion of the comment, please refer to the index of commenters in Chapter 4 of Volume II of the Final EIR/EIS, and cross reference the Form Master letter number shown there with the index of Form Masters also provided in Chapter 4 of Volume II of the Final EIR/EIS. The text below responds to the specific substantive portions of the comment letter that were submitted by the commenter. The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis provided in the EIR/S. The potential for water conveyance operations to affect salinity conditions in the Delta (including Suisun Marsh) under existing conditions and future no action conditions, and with implementation of each project alternative (including conservation measures), is assessed in detail in Chapter 8, Water Quality, of the EIR/EIS for the salinity-related parameters chloride (Impact WQ-7) and electrical conductivity (Impact WQ-11). Where significant impacts to water quality would occur due to the alternative, mitigation to lessen those impacts is provided.
2312	2	Retire thousands of acres of impaired and pollution-generating farmlands in the southern San Joaquin Valley. The state needs to revisit the hard economic lessons of the habitat	This comment is an opinion that farmland in the southern San Joaquin Valley should be retired to reduce selenium problems. State constitutional restrictions require the reasonable and beneficial use of water and

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		change associated with the Kesterson selenium problem.	state law requires that water supplied from the Delta be put to beneficial uses. The Lead Agencies do not have the authority to designate what water deliveries are used for. No comments related to the project alternatives or EIR/EIS are presented and no additional response is required.
2312	3	The EIR/EIS is merely a public relations ploy and cheerleading effort for the pre-conceived notion of a massive engineering project to divert water around the Delta, with significant detrimental effects and for little benefit.	No issues related to the adequacy of the environmental impact analysis in the EIR/EIS were raised. DWR's fundamental purpose of the proposed project is to make physical and operational improvements to the SWP system in the Delta necessary to restore and protect ecosystem health, water supplies of the SWP and CVP south of the Delta, and water quality within a stable regulatory framework, consistent with statutory and contractual obligations. By establishing a point of water diversion in the north Delta and new operating criteria to improve water volume, timing, and salinity, the proposed project is designed to improve native fish migratory patterns and allow for greater operational flexibility.
2313	1	The plan is flawed. It is financially and environmentally irresponsible and is only [Jerry Brown's] golden idol legacy. It must be stopped! It will ruin the Delta!	No issues related to the adequacy of the environmental impact analysis in the EIR/S were raised. Please see Master Response 3 for additional information regarding the purpose and need behind the proposed project. Please see Master Response 5 for more information on costs and funding.
2314	1	Please record my opinion -- I do not approve of the Delta Tunnels. It will negatively impact the San Joaquin Delta with its fragile ecosystem. Farmers especially will be negatively impacted. Please do not approve this legislation.	No issues related to the adequacy of the environmental impact analysis in the EIR/S were raised. For more information regarding agricultural mitigation please see Master Response 18.
2315	1	I am opposed to the tunnel plan to remove water from the Delta. That water is needed for the balance of San Francisco Bay. The health of the Bay is already challenged and must be protected.	No issues related to the adequacy of the environmental impact analysis in the EIR/S were raised. The project proposes to stabilize water supplies, and exports could only increase under certain circumstances. Water deliveries from the federal and state water projects under a fully-implemented Alternative 4A are projected to be about the same as the average annual amount diverted in the last 20 years. Although the proposed project would not increase the overall volume of Delta water exported, it would make the deliveries more predictable and reliable, while restoring an ecosystem in steep decline.
2316	1	I strongly oppose the Delta tunnels that are being proposed as I did the Peripheral Canal back in 1982. Fresh water needs to be delivered to the Bay to keep it healthy. Please do not let this degradation of our precious resource occur.	No issues related to the adequacy of the environmental impact analysis in the EIR/S were raised. The project proposes to stabilize water supplies, and exports could only increase under certain circumstances. Water deliveries from the federal and state water projects under a fully-implemented Alternative 4A are projected to be about the same as the average annual amount diverted in the last 20 years. Although the proposed project would not increase the overall volume of Delta water exported, it would make the deliveries more predictable and reliable, while restoring an ecosystem in steep decline.
2317	1	I agree with Mr. Gary Bobker, Program Director For The Bay Institute. Two 40' tunnels dug under the Delta would be devastating to the health of the many species of fish and other wildlife. I can't imagine the destruction this would cause during construction, and then later during operation! This is another Peripheral Canal that would take more water from the Delta while damaging the fragile ecosystem. I feel farmers should have a reliable source of water for their crops and livestock, but not at the price of our Delta.	Since 2006, the proposed project has been developed based on sound science, data gathered from various agencies and experts over many years, input from agencies, stakeholders and independent scientists, and more than 600 public meetings, working group meetings and stakeholder briefings. DWR's fundamental purpose of the proposed project is to make physical and operational improvements to the SWP system in the Delta necessary to restore and protect ecosystem health, water supplies of the SWP and CVP south of the Delta, and water quality within a stable regulatory framework, consistent with statutory and contractual obligations. By establishing a point of water diversion in the north Delta and new operating criteria to improve water volume, timing, and salinity, the proposed project is designed to improve native fish migratory patterns and allow for greater operational flexibility. Please see Master Response 3 for additional information regarding the purpose and need behind the proposed project. For more information regarding the differences between the proposed project and the peripheral canals please see Master Response 36.

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2318	1	I strongly oppose the Delta tunnels being proposed. We have other better ways to conserve water to supply the farmers and others which we have proved during this drought. Please do not let this happen as it will end up destroying the Bay.	No issues related to the adequacy of the environmental impact analysis in the EIR/S were raised. The proposed project is just one element of the state's long-range strategy to meet anticipated future water needs of Californians in the face of expanding population and the expected effects of climate change. The proposed project is not a comprehensive, statewide water plan, but is instead aimed at addressing many complex and long-standing issues related to the operations of the SWP and CVP in the Delta, including reliability of exported supplies, and the recovery and conservation of threatened and endangered species that depend on the Delta.
2319	1	Please protect our Bay-Delta Estuary; do not ship more water away from it. Do not build the proposed tunnels. The environmental document for this project needs to be revised to adequately address biological, and social impacts to the entire Bay Area and Delta ecosystem, and to preserve this incredibly scenic and sensitive area for generations to come.	The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis provided in the EIR/EIS. 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 and believe that it satisfies the requirements of CEQA and NEPA.
2320	1	The Delta Tunnels must be opposed as a water grab by Southern California that will do irreparable harm to the Delta and the four million residents. The lack of sufficient water flowing through the Delta will harm the wildlife and the ecosystem, if the tunnels are dug.	No issues related to the adequacy of the environmental impact analysis in the EIR/S were raised. The project proposes to stabilize water supplies, and exports could only increase under certain circumstances. Water deliveries from the federal and state water projects under a fully-implemented Alternative 4A are projected to be about the same as the average annual amount diverted in the last 20 years. Although the proposed project would not increase the overall volume of Delta water exported, it would make the deliveries more predictable and reliable, while restoring an ecosystem in steep decline.
2320	2	Spending $15 million, which will grow to $25 million before completion and not give the state additional water resources, is a poor way to spend our, the taxpayers', money. History shows what Southern California has done to other areas supplying water to them, by ruining their ecosystems and sucking the regions dry. So to believe them when they state the amount of water taken by the tunnels won't be more than presently taken is a joke. They will have the capability to take up to 50% more water and will do so if needed. Stop the tunnels now! Don't let Moonbeam and his cronies steal our water.	As stated in the Project Objectives and Purpose and Need (see Chapter 2 of the EIR/S), all of the action alternatives would continue the operation of the SWP and CVP in accordance with the existing water rights and regulatory criteria adopted by the State Water Resources Control Board, U.S. Fish and Wildlife Service, National Marine Fisheries Service, and California Department of Fish and Wildlife. All of the alternatives evaluated in the EIR/EIS would only divert water under existing water rights which were issued to DWR and Reclamation by the State Water Board with consideration for senior water rights and Area of Origin laws and requirements. The proposed project does not seek any new water rights or any changes in total water rights issued to DWR and Reclamation. As shown in Appendix 5A, Section C, the north Delta intake tunnels would not be fully utilized except for a few months in wet years. However, it is important to have the maximum capacity in the intakes and tunnels during those periods of time to convey water during extremely wet periods to areas south of the Delta for storage and use during drier times. The north Delta intakes would have minimal flows that would be required for maintenance of the pumps during critical dry years. The issue related to the cost estimate as raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis provided in the EIR/S.
2321	1	ATT1: Article, "Notes from MWD regarding Bay-Delta"	The comment does not raise any environmental issues related to the environmental analysis.
2321	2	ATT 2:BDCP Design and Construction Enterprise CM1 Property Acquisition Management Plan	The comment does not raise any environmental issues related to the environmental analysis.
2322	1	ATT 1: Department of Water Resources and Bureau of Reclamation petition to change water rights necessary to allow for implementation of California Waterfix, August 25, 2015. Includes cover letter, petition form and supplemental environmental information	The comments in this letter are attachments to a comment letter that does not raise any issues with the 2013 DEIR/DEIS or the 2015 RDEIR/RDEIS or request any changes thereto. DWR and Reclamation are currently involved in the petition process in front of the State Water Resources Control Board. For up to date information regarding the status of the Change Petition and evidence submitted to support the change

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			in point of diversion, please refer to http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/water_right_petition.shtml
2322	2	ATT 2: Diversion/ Rediversion location map	This comment describes an attachment to the comment letter. The attachment does not raise any additional issues related to the environmental analysis in the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS that are not already addressed in the comment referencing the attachment or the Final EIR/EIS.
2322	3	ATT 3: Proposed engineering facilities and footprint map #1	This comment describes an attachment to the comment letter. The attachment does not raise any additional issues related to the environmental analysis in the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS that are not already addressed in the comment referencing the attachment or the Final EIR/EIS.
2322	4	ATT 4: Proposed engineering facilities and footprint map #2.	This comment describes an attachment to the comment letter. The attachment does not raise any additional issues related to the environmental analysis in the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS that are not already addressed in the comment referencing the attachment or the Final EIR/EIS.
2322	5	ATT 5: Proposed engineering facilities and footprint map #3.	This comment describes an attachment to the comment letter. The attachment does not raise any additional issues related to the environmental analysis in the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS that are not already addressed in the comment referencing the attachment or the Final EIR/EIS.
2322	6	ATT 6: BDCP plan area map.	This comment describes an attachment to the comment letter. The attachment does not raise any additional issues related to the environmental analysis in the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS that are not already addressed in the comment referencing the attachment or the Final EIR/EIS.
2322	7	ATT 7: Diversion points table.	This comment describes an attachment to the comment letter. The attachment does not raise any additional issues related to the environmental analysis in the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS that are not already addressed in the comment referencing the attachment or the Final EIR/EIS.
2322	8	ATT 8: Secretary Laird talks Cal Waterfix to San Diego County Water Authority's Imported Water Committee. September 8, 2015 Maven's Notebook.	This comment describes an attachment to the comment letter. The attachment does not raise any additional issues related to the environmental analysis in the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS that are not already addressed in the comment referencing the attachment or the Final EIR/EIS.
2322	9	ATT 9: California Waterfix public notice 9/9/2015	This comment describes an attachment to the comment letter. The attachment does not raise any additional issues related to the environmental analysis in the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS that are not already addressed in the comment referencing the attachment or the Final EIR/EIS.
2322	10	ATT 10: Public Notice, U.S. Army Corps of Engineers. 9/9/2015	This comment describes an attachment to the comment letter. The attachment does not raise any additional issues related to the environmental analysis in the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS that are not already addressed in the comment referencing the attachment or the Final EIR/EIS.
2322	11	ATT 11: Clifton Court pumping plant option map #1	This comment describes an attachment to the comment letter. The attachment does not raise any additional issues related to the environmental analysis in the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS that are not already addressed in the comment referencing the attachment or the Final EIR/EIS.
2322	12	ATT 12: Clifton Court pumping plant option map #2.	This comment describes an attachment to the comment letter. The attachment does not raise any additional issues related to the environmental analysis in the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS that are not already addressed in the comment referencing the attachment or the Final EIR/EIS.
2322	13	ATT 13: Clifton Court pumping plant option map #3.	This comment describes an attachment to the comment letter. The attachment does not raise any additional issues related to the environmental analysis in the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS that are not

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			already addressed in the comment referencing the attachment or the Final EIR/EIS.
2322	14	ATT 14: Clifton Court pumping plant option #4.	This comment describes an attachment to the comment letter. The attachment does not raise any additional issues related to the environmental analysis in the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS that are not already addressed in the comment referencing the attachment or the Final EIR/EIS.
2322	15	ATT 15: Clifton Court pumping plant option map #5.	This comment describes an attachment to the comment letter. The attachment does not raise any additional issues related to the environmental analysis in the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS that are not already addressed in the comment referencing the attachment or the Final EIR/EIS.
2322	16	ATT 16: Clifton Court pumping plant option map #6.	This comment describes an attachment to the comment letter. The attachment does not raise any additional issues related to the environmental analysis in the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS that are not already addressed in the comment referencing the attachment or the Final EIR/EIS.
2322	17	ATT 17: Clifton Court pumping plant option map #7.	This comment describes an attachment to the comment letter. The attachment does not raise any additional issues related to the environmental analysis in the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS that are not already addressed in the comment referencing the attachment or the Final EIR/EIS.
2322	18	ATT 18: Clifton Court pumping plant option map #8.	This comment describes an attachment to the comment letter. The attachment does not raise any additional issues related to the environmental analysis in the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS that are not already addressed in the comment referencing the attachment or the Final EIR/EIS.
2322	19	ATT 19: Clifton Court pumping plant option map #9.	This comment describes an attachment to the comment letter. The attachment does not raise any additional issues related to the environmental analysis in the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS that are not already addressed in the comment referencing the attachment or the Final EIR/EIS.
2322	20	ATT 20: Clifton Court pumping plant option map #10.	This comment describes an attachment to the comment letter. The attachment does not raise any additional issues related to the environmental analysis in the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS that are not already addressed in the comment referencing the attachment or the Final EIR/EIS.
2322	21	ATT 21: Clifton Court pumping plant option map #11.	This comment describes an attachment to the comment letter. The attachment does not raise any additional issues related to the environmental analysis in the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS that are not already addressed in the comment referencing the attachment or the Final EIR/EIS.
2322	22	ATT 22: Clifton Court pumping plant option map #12.	This comment describes an attachment to the comment letter. The attachment does not raise any additional issues related to the environmental analysis in the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS that are not already addressed in the comment referencing the attachment or the Final EIR/EIS.
2322	23	ATT 23: Clifton Court pumping plant option map #13.	This comment describes an attachment to the comment letter. The attachment does not raise any additional issues related to the environmental analysis in the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS that are not already addressed in the comment referencing the attachment or the Final EIR/EIS.
2322	24	ATT 24: Clifton Court pumping plant option map #14.	This comment describes an attachment to the comment letter. The attachment does not raise any additional issues related to the environmental analysis in the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS that are not already addressed in the comment referencing the attachment or the Final EIR/EIS.
2322	25	ATT 25: Clifton Court pumping plant option map #15.	This comment describes an attachment to the comment letter. The attachment does not raise any additional issues related to the environmental analysis in the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS that are not already addressed in the comment referencing the attachment or the Final EIR/EIS.
2322	26	ATT 26: Clifton Court pumping plant option map #16.	This comment describes an attachment to the comment letter. The attachment does not raise any additional issues related to the environmental analysis in the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS that are not

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			already addressed in the comment referencing the attachment or the Final EIR/EIS.
2322	27	ATT 27: Clifton Court pumping plant option map #17.	This comment describes an attachment to the comment letter. The attachment does not raise any additional issues related to the environmental analysis in the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS that are not already addressed in the comment referencing the attachment or the Final EIR/EIS.
2323	1	The long-term effect of [the] two tunnels has been studied by people far more qualified than myself to address, but what comes out to me is that not allowing freshwater flow into the Bay-Delta will increase the salinity of the area even more than currently and combined with the future rise of sea levels, will result in a Bay-Delta devoid of the commercial and tourist industry it currently supports. This project is just a bad idea.	The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis provided in the EIR/S. The potential for water conveyance operations to affect salinity conditions in the Delta (including Suisun Marsh) under existing conditions and future no action conditions, and with implementation of each project alternative (including conservation measures), is assessed in detail in Chapter 8, Water Quality, of the EIR/EIS for the salinity-related parameters chloride (Impact WQ-7) and electrical conductivity (Impact WQ-11). Where significant impacts to water quality would occur due to the alternative, mitigation to lessen those impacts is provided.
2324	1	I live in the Sacramento River watershed and strongly oppose the California WaterFix, which sounds very much like the same project as the peripheral canal, which California voters rejected in 1982 by a 62.7% majority, as you know. This aggressive and relentless stance against any sane approach to California's water needs is unsustainable and unconscionable. The plan seems primarily beholden to corporate agricultural interests rather than the health of our region which includes far Northern California waters and the fragile and essential waters of the Delta area. Our homes, businesses, farms, and wildlands depend on healthy groundwater, creeks, and streams. I will fight this water grab in every way I can to prevent turning the Sacramento Valley into an echo of the Owens and San Joaquin Valleys. We absolutely reject the Twin Tunnels.	No issues related to the adequacy of the environmental impact analysis in the EIR/S were raised. The proposed project is just one element of the state's long-range strategy to meet anticipated future water needs of Californians in the face of expanding population and the expected effects of climate change. The proposed project is not a comprehensive, statewide water plan, but is instead aimed at addressing many complex and long-standing issues related to the operations of the SWP and CVP in the Delta, including reliability of exported supplies, and the recovery and conservation of threatened and endangered species that depend on the Delta. See Master Response 34 (Beneficial Use of Water) and Master Response 36 (Peripheral Canal).
2325	1	The BDCP/WaterFix and its related EIR/EIS do not comply with State water law and inadequately assess the environmental and socioeconomic impacts. The actions of the BDCP/WaterFix would damage the region's economy, environment and communities. For these reasons, the Butte County Board of Supervisors remains opposed to the BDCP/WaterFix. The state and federal agencies are assuming enormous liability for the harm that the BDCP/WaterFix will cause. Butte County will consider taking appropriate measures to protect the County's economy, environment and communities.	The proposed project was developed to meet the rigorous standards of the Clean Water Act as well as federal and state Endangered Species Acts; as such it is intended to be environmentally beneficial. By establishing a point of water diversion in the north Delta and new operating criteria to improve water volume, timing, and salinity, the proposed project is designed to improve native fish migratory patterns and allow for greater operational flexibility. It should be recognized that CEQA does not require the analysis of socioeconomic effects unless there is a nexus to adverse effects to the physical environment. However, since this is a joint CEQA and NEPA document, and NEPA has different direction related to socioeconomics, there was a robust discussion on socioeconomics. The EIR/S plus the associated appendices were prepared to inform the decisionmakers and the public of the effects. Temporary and permanent effects to agriculture were discussed in Chapter 14 and socioeconomic effects were addressed in Chapter 16. As noted in the Executive Summary Table ES-9. Summary of BDCP/California WaterFix RDEIR/SDEIS Impacts and Mitigation Measures, there were some significant effects (CEQA) and Adverse (NEPA) associated with various alternatives. There were no significant socioeconomic effects associated with CEQA; however, some adverse effects were noted under the NEPA analysis. For example, although Alternatives 4A, 2D, and 5A would require much less conversion of agricultural land to restored or protected habitat than the alternatives that include a HCP/NCCP, agricultural land will still be affected by implementing any of the alternatives (ES.1.13). Similarly, Alternatives 4A, 2D, and 5A would have lesser socioeconomic effects associated with agricultural land conversions compared with other action alternatives. The comment indicated that other environmental effects were not addressed adequate; however, provided no details. The EIR/S addresses the environmental effect of all of the topics for each alternative in equal

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			level of detail. The project proposes actions intended to provide for additional reliability, It is not anticipated that any individual's local water supply would be adversely affected by the proposed changes.
2326	1	As residents of Chico we oppose the Governor's Delta Tunnels "WaterFix" plan for the following reasons. The BDCP/WaterFix and its related EIR/EIS do not comply with State water law and inadequately assess the environmental and socioeconomic impacts. The actions of the BDCP/WaterFix would damage the region's economy, environment and communities. For these reasons, the Butte County Board of Supervisors remains opposed to the BDCP/WaterFix. The state and federal agencies are assuming enormous liability for the harm that the BDCP/WaterFix will cause. Butte County will consider taking appropriate measures to protect the County's economy, environment and communities. We stand in support of the Butte County Board of Supervisors' response to this unwise plan.	Comment does not identify how the RDEIR/SDEIS does not comply with State water law or how environmental and socioeconomic impacts are inadequately assessed. The proposed project was developed to meet the rigorous standards of the Clean Water Act as well as federal and state Endangered Species Acts; as such it is intended to be environmentally beneficial. By establishing a point of water diversion in the north Delta and new operating criteria to improve water volume, timing, and salinity, the proposed project is designed to improve native fish migratory patterns and allow for greater operational flexibility." It should be recognized that CEQA does not require the analysis of socioeconomic effects unless there is a nexus to adverse effects to the physical environment. However, since this is a joint CEQA and NEPA document, and NEPA has different direction related to socioeconomics, there was a robust discussion on socioeconomics. The EIR/S plus the associated appendices were prepared to inform the decisionmakers and the public of the effects. Temporary and permanent effects to agriculture were discussed in Chapter 14 and socioeconomic effects were addressed in Chapter 16. As noted in the Executive Summary Table ES-9. Summary of BDCP/California WaterFix RDEIR/SDEIS Impacts and Mitigation Measures, there were some significant effects (CEQA) and Adverse (NEPA) associated with various alternatives. There were no significant socioeconomic effects associated with CEQA; however, some adverse effects were noted under the NEPA analysis. For example, although Alternatives 4A, 2D, and 5A would require much less conversion of agricultural land to restored or protected habitat than the alternatives that include a HCP/NCCP, agricultural land will still be affected by implementing any of the alternatives (ES.1.13). Similarly, Alternatives 4A, 2D, and 5A would have lesser socioeconomic effects associated with agricultural land conversions compared with other action alternatives. The comment indicated that other environmental effects were not addressed adequate; however, provided no details. The EIR/S addresses the environmental effect of all of the topics for each alternative in equal level of detail. The project proposes actions intended to provide for additional reliability, It is not anticipated that any individual's local water supply would be adversely affected by the proposed changes.
2328	1	I'm writing to oppose, in the strongest possible terms, the latest Peripheral Canal scheme, aka the twin Delta tunnels, that would send half of the Sacramento River's flow to Southern California to grow almonds and hay for export.	No issues related to the adequacy of the environmental impact analysis in the EIR/S were raised. The project proposes to stabilize water supplies, and exports could only increase under certain circumstances. Water deliveries from the federal and state water projects under a fully-implemented Alternative 4A are projected to be about the same as the average annual amount diverted in the last 20 years. Although the proposed project would not increase the overall volume of Delta water exported, it would make the deliveries more predictable and reliable, while restoring an ecosystem in steep decline.
2328	2	Too much saltwater is already creeping east into the Bay-Delta estuary, the largest on the west coast of the Americas, endangering natural habitat and drinking water supplies and the $5.2 billion delta farm economy. The tunnels will only exacerbate this process of degradation by removing the essential freshwater that keeps saltwater at bay.	The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis provided in the EIR/EIS.
2328	3	The Delta Independent Science Board recently found the tunnel project's Environmental Impact Report inadequate: "The Current Draft . . . lacks completeness and clarity in	The EIR/EIS contains a wealth of information and analyses. The document reflects seven years of collaboration, response to requests for additional information, careful thought, accumulation of the latest

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		applying science to far-reaching policy decisions."	scientific information, and the thorough analyses needed to develop and conduct an environmental review of a project as massively critical as the proposed project. The Natural Resources Agency and DWR staff will continue seeking improvements and refinements to the current proposal in order to enhance species benefits and to avoid, reduce or mitigate for negative impacts to people, communities, sensitive species and habitats. Please refer to comment letters BDCP 1448 and RECIRC 2546 to see responses to the Delta Independent Science Board's comments.
2328	4	Once cannot hope to maintain a healthy estuary by taking more freshwater out of an already struggling habitat. With the effects of climate change increasing each year, we should protect the many benefits provided by the Bay-Delta estuary for humans and the environment. Draining the Bay-Delta of water -- and life -- is not the way to do it. Do not move forward with this lunatic twin tunnels scheme.	No issues related to the adequacy of the environmental impact analysis in the EIR/S were raised. The project proposes to stabilize water supplies, and exports could only increase under certain circumstances. Water deliveries from the federal and state water projects under a fully-implemented Alternative 4A are projected to be about the same as the average annual amount diverted in the last 20 years. Although the proposed project would not increase the overall volume of Delta water exported, it would make the deliveries more predictable and reliable, while restoring an ecosystem in steep decline.
2329	1	I live in the Sacramento River watershed and strongly oppose the California WaterFix, the Governor's latest plan to drain the vitality from the north state. Our homes, businesses, farms, and wildlands depend on healthy groundwater, creeks, and streams. I will fight this water grab in every way I can to prevent turning the Sacramento Valley into an echo of the Owens and San Joaquin Valleys. Please, no Twin Tunnels!	No issues related to the adequacy of the environmental impact analysis in the EIR/S were raised. Chapter 16 of the EIR/EIS and RDEIR/SDEIS Appendix A (Socioeconomics) identifies the unique features of the Delta and describes the potential effects on Delta communities. Please see Chapter 15 for a discussion on impacts to recreation. Impacts to agriculture are identified and discussed in Chapter 14; project proponents 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.
2330	1	We live in Chico and strongly oppose the California WaterFix. We must find a sustainable solution for California's water problems, one that does not sacrifice the groundwater, creeks, and streams of one region for another. This is a simple water grab, and we must not turn the Sacramento Valley into an echo of the Owens and San Joaquin valleys. No Twin Tunnels!	No issues related to the adequacy of the environmental impact analysis in the EIR/S were raised. The project proposes to stabilize water supplies, and exports could only increase under certain circumstances. Water deliveries from the federal and state water projects under a fully-implemented Alternative 4A are projected to be about the same as the average annual amount diverted in the last 20 years. Although the proposed project would not increase the overall volume of Delta water exported, it would make the deliveries more predictable and reliable, while restoring an ecosystem in steep decline.
2331	1	I live in Butte County, in the Sacramento River watershed, and strongly oppose the Governor's latest plan to drain the vitality from the north state. With the pumping of our groundwater to be delivered through the Twin Tunnels to points south, our vibrant communities, farms, creeks, and streams will be sucked disastrously dry like the Owens and San Joaquin Valleys. I will fight this water grab in every way I can. No Twin Tunnels!	As stated in the Project Objectives and Purpose and Need (see Chapter 2 of the EIR/S), all of the action alternatives would continue the operation of the SWP and CVP in accordance with the existing water rights and regulatory criteria adopted by the State Water Resources Control Board, U.S. Fish and Wildlife Service, National Marine Fisheries Service, and California Department of Fish and Wildlife. All of the alternatives evaluated in the EIR/EIS would only divert water under existing water rights which were issued to DWR and Reclamation by the State Water Board with consideration for senior water rights and Area of Origin laws and requirements. The proposed project does not seek any new water rights or any changes in total water rights issued to DWR and Reclamation.
2332	1	My family has lived in the Sacramento River watershed four generations. We have watched for years as political expediency and moneyed agricultural interests at the other end of the state have driven water proposal after water proposal. Often, these schemes exploit public opinion during times of crises. Never has the north state come out of these deals in an equitable state. My family and all of its members are voting citizens who greatly oppose the twin tunnels projects. We will work to educate and rally dissent against this egregious plan to diminish the natural resources of the lands we have called home for over one hundred years. We	The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis provided in the EIR/S. The proposed project was developed to meet the rigorous standards of the federal and state Endangered Species Acts; as such the proposed project is intended to be environmentally beneficial. By establishing a point of water diversion in the north Delta and new operating criteria to improve water volume, timing, and salinity, the proposed project is designed to improve native fish migratory patterns and allow for greater operational flexibility." The proposed project does not increase the amount of water to which DWR holds water rights or for use as allowed under its contracts. It is projected that water deliveries from the federal and state water projects under a fully implemented project

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		will fight to save our local environment and the local economies that depend on them! We love the natural beauty of our home. It should be considered a valuable aspect for all of California, not a natural resource to be unlawfully used regardless of the devastating consequences to rightful land owners and healthy local economies. I implore you to respect logical arguments and eschew moneyed interests.	would be about the same as the average annual amount diverted in the last 20 years. Refer to Master Response 26 (Changes in Delta Exports). 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 3 (Purpose and Need), Master Response 34 (Beneficial Use of Water), Master Response 35 (Southern California Water Supply) and Master Response 24 (Delta As A Place).
2333	1	I am opposed to the construction of two huge 40-foot diameter tunnels in the Delta. This proposed project will have serious devastating impacts on hundreds of wildlife and plant species, the fisheries in both the Delta and West Coast, the agricultural economy in the Delta, the recreation and tourism economy, and the public health of cities and communities.	Since 2006, the proposed project has been developed based on sound science, data gathered from various agencies and experts over many years, input from agencies, stakeholders and independent scientists, and more than 600 public meetings, working group meetings and stakeholder briefings. DWR's fundamental purpose of the proposed project is to make physical and operational improvements to the SWP system in the Delta necessary to restore and protect ecosystem health, water supplies of the SWP and CVP south of the Delta, and water quality within a stable regulatory framework, consistent with statutory and contractual obligations. By establishing a point of water diversion in the north Delta and new operating criteria to improve water volume, timing, and salinity, the proposed project is designed to improve native fish migratory patterns and allow for greater operational flexibility." Please see Master Response 3 for additional information regarding the purpose and need behind the proposed project.
2333	2	The tunnels would take close to 2/3 of the flow of the Sacramento River, the Delta's main water source. About 30% of this water goes to supply cities in the Bay Area, the South Coast, and Southern California. In contrast, 70% of the water goes to Big Agriculture on the west and south side of the San Joaquin Valley, down to Bakersfield. Most of this water goes to grow almonds and pistachios on desert soils for lucrative overseas exports. The Big Agriculture users contribute only 0.3% to California's economy while using 70% of the Delta water.	No issues related to the adequacy of the environmental impact analysis in the EIR/S were raised. All of the alternatives evaluated in the EIR/EIS would only divert water under existing water rights that were issued to DWR and Reclamation by the State Water Board with consideration for senior water rights and Area of Origin laws and requirements. 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. 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 (as described in Section 1.C.3 of Appendix 1C, Demand Management Measures). The proposed project would not increase the amount of water to which SWP and CVP hold water rights for use allowed under their contracts and permits and approvals for refuge water supplies or other environmental purposes.
2333	3	As a taxpayer, citizen, user of the Delta for recreation, I agree with others that the Delta needs restored water flows and levee upgrades, increased reliance upon local water supply and to improve the storage capabilities.	The proposed project was developed to meet the rigorous standards of the federal and state Endangered Species Acts, as such it is intended to be environmentally beneficial, not detrimental. By establishing a point of water diversion in the north Delta and new operating criteria to improve water volume, timing, and salinity, the proposed project is designed to improve native fish migratory patterns and allow for greater operational flexibility." Please refer to Master Response 4 for additional details on the selection of alternatives. Also, please see Master Response 3 for additional details on the project purpose and need.
2334	1	Please don't agree to this misguided plan to take up to 50% of the greatly reduced flow (by drought) of the Sacramento River and divert it from San Francisco Bay and the	The issue raised by the commenter addresses the merits of the project and does not raise any issues with

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		estuary. So many wildlife and fish depend upon this fresh water in the estuary. And the health of the Bay depends upon a continuous flow of fresh water.	the environmental analysis provided in the EIR/S. The project proposes to stabilize water supplies, and exports could only increase under certain circumstances. Water deliveries from the federal and state water projects under a fully-implemented Alternative 4A are projected to be about the same as the average annual amount diverted in the last 20 years. Although the proposed project would not increase the overall volume of Delta water exported, it would make the deliveries more predictable and reliable, while restoring an ecosystem in steep decline.
2335	1	Before the Delta water project is approved, I wish every member of the board would visit Butte County and then stop by the Owens Valley on the way back to Los Angeles. I wish I weren't so cynical, but the only reason I can think of to explain why anyone would actively choose to destroy the last of California's natural recharging aquifers is political. The large corporate farmers who have decided it is a good idea to plant fruit trees in the selenium-polluted desert soil of the west side of the San Joaquin are big campaign contributors. Vast amounts of additional water aren't needed for the citizens of Southern California -- over the last few decades, they have learned to reduce and think carefully about how to use water thoughtfully. All over California in this ongoing drought, citizens have cut back. But desert farmers were not required to cut back. Now they want to destroy a part of the state which is not yet a desert. There is no logic in creating a new desert to water crops in a desert with poor quality soil. And once the recharge water tension is broken by over-pulling the aquifer, it will be gone forever. As it is, we are right now pulling up water that filled the aquifer 10,000 years ago. We are not living within our means. At least one purpose of an effective government is to save limited resources for future citizens. There is no more important resource than water. It is more important than agricultural jobs, than exporting agricultural products, than tax revenue, dare I say, even more important than political alliances. Stop the twin tunnel project. It will be a catastrophe. Thank you for thinking long-term. I look forward to hearing that common sense and science have prevailed.	As stated in the Project Objectives and Purpose and Need (see Chapter 2 of the EIR/S), all of the action alternatives would continue the operation of the SWP and CVP in accordance with the existing water rights and regulatory criteria adopted by the State Water Resources Control Board, U.S. Fish and Wildlife Service, National Marine Fisheries Service, and California Department of Fish and Wildlife. All of the alternatives evaluated in the EIR/EIS would only divert water under existing water rights which were issued to DWR and Reclamation by the State Water Board with consideration for senior water rights and Area of Origin laws and requirements. The proposed project does not seek any new water rights or any changes in total water rights issued to DWR and Reclamation. The proposed project would not include conveyance of groundwater. As described in Chapter 3, Description of Alternatives, the 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. 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.
2336	1	Sending more water around the Delta to save it is not the solution. Please put me down as opposed to this project and will support anyone who is against this one.	No issues related to the adequacy of the environmental impact analysis in the EIR/S were raised. The project proposes to stabilize water supplies, and exports could only increase under certain circumstances. Water deliveries from the federal and state water projects under a fully-implemented Alternative 4A are projected to be about the same as the average annual amount diverted in the last 20 years. Although the proposed project would not increase the overall volume of Delta water exported, it would make the deliveries more predictable and reliable, while restoring an ecosystem in steep decline.
2337	1	The Delta Independent Science Board recently found the tunnel project’s EIR inadequate, saying "the current draft . . . Lacks completeness and clarity in applying science to far-reaching policy decisions."	The Draft EIR/EIS contains a wealth of information and analyses. The document reflects seven years of collaboration, response to requests for additional information, careful thought, accumulation of the latest scientific information, and the thorough analyses needed to develop and conduct an environmental review of a project as massively critical as the proposed project. In 2010, the first administrative draft of the BDCP was released to the public. In 2012, the second administrative draft BDCP and the first administrative draft of the EIR/EIS were released to the public. The second administrative draft of the EIR/EIS was released to the public in the spring of 2013. Prior to the

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			December 2013 release of the public review Draft EIR/EIS, the proposed project was significantly revised in response to stakeholder involvement and engineering optimization efforts. The Natural Resources Agency and DWR staff will continue seeking improvements and refinements to the current proposal in order to enhance species benefits and to avoid, reduce or mitigate for negative impacts to people, communities, sensitive species and habitats. Please refer to comment letters BDCP 1448 and RECIRC 2546 to see responses to the Delta Independent Science Board's comments.
2337	2	The tunnels will ship half the Sacramento River water south to growers for almonds, hay and other crops for export. The Delta estuary will be ruined by salt water, wildlife will perish, and Delta farmers will lose their farms. The Bay-Delta supports the largest nursery for California fisheries, and the largest Pacific Coast stop for migrating waterfowl. 500,000 acres of prime California farmland will be ruined by salt water.	Since 2006, the proposed project has been developed based on sound science, data gathered from various agencies and experts over many years, input from agencies, stakeholders and independent scientists, and more than 600 public meetings, working group meetings and stakeholder briefings. DWR's fundamental purpose of the proposed project is to make physical and operational improvements to the SWP system in the Delta necessary to restore and protect ecosystem health, water supplies of the SWP and CVP south of the Delta, and water quality within a stable regulatory framework, consistent with statutory and contractual obligations. By establishing a point of water diversion in the north Delta and new operating criteria to improve water volume, timing, and salinity, the proposed project is designed to improve native fish migratory patterns and allow for greater operational flexibility." Please see Master Response 3 for additional information regarding the purpose and need behind the proposed project.
2337	3	Already, large Southern California water districts are buying up islands in our San Francisco Bay-Delta so they can pave the way for the tunnels, buying out people who have farmed the Delta islands for generations. This is about money to large water districts with the power to get what they want. Please do not allow such greed to ruin the largest estuary on the west coast of America.	The proposed project was developed to meet the rigorous standards of the Clean Water Act and federal and state Endangered Species Acts; as such it is intended to be environmentally beneficial. By establishing a point of water diversion in the north Delta and new operating criteria to improve water volume, timing, and salinity, the proposed project is designed to improve native fish migratory patterns and allow for greater operational flexibility."
2337	4	With climate change already happening, we should be protecting the benefits we receive from this priceless natural resource. Please stop the tunnels. The Delta means life for the Bay Area and Northern California.	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. More information on ways in which the California WaterFix proposes to improve resiliency and adaptability of the Delta to climate change can be found in Chapter 29, Climate Change, EIR/EIS and Appendix 3E, Potential Seismic and Climate Change Risks to SWP/CVP Water Supplies, EIR/EIS.
2341	1	We are totally against harming the San Joaquin Delta by building tunnels to draw water from the Sacramento River. It would adversely impact cities and farms in the area and cost too much to justify the action. Our water is sent south to be wasted in Southern California where they use it to wash cars and driveways. Then, to add insult to injury, they fill the Los Angeles River basin to the top and let the water run to the sea in order to ensure the next year's water deliveries from the north. So, we conserve and they waste.	The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis provided in the EIR/S. DWR's fundamental purpose of the proposed project is to make physical and operational improvements to the SWP system in the Delta necessary to restore and protect ecosystem health, water supplies of the SWP and CVP south of the Delta, and water quality within a stable regulatory framework, consistent with statutory and contractual obligations. By establishing a point of water diversion in the north Delta and new operating criteria to improve water volume, timing, and salinity, the proposed project is designed to improve native fish migratory patterns and allow for greater operational flexibility." Please see Master Response 3 for additional information regarding the purpose and need behind the proposed project, Master Response 4 regarding the selection of alternatives analyzed, Master Response 6

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			regarding demand management, and Master Response 37 regarding water storage.
2341	2	Why not find a plan that would build reservoirs to catch rainfall to use for farming in this region that feeds the world? There are many Central Valley cities without water and it is shameful when our water is running to the Pacific Ocean in Los Angeles.	Appendix 1C, Demand Management Measures, in the EIR/EIS, describes conservation, water use efficiency, and other sources of water supply including storm water drainage. While these elements are not proposed as part of the BDCP or the California WaterFix, the Lead Agencies recognize that they are important tools in managing California's water resources. Please also see Master Response 37 regarding water storage.
2341	3	I want to know who is profiting from this so-called tunnel solution because it is not well thought-out and the plan does not provide new water.	The EIR/EIS indicates that the project would result in a substantial economic net benefit to the State. The project was initiated by former Governor Arnold Schwarzenegger, who was twice elected by a majority of California voters. The process has continued under the administration of his successor, Edmund G. Brown, Jr. Hence, the project has been initiated and carried forward by two Governors acting on a mandate from the voters of the State as a whole. Since 2006, the proposed project has been developed based on sound science, data gathered from various agencies and experts over many years, input from agencies, stakeholders and independent scientists, and more than 600 public meetings, working group meetings and stakeholder briefings. The documentation generated by this proposed project has undergone extensive public and scientific input, discussion, and transparency, including the posting of administrative draft chapters online and providing many more opportunities for public participation than is normally required by the CEQA/NEPA processes (see Master Response 41 [Transparency]. DWR's fundamental purpose of the proposed project is to make physical and operational improvements to the SWP system in the Delta necessary to restore and protect ecosystem health, water supplies of the SWP and CVP south of the Delta, and water quality within a stable regulatory framework, consistent with statutory and contractual obligations. By establishing a point of water diversion in the north Delta and new operating criteria to improve water volume, timing, and salinity, the proposed project is designed to improve native fish migratory patterns and allow for greater operational flexibility. Please see Master Response 3 for additional information regarding the purpose and need behind the proposed project.
2341	4	It [California WaterFix] just drains the Delta and ruins decades of hard work in this area while also ruining the eco-balance in our area.	No issues related to the adequacy of the environmental impact analysis in the EIR/S were raised. The project proposes to stabilize water supplies, and exports could only increase under certain circumstances. Water deliveries from the federal and state water projects under a fully-implemented Alternative 4A are projected to be about the same as the average annual amount diverted in the last 20 years. Although the proposed project would not increase the overall volume of Delta water exported, it would make the deliveries more predictable and reliable, while restoring an ecosystem in steep decline.
2341	5	I can also predict that the $15 billion predicted cost will double or triple before completion.	No issues related to the adequacy of the environmental impact analysis in the EIR/S were raised. Please refer to Master Response 5 for additional details on the cost estimates and cost controls.
2341	6	Governor Brown should be ashamed of even proposing such a harebrained scheme. It is so disrespectful to the people of California, many of whom also use the Delta for recreational purposes. Please save the Delta -- do not build these tunnels.	No issues related to the adequacy of the environmental impact analysis in the EIR/S were raised. Please refer to Master Response 3 regarding purpose and need.
2342	1	I have seen the Owens Valley and what the water grab for Los Angeles did to it. The twin tunnels [are] nothing but another water grab for Southern California and Los Angeles. I	For more information regarding Southern California Water Supply please see Master Response 35.

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		personally feel it's political as payment for votes.	
2342	2	Why destroy one region of our state just to pacify another? Spend the money for desalination plants after you find a safe place to put all the salt.	For more information regarding desalination please see Master Response 7.
2342	3	I'm old but I have an extended family who will be affected by this. I can accept Governor Brown's "crazy train" but the twin tunnels [are] a fiasco!	No issues related to the adequacy of the environmental impact analysis in the EIR/S were raised.
2343	1	This plan mutes the voice of California residents, tunneling our wonderful resource to the wonderful farms to line their pockets.	The commenter's opinion is noted. Please see Master Response 3 regarding the purpose and need for the project, Master Response 40 regarding public outreach, and Master Response 41 regarding transparency of the process. See also Master Response 24 (Delta as a Place).
2344	1	Hell no. Open your mind, not your wallets. Build more reservoirs [and] desalination plants.	Please refer to Master Response 6 for additional details on demand management. Also, please see Master Response 7 for information on desalination and why it was not included as a project alternative and Master Response 3 for additional details on the project purpose and need.
2345	1	Make it possible to use tiered water rates to encourage conservation. There is still way too much water waste here in our city of Turlock. Make it possible to use tiered water rates.	This comment letter is in part a form letter that has been submitted by many commenters. To locate the response to the form letter portion of the comment, please refer to the index of commenters in Chapter 4 of Volume II of the Final EIR/EIS, and cross reference the Form Master letter number shown there with the index of Form Masters also provided in Chapter 4 of Volume II of the Final EIR/EIS. The text below responds to the specific substantive portions of the comment letter that were submitted by the commenter. The Proposed Project is 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 water conservation through incentivized pricing or continued investment by the State and other public agencies in increased water storage, elimination of invasive species including aquatic weeds in the Delta, agricultural and municipal/industrial water conservation, recycling, desalination, treatment of contaminated aquifers, or other measures to expand supply and storage (as described in Section 1.C.3 of Appendix 1C, Water Demand Management).
2345	1	Count me against the Tunnel water grab! These will send delta water south, out of the delta where it's vital to fish and wildlife, not to mention the quality of life for millions of Californians from Sacramento to the Golden Gate. Spend the money on storage; build more reservoirs!	This comment letter is in part a form letter that has been submitted by many commenters. To locate the response to the form letter portion of the comment, please refer to the index of commenters in Chapter 4 of Volume II of the Final EIR/EIS, and cross reference the Form Master letter number shown there with the index of Form Masters also provided in Chapter 4 of Volume II of the Final EIR/EIS. The text below responds to the specific substantive portions of the comment letter that were submitted by the commenter. The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis provided in the EIR/S. By establishing a point of water diversion in the north Delta and new operating criteria to improve water volume, timing, and salinity, the proposed project is designed to improve native fish migratory patterns and allow for greater operational flexibility. Refer to Master Response 3 (Purpose and Need), Master Response 37 (Storage), Master Response 26 (Changes in Delta Exports), and Master Response 34 (Beneficial Use of Water).
2346	1	As a lifelong California resident I oppose any and all tunnels to divert water. We need to add to water storage in the foothills and desalination on the coastal regions.	This comment letter is in part a form letter that has been submitted by many commenters. To locate the response to the form letter portion of the comment, please refer to the index of commenters in Chapter 4 of Volume II of the Final EIR/EIS, and cross reference the Form Master letter number shown there with the index of Form Masters also provided in Chapter 4 of Volume II of the Final EIR/EIS. The text below responds to the specific substantive portions of the comment letter that were submitted by the commenter. Please refer to Master Response 6 for additional details on demand management. Also, please see Master Response 7 for information on desalination and why it was not included as a project alternative and Master Response 3 for additional details on the project purpose and need.

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2346	2	These tunnel/canal proposals have been defeated before and go against the public interest. They do environmental harm and only benefit corporate landowners. No tunnels, no tunnels, no tunnels, no tunnels!	No issues related to the adequacy of the environmental impact analysis in the EIR/S were raised. The proposed project was developed to meet the rigorous standards of the federal and state Endangered Species Acts, as such it is intended to be environmentally beneficial, not detrimental. By establishing a point of water diversion in the north Delta and new operating criteria to improve water volume, timing, and salinity, the proposed project is designed to improve native fish migratory patterns and allow for greater operational flexibility.
2347	1	I am opposed to the current water fix plan because I personally know how fragile our current eco-system is in the Delta. I recently attended a press conference by Congressman Jerry McNerney and learned that the proposed water fix for California will cost 16 billion dollars and will not create any measurable new water for California. This is a waste of the taxpayer's dollars and will devastate the water quality and all of the eco-systems that depend on the Delta for survival. We are already fighting a losing battle against the invasive water hyacinth. California is better than this.	The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis provided in the EIR/S. The proposed project was developed to meet the rigorous standards of the federal and state Endangered Species Acts; as such the proposed project is intended to be environmentally beneficial. By establishing a point of water diversion in the north Delta and new operating criteria to improve water volume, timing, and salinity, the proposed project is designed to improve native fish migratory patterns and allow for greater operational flexibility. Refer to Master Response 3 (Purpose and Need) and Master Response 5 (Cost and Funding).
2347	2	We can come up with a plan that protects our waterways and environment for future generations and that uses sensible conservation; recycling technologies and desalinization to resolve California water problems. The Delta is a unique waterway that belongs to the world not just California. Our tax dollars should be spent more effectively to resolve the State's water problems by the following: Funding water recycling and groundwater recharging projects statewide that would be billions of dollars less expensive for rate payers than constructing a new version of the Peripheral Canal or major new surface storage dams. Meanwhile, these projects move communities towards water sustainability. Retiring thousands of acres of impaired and pollution generating farmlands in the southern San Joaquin Valley and using those lands for more sustainable and profitable uses, such as solar energy generation. Improving Delta levees in order to address potential earthquake, flooding, and future sea level rise concerns at a cost between $2 to $4 billion and is orders of-magnitude less expensive than major conveyance projects that are currently being contemplated. Increasing freshwater flows through the Delta to reduce pollutants so ecosystems and wildlife can be restored. Please be the governor we elected and refuse to pursue any avenue that cannot be proved to be cost effective.	Appendix 1C of the Final EIR/EIS, Demand Management Measures, describes conservation, water use efficiency, and other sources of water supply including desalination. Refer to Master Response 6 for more information on demand management. Although components such as desalination plants and demand management measures have merit from a statewide water policy standpoint, and are being implemented or considered independently through the State, they are beyond the scope of the project. The issue of retiring farmland in the San Joaquin Valley is outside the scope of the proposed project, as the Lead Agencies do not have local land use/zoning authority. Refer to Master Response 3 for additional details on the project purpose and need, Appendix 6A regarding why levee improvements were not included in the proposed project, and Master Response 34 for additional details on the determination of beneficial use.
2348	1	Thank you for allowing us to inform you of our strong opposition to the current Delta Tunnels plan. As you know, the Delta Reform Act of 2009 cannot meet its two primary goals if the Delta Tunnels are built as recommended. The California WaterFix (CWF) as currently envisioned will result in more water being exported out of the San Francisco Bay-Delta estuary. The Tunnels will also not provide more reliable water because the Delta watershed is already oversubscribed.	Since 2006, the proposed project has been developed based on sound science, data gathered from various agencies and experts over many years, input from agencies, stakeholders and independent scientists, and more than 600 public meetings, working group meetings and stakeholder briefings. DWR's fundamental purpose of the proposed project is to make physical and operational improvements to the SWP system in the Delta necessary to restore and protect ecosystem health, water supplies of the SWP and CVP south of the Delta, and water quality within a stable regulatory framework, consistent with statutory and contractual obligations. By establishing a point of water diversion in the north Delta and new operating criteria to improve water volume, timing, and salinity, the proposed project is designed to improve native fish migratory patterns and allow for greater operational flexibility. Please see Master Response 3 for additional information regarding the purpose and need behind the proposed project. For more information regarding the proposed project's compliance with the Delta Reform Act please see Master Response 31.
2348	2	Our objections to the tunnels are that the California WaterFix does not take into account the environmental, public health and economic impacts of the proposed Delta tunnels	More than two-thirds of the residents of the state and more than two million acres of highly productive farm land receive water exported from the Delta watershed. The proposed project aims to provide a more reliable water supply, in a way more protective of fish. However, the project proponents have no authority

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		project as noted below: 1. The plan would further deplete many wildlife and plant species that rely on fresh water from the Delta, and it needlessly risks lengthy litigation for violating Section 7 of the Endangered Species Act. Taxpayer money totally wasted! 2. Tax payers would have to foot the bill for decontaminating wells in the Delta counties. 3. Rate payers in major cities like Los Angeles and San Jose would have to pay more for their water without getting a drop more. Plus, what studies have been completed on the economic impact to San Francisco Bay tourism and recreation?	to designate what water is used for. One of the State Water Resources Control Board's (State Water Board's) charges is to ensure that the State's water is put to the best possible use and that this use is in the best interest of the California public. This charge is reflected in part by the designation of beneficial uses established through the State Water Board's planning process. These beneficial uses are identified in each Water Quality Control Plan (Basin Plan) issued by the State Water Board. Rates charged to water users by individual water agencies receiving SWP or CVP supplies are based on the independent rate-setting policies of those agencies. Implementation of the proposed project would not affect how agencies distribute water supply costs among their water customers.
2348	3	The California WaterFix also ignores options that would save tax and ratepayers like you and me billions of dollars, while investing in the jobs and local water sources that build sustainability, including: 1. Using the money proposed for building the tunnels on water recycling and groundwater recharging projects statewide. 2. Actually developing, implementing and enforcing groundwater usage and recharging legislation - even Texas has that! 3. Turning the polluted farmlands of the southern San Joaquin Valley into more sustainable and profitable enterprises, such as solar or wind power generation. We all understand politics, but you can do better and we need better action to protect this invaluable resource from irreparable damage. Please create a new draft EIR/EIS that will include alternatives that reduce water exports and increase Delta flows for consideration by the public and decision-makers. Such alternatives have a far better chance of complying with the Delta Reform Act and the federal Endangered Species and Clean Water Acts and avoiding years of even more politicking and lawsuits.	Please refer to Master Response 6 for additional details on demand management. Also, please see Master Response 3 for additional details on the project purpose and need and Master Response 4 for information on the selection of alternatives. Regarding water use, the proposed project does not make determinations regarding how water delivered through the proposed project conveyance or other water conveyance facility will be put to a beneficial use. The State Water Resources Control Board is charged with the comprehensive planning and allocation of water resources in California. One of the State Water Resources Control Board's charges is to ensure that the State's water is put to the best possible use and that this use is in the best interest of the California public. Please refer to Master Response 34 for additional details on beneficial use.
2349	1	I am writing to register my objection to the proposed water tunnels in the Sacramento Delta. From what I have read, the proposed project could result in: 1. degraded agricultural land; 2. more salt water invading the Delta causing harm to farmland, existing plants, some fish and wildlife; 3. further subsidence of Delta land. I am not a Delta resident, but I was astounded while driving through the area by the apparent solidarity of residents against the project as conveyed by their signage.	The proposed project's impacts to agriculture in the Delta are described in Chapter 14. For more information regarding agricultural mitigation please see Master Response 18. Effects of the alternatives on salinity levels are described in Chapter 8, Water Quality, and Appendix 8H, Electrical Conductivity. Modeling results indicate that the implementation of the water conveyance facilities may positively or adversely affect in-Delta water quality, depending on a number of factors including location, time of year, and hydrologic conditions. See tables in Appendices 8E through 8N for specific results related to various water quality constituents (including bromide and chloride). In addition to potential effects associated with the project and alternatives, modeling results for the No Action Alternative indicate that, with or without the proposed project, rising sea levels will bring saline tidal water further into the Delta than occurs at present. Subsidence of Delta Islands is a function of land use and the peat soils of the Delta. Increased subsidence of Delta Islands is not expected compared to the No Action Alternative.
2349	2	I hope this project is scrapped, and resources are put towards construction of more water retention facilities to trap rainwater in the future.	Appendix 1C Demand Management Measures, in the EIR/EIS, describes conservation, water use efficiency, and other sources of water supply including storm water drainage. While these elements are not proposed as part of the BDCP or the California WaterFix, the Lead Agencies recognize that they are important tools in

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			managing California's water resources. Please also see Master Response 37 regarding water storage.
2350	1	As a native of San Francisco who grew up with our beautiful estuary, the San Francisco Bay and its tributaries, I am appalled at the idea of spending at least $15 billion to destroy its ecosystem for the benefit of Central Valley farms. Even a purely economic analysis should show that this would be a great waste of taxpayer money, while from an ecological standpoint it would be a disaster.	DWR acknowledges your opposition to the project. The proposed project was developed to meet the rigorous standards of the federal and state Endangered Species Acts, as such the proposed project is intended to be environmentally beneficial. By establishing a point of water diversion in the north Delta and new operating criteria to improve water volume, timing, and salinity, the proposed project is designed to improve native fish migratory patterns and allow for greater operational flexibility.
2350	2	Why not use the billions of dollars to recharge aquifers, promote water recycling, and build desalination plants in Southern California, using the bountiful solar power of the South Coast?	Please refer to Master Response 6 for additional details on demand management. Also, please see Master Response 7 for information on desalination and why it was not included as a project alternative and Master Response 3 for additional details on the project purpose and need.
2350	3	The Delta Tunnel plan looks even worse now than the Peripheral Canal did in 1982, and the San Francisco Estuary needs freshwater even more now, after four years of drought, than it did then. Please let the environmental impact report show the true facts and costs of the Delta Tunnel plan, so that it must be rejected.	The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis provided in the EIR/S. The proposed project was developed to meet the rigorous standards of the federal and state Endangered Species Acts, as such it is intended to be environmentally beneficial, not detrimental. By establishing a point of water diversion in the north Delta and new operating criteria to improve water volume, timing, and salinity, the proposed project is designed to improve native fish migratory patterns and allow for greater operational flexibility.
2351	1	Please don't build [the tunnels] as they don't help when there is just not enough water. Spend the money on a big solar farm and desalinization plant in Southern California instead. And maybe returning the Los Angeles River back to a more natural state with some ability to catch and store water.	Please refer to Master Response 6 for additional details on demand management. Also, please see Master Response 7 for information on desalination and why it was not included as a project alternative and Master Response 3 for additional details on the project purpose and need and Master Response 4 for information on the selection of alternatives.
2352	1	No one needs to tell you what an unholy mess our water situation has become. Your job is huge and the issues complex, so I thank you for your efforts. As a Florida native who has seen untold degradation of wetlands and beaches from human interference, I would urge you to avoid intrusive 'fixes' like building tunnels. The water shortage will only move, not resolve, with actions like this. What is needed now is a paradigm change in the way we think about and use the precious water resources that remain. For example, the population of the Bay Area is exploding, building starts are off the charts, the traffic situation snails more acutely every day. However, has anyone recommended a building moratorium? Well, yes, but that is considered 'anti-middle class' when in fact it is pro-existing population. What about a discussion with ranchers about collaborating with ranchers in other states where water is plentiful, a joint venture between cattlemen that could serve as a model for a similar collaboration between other types of farmers who plant water-hungry crops? Our water shortage won't last forever, and when inevitable ecological troubles arise in other parts of the country those in other states would have the chance to avail themselves of such agreements to shift their herds/crops westward. I know that's radical, possibly unworkable, but let's face it--tunnels are just postponing a workable resolution and indeed run the risk of irreversibly harming our estuaries and the flora and fauna that rely upon it for support.	Regarding water use, the proposed project does not make determinations regarding how water delivered through the proposed project conveyance or other water conveyance facility will be put to a beneficial use. The State Water Resources Control Board is charged with the comprehensive planning and allocation of water resources in California. One of the State Water Resources Control Board's charges is to ensure that the State's water is put to the best possible use and that this use is in the best interest of the California public. Please refer to Master Response 34 for additional details on the beneficial use of water. DWR's fundamental purpose of the proposed project is to make physical and operational improvements to the SWP system in the Delta necessary to restore and protect ecosystem health, water supplies of the SWP and CVP south of the Delta, and water quality within a stable regulatory framework, consistent with statutory and contractual obligations. Please see Master Response 3 regarding the Purpose and Need of the Project. The proposed project is one part of a diverse portfolio of strategies needed to meet California's overall water management needs. It is not a substitute for increased commitments to other water supply solutions, including recycling, desalination, water conservation and storage. Please refer to Master Response 6 for additional details on demand management and Master Response 4 for additional details on the selection of alternatives.

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		Good luck with your work. All of our lives depend upon your wise decisions.	
2353	1	It is very alarming that our State Government is not willing to allow the voters of California the right to make a decision on the Twin Tunnel Plan. So much for living in a Democracy.	The comment does not raise any environmental issue related to the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS.
2353	2	All good science is pointing to a changing climate with less water, but we want to build an estuary destroying water conveyance system that will only extract more water than what is currently available. We should be talking about how to reclaim more gray water, better irrigation plans, and desalinization plants.	The California WaterFix is not a comprehensive, statewide water plan, but is instead aimed at addressing many complex and long-standing issues related to the operations of the SWP and CVP in the Delta, including reliability of exported supplies, and the recovery and conservation of threatened and endangered species that depend on the Delta. The proposed project is just one element of the state's long-range strategy to meet anticipated future water needs of Californians in the face of expanding population and the expected effects of climate change. Although conservation components and demand management measures have merit from a statewide water policy standpoint, and are being implemented or considered independently through the state, they are beyond the scope of the proposed project. Appendix 1C, Demand Management Measures, in the EIR/EIS, describes conservation, water use efficiency, and other sources of water supply including storm water drainage. While these elements are not proposed as part of the BDCP or the California WaterFix, the Lead Agencies recognize that they are important tools in managing California's water resources. Please also see Master Response 7 regarding desalination.
2353	3	We should not continue to gut the ESA, and look for reason to circumvent Biological Opinions which have clearly stated that the Twin Tunnels will be the nail in the coffin for many listed species, and the cause of many more species being listed.	The comment concerns project effects on ESA-listed species. For more information on compliance with the ESA, please see Master Response 5. The comment does not raise any environmental issue related to the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS.
2353	4	Who are the main benefactor of this system? What political equity have they gained to allow for such an environmentally destructive conveyance system to even be considered? The BDCP should actually take the Conservation part of your name more seriously, there is no conservation or mitigation that can offset the damage which will be caused by these tunnels.	No issues related to the adequacy of the environmental impact analysis in the EIR/S were raised. The proposed project was developed to meet the rigorous standards of the federal and state Endangered Species Acts, as such it is intended to be environmentally beneficial, not detrimental. By establishing a point of water diversion in the north Delta and new operating criteria to improve water volume, timing, and salinity, the proposed project is designed to improve native fish migratory patterns and allow for greater operational flexibility.
2353	5	The California Salmon Industry provides one of the healthiest food sources in the world, it does not take chemicals, and government subsidies to grow these fish. The health of these fish depend on good water quality. This fishery is a healthy, sustainable food source which helps small businesses to thrive. I would like the committee to know that as a lifetime resident of California, I am opposed to the Twin Tunnel Project, and the back door politics which continue to move this project forward!	Please refer to Chapter 11, Alternative 4A of the Final EIR/EIS for an analysis of effects of the preferred alternative, to salmon. The analysis finds that there would be no adverse effects to salmon or the salmon fishery.
2355	1	I would like to comment on Governor Brown's proposal to dig two 40 foot tunnels drowning species of fish to pump our precious fresh Delta water to water lawns in Southern California. This is a pending ecological disaster for fish, birds, animals, aquaculture, flyway biospheres, micronutrients, etc., and must not be put into action draining resources	The comment does not raise any environmental issue related to the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS. The proposed project was developed to meet the rigorous standards of the federal and state Endangered Species Acts, as such it is intended to be environmentally beneficial, not detrimental. By establishing a point of water diversion in the north Delta and new operating criteria to improve water volume, timing, and salinity, the proposed project is designed to improve native fish migratory patterns and allow for greater

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		because of the drought.	operational flexibility.
2355	2	The predatory nature of this unnatural pumping will be evident when it unbalances nature to grow crops in the Southern California desert, as when we had water to spare. Yes, fallowing farm land is impactful, causing unemployment, but the alternative is not tenable and should be stricken before it undermines the subsuming farmland further.	State constitutional restrictions require the reasonable and beneficial use of water and state law requires that water supplied from the Delta be put to beneficial uses. The Lead Agencies do not have the authority to designate what water deliveries are used for. Please refer to Master Response 34 regarding the potential uses of water delivered via proposed conveyance facilities.
2355	3	My recommendation for using California citizens' money would be to start building recycling water systems, pumping recycled water, not depleting fresh water, which may not be available in the future.	Please refer to Master Response 6 for additional details on demand management. Also, please see Master Response 3 for additional details on the project purpose and need.
2356	1	I read your Open Forum Op/Ed in the San Francisco Chronicle this morning with huge interest. My wife and I favor of a fair distribution of water to all of California when feasible. We are all supposed to be Californians and helping each other out. However I am not in favor of any type of tunnel project that would increase sending more Northern California water to Central and/or Southern California. If it sends the same or less water southward and helps the Delta Ecosystem then I'm OK with a tunnel(s). I object strongly to increasing any water transfer southward from any North California County or River until the huge San Francisco Hetch Hetchy water system starts to contribute water to a State water shortage. I have lived in Tuolumne County for 40 years. It is the County of origin of the Tuolumne River and tremendous water storage possibilities. It amazes me that the Federal Government gave all of the water rights in Hetch Hetchy, Lake Eleanor and Cherry Lake watersheds to the City and County of San Francisco over 100 years ago. Almost all of our county water possibilities. Our county unbelievably has no water rights to any watershed in our whole county. This is just plain wrong and from an antiquated set of laws, give always, and so called " water rights" from over a Century ago. This is not 1900. San Francisco will not share any of their given (taken?) water with us in Tuolumne County or anywhere else in the State and it all comes from our County. At times we were at 35% cut back with our purchased water and SF was at 8-10 % reduction of their owned water taken from Tuolumne County. No where in any of Governor Brown, Senator Feinstein, or Senator Boxer's water plans do I see any contribution or sharing of San Francisco's water. Maybe what California needs right now while everyone is talking about water is a State Water Czar over a panel of everyone involved in water distribution and uses. Let's start water storage and distribution "rights" all over from scratch and make sure everyone has their fair share. Until the whole SF Bay Area is involved with sharing their water with the Delta, fisheries, and Southern California we will not support any additional water transfers to Southern and/or Central California.	All of the alternatives evaluated in the EIR/EIS would only divert water under existing water rights which were issued to DWR and Reclamation by the State Water Resources Control Board on the Sacramento, Trinity, Feather, American, San Joaquin, and Stanislaus rivers with consideration for senior water rights and Area of Origin laws and requirements. The project considered in the EIR/EIS would not affect water operations on the Tuolumne River or water supplies for the San Francisco Public Utilities Commission. The amount of water that DWR and Reclamation can pump from the new north Delta facilities is set by Federal regulating agencies, ESA compliance and project design, and not by the water contractors. Operations for the Proposed Project would still be consistent with the criteria set by the U.S. Fish and Wildlife Service and National Marine Fisheries Service biological opinions and State Water Resources Control Board Water Right Decision 1641 (D-1641), subject to adjustments made pursuant to the project and the adaptive management process, as described in Chapter 5, Water Supply of the EIR/S. The Proposed Project is not intended to serve as a state-wide solution to all of California's water problems, and it is not an attempt to address directly the need for continued investment by the State and other public agencies in agricultural and municipal/industrial water conservation, recycling, desalination, treatment of contaminated aquifers, or other measures to expand supply and storage (as described in Section 1.C.3 of Appendix 1C, Water Demand Management).
2357	1	Do not build the tunnels. The last thing we need is salt water contaminating our drinking water supply with the drought already hindering the supply. You will look like a fool (or like you were bought off by a bottled water company).	As described in Chapter 8, Water Quality, salinity would increase in the Delta with or without the proposed project due to climate change and sea level rise. The water quality assessment in Chapter 8 of the DEIR/EIS and Section 4.2.7 of the RDEIR/SDEIS discusses instances in which there are clear water quality benefits of the project or alternatives. In some cases, water quality improvements may be present at certain locations for portions of the year, and not all of these instances are highlighted in the text. This is because at those same locations, there may be times when water quality is not improved or concentrations increase.
2358	1	My wife, Amanda and I are against building the Delta Tunnels.	No issues related to the adequacy of the environmental impact analysis in the EIR/S were raised.

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2359	1	I strongly favor adequate freshwater flows through the Delta to restore the productive estuary for robust populations of wildlife and fish. Our precious salmon runs are largely depleted to sustain short-term human interests such as profiting by growing crops like cotton (do we really need more T shirts?) and for golf courses and sprawling developments lacking in water conservation features. I have the lowest per capita water use around here, but not to save money, (as my water bill of 50 cents daily is mostly for operations of the water district, not actual water use) but to save the salmon. Humans must learn to make some sacrifices and share the water with nature.	As stated in the Project Objectives and Purpose and Need (see Chapter 2 of the EIR/S), all of the action alternatives would continue the operation of the SWP and CVP in accordance with the existing water rights and regulatory criteria adopted by the State Water Resources Control Board, U.S. Fish and Wildlife Service, National Marine Fisheries Service, and California Department of Fish and Wildlife. All of the alternatives evaluated in the EIR/EIS would only divert water under existing water rights which were issued to DWR and Reclamation by the State Water Board with consideration for senior water rights and Area of Origin laws and requirements. The proposed project does not seek any new water rights nor reduction in total water rights issued to DWR and Reclamation. 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 consistent with other programs to provide continued investment by the State and other public agencies in conservation as well as other water supplies (as described in Section 1.C.3 of Appendix 1C, Demand Management Measures).
2360	1	I have great concern that the water level is already too low and you don't want to make it lower. Changing the mix of fresh and salt water can totally change the habitat of many water species.	Chapter 8, Water Quality, of the EIR/EIS discloses the potential water quality impacts resulting from constructing and operating the proposed project. See also Master Response 14 (Water Quality).
2361	1	Please don't dig the 2 tunnels under the delta to take freshwater from the bay area. Use the money to find other ways to save the water. The wildlife will suffer and so will the people that go there. Too much saltwater will kill!	The proposed project was developed to meet the rigorous standards of the federal and state Endangered Species Acts, as such it is intended to be environmentally beneficial, not detrimental. By establishing a point of water diversion in the north Delta and new operating criteria to improve water volume, timing, and salinity, the proposed project is designed to improve native fish migratory patterns and allow for greater operational flexibility.
2362	1	Hello. I am writing out of concern for the health of the Delta. I do not agree that building these tunnels will help California as a whole or the Delta specifically. We already draw a lot of fresh water from the Delta for agriculture. Building these tunnels to draw even more could be catastrophic for the health of the estuary. Please do not succumb to development pressure from the South, and please leave the river water where it is, lest the salt water intrusion get ever more extreme. I am a Democrat and I support Governor Brown on many points, but definitely not this one.	Chapter 8, Water Quality, of the EIR/EIS discloses the potential water quality impacts resulting from constructing and operating the proposed project. See also Master Response 14 (Water Quality).
2363	1	The proposed Delta tunnels never were about habitat conservation/improvement in the Bay or Delta. The sole objective of the tunnels is to bypass water around the Delta, just as was the case with the Peripheral Canal, in order to provide the highest possible water quality to exporters for use in cities and farms south of the Delta. In fact, rather than improving the quality of habitat in the Delta, the proposed tunnels, now referred to as the Water Fix, clearly will result in significant ecological damage to both the Delta and San Francisco Bay by diverting fresh water that naturally flows into the Delta around the Delta, resulting in increased intrusion of salt water into the areas in the Delta and Bay that are naturally a transition zone from freshwater ecology to seawater ecology. This clearly benefits only those using the diverted water, not the Bay/Delta ecosystem with its many species, some endangered, that rely on freshwater inputs. It violates the Endangered Species Act. It should not be allowed to proceed.	The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis provided in the EIR/S.
2364	1	Please Stop Twin Tunnels, and save our fish and environment.	No issues related to the adequacy of the environmental impact analysis in the EIR/S were raised. The proposed project was developed to meet the rigorous standards of the federal and state Endangered Species Acts, as such it is intended to be environmentally beneficial, not detrimental. By establishing a point

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			of water diversion in the north Delta and new operating criteria to improve water volume, timing, and salinity, the proposed project is designed to improve native fish migratory patterns and allow for greater operational flexibility.
2365	1	It is with great concern when I read what Governor Brown and his supporters have proposed for the largest and most diverse estuary on the west coast. This is not just about the Delta smelt and the Chinook salmon, although their demise would be an unbelievable outcome from the proposed diversion of Sacramento River water. The impact will be seen in the entire San Francisco Bay complex because of decreased water and increased salinity. This is not the first time the Bay complex has faced permanent damage, what ever happened to the crab, oysters, surf perch and other species that were once so prevalent in the Bay? The construction of 40 feet diameter tunnels alone is enough to destroy the Delta ecosystem, and diverting water around the Delta will ensure the extinction of most resident and anadromous fish species that currently migrate through this unique environment. Fish need water. I will be encouraging our CFFU membership to join other concerned fisherman and environmentalists to oppose this misconceived and dangerous project.	The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis provided in the EIR/S. The proposed project was developed to meet the rigorous standards of the federal and state Endangered Species Acts, as such the proposed project is intended to be environmentally beneficial. By establishing a point of water diversion in the north Delta and new operating criteria to improve water volume, timing, and salinity, the proposed project is designed to improve native fish migratory patterns and allow for greater operational flexibility.
2366	1	I am a concerned Marin County resident writing to ask that you stop the proposed tunnel project. The Bay ecosystem is highly dependent on fresh water draining through it and those flows are already severely compromised. This is a very irresponsible and wasteful project that must not be allowed.	No issues related to the adequacy of the environmental impact analysis in the EIR/S were raised. The proposed project was developed to meet the rigorous standards of the federal and state Endangered Species Acts, as such it is intended to be environmentally beneficial, not detrimental. By establishing a point of water diversion in the north Delta and new operating criteria to improve water volume, timing, and salinity, the proposed project is designed to improve native fish migratory patterns and allow for greater operational flexibility.
2367	1	Please do not approve the delta tunnels project. It will destroy our water quality and economy. This project is also too expensive and the EIR is incomplete.	No issues related to the adequacy of the environmental impact analysis in the EIR/EIS were raised. DWR's fundamental purpose of the proposed project is to make physical and operational improvements to the SWP system in the Delta necessary to restore and protect ecosystem health, water supplies of the SWP and CVP south of the Delta, and water quality within a stable regulatory framework, consistent with statutory and contractual obligations. By establishing a point of water diversion in the north Delta and new operating criteria to improve water volume, timing, and salinity, the proposed project is designed to improve native fish migratory patterns and allow for greater operational flexibility.
2368	1	I live in the Sacramento River watershed and strongly oppose the Governor's latest plan to drain the vitality from the North State. Our homes, businesses, farms, and wildlands depend on healthy groundwater, creeks, and streams. The entire north valley ecosystem depends on this water. I will fight this water grab in every way I can to prevent turning the Sacramento Valley into an echo of the Owens and San Joaquin valleys. No Twin Tunnels!	No issues related to the adequacy of the environmental impact analysis in the EIR/S were raised. The project proposes to stabilize water supplies, and exports could only increase under certain circumstances. Water deliveries from the federal and state water projects under a fully-implemented Alternative 4A are projected to be about the same as the average annual amount diverted in the last 20 years. Although the proposed project would not increase the overall volume of Delta water exported, it would make the deliveries more predictable and reliable, while restoring an ecosystem in steep decline.
2369	1	Summary of Findings: Overall, we find that the Department of Water Resources (DWR) and the Federal Bureau of Reclamation (USBR) RDEIR/SDEIS falls far short of adequately discussing the potential impacts of the proposed "Tunnel Project" for diverting the Sacramento River around the Delta on water quality-related beneficial uses of the Delta. This assessment is based on more than 40 years of investigation of Delta water quality	The EIR/EIS fully addresses the potential water quality effects of the proposed project on beneficial uses upstream of the Delta, in the Delta and downstream of the Delta. Most of the water quality constituent effects would not be significant. Where significant effects are identified impacts are reduce to less than significant levels with mitigation (i.e., electrical conductivity). See the Final EIR/EIS Executive Summary for a summary of all of the impacts, mitigation measures and significance conclusions Please refer to Chapter 8, Water Quality and Master Response 14, which addresses water quality issues.

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		issues, summarized in Lee, G. F., and Jones-Lee, A., "Experience in Reviewing Delta Water Quality Issues," G. Fred Lee [and] Associates, El Macero, CA, April 3 (2011). http://www.gfredlee.com/SJR-Delta/GFLAJL-Delta-EXP-REV.pdf	
2369	2	Our [G. Fred Lee and Associates'] comments on the BDCP draft EIR/EIS outline our qualifications to assess the quality of the DWR/USBR RDEIR/SEIS. Those comments discuss the unreliability of the approach used in developing the BDCP draft EIR/EIS concerning water quality impacts. Since the evaluation of the so-called WaterFix described as Alternative 4A in the RDEIR/SEIS followed the same approach, it, too, inadequately evaluated potential, and readily anticipated water quality impacts of the proposed diversion of Sacramento River; it is grossly deficient for meeting a certifiable, creditable environment assessment of the impacts of the WaterFix tunnel diversion. Lee, G. F., and Jones-Lee, A., "Comments on Bay Delta Conservation Plan (BDCP) Draft EIR/EIS Chapter 8 -- Water Quality, Chapter 25 -- Public Health, July 25, 2014," Comments submitted as part of comments provided by California Sportfishing Protection Alliance, Stockton, CA to Ryan Wulff, NOAA National Marine Fisheries Service, Sacramento, CA, July 28 (2014). http://www.gfredlee.com/SJR-Delta/Comments_BDCP_draft EIR_EIS_July2014.pdf We are incorporating many of our comments on deficiencies in the draft BDCP EIR/EIS by reference in these comments on the draft REIR/SEIS WaterFix report. We have reviewed the Environmental Water Caucus [EWC] Comments on Recirculated Draft EIR/Supplemental Draft EIS for Bay Delta Conservation Plan and Tunnels Project section devoted to "Clean Water Act Violations" beginning on page 46 and support the statements made in the EWC comments. Our comments on the significant deficiencies in the DWR/USBR WaterFix RDEIR/SEIS focus on issues not covered in the EWC water quality comments with particular reference to the impact of the diversion of Sacramento River water on Central Delta nutrient/phosphorus water quality.	See Response to Comment 2369-1.
2369	3	One of the most significant deficiencies in the BDCP EIR/EIS and the WaterFix tunnel diversion project is that it does not properly review the published studies on flow patterns in the central Delta channels as they are impacted by the amount of Sacramento River that is drawn through the Delta channels by the DWR/USBR export Banks and Jones pumps in the southern Delta. As discussed in our [G. Fred Lee and Associates'] reports on our website (www.gfredlee.com in the Joaquin River Delta section) the withdrawal of south Delta water by the DWR and USBR south Delta pumps greatly influences the flow path of the San Joaquin River [SJR] and the Sacramento River through the Delta. It is our understanding that implementation of WaterFix is projected to result in the withdrawal of up to 45% of the water from the Delta via those south Delta diversion projects. As discussed in our project reports, at this time all the San Joaquin River and a substantial amount of Sacramento River are drawn into the central Delta through Turner Cut and Columbia Cut; significant alteration of these sources not only impacts the central Delta water quality but also adversely impacts the ability of salmon to find their homestream water for spawning upstream of the Delta. These issues are reviewed in: Lee, G. F., and Jones-Lee, A, "Review of Impacts of Delta Water Quality and Delta Water Exports on the Decline of Chinook Salmon in the SJR Watershed," Comments submitted to NMFS Southwest Fisheries Science Center, NOAA, Santa Cruz, CA, by G. Fred Lee [and] Associates, El Macero, CA, August (2008).	The change in flow patterns and Delta outflow due to the facilities operation under the alternatives as compared to Existing Conditions and the No Action Alternative are analyzed using the DSM2 model for several Delta assessment locations. The flow and water elevation results are presented in Appendix 5, Section C, of the Final EIR/EIS. The changes in Delta inflow, Delta outflow, and exports vary due to water year types, months, and flow in the Sacramento and San Joaquin rivers, as described in Appendix 5A, Section B, of the Final EIR/EIS. The effects on water quality are described in Chapter 8, Water Quality, and the associated appendices for Chapter 8 in the Final EIR/EIS. The effects on the aquatic resources are described in Chapter 11, Aquatic Resources, and the associated appendices for Chapter 11 in the Final EIR/EIS. Please also see Master Response 14 for information on water quality.

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		http://www.gfredlee.com/SJR-Delta/Salmon-NOAAcom.pdf [and] Lee, G. F., and Jones-Lee, A., "Need for SJR Watershed Water to Reach San Francisco Bay," Comments submitted to Delta Stewardship Council, Sacramento, CA by G. Fred Lee [and] Associates, El Macero, CA, May 22 (2011). http://www.gfredlee.com/SJR-Delta/NeedSJRtoSFBay.pdf The failure of the DWR/USBR draft EIR/EISs to discuss the fact that tunnel diversion will deprive the Central Delta of several thousand cfs [cubic feet per second] of Sacramento River water that currently dilutes the SJR flow entering the central Delta at Turner and Columbia Cuts is a significant deficiency; the central Delta is a key part of the Delta ecosystem for fish and other aquatic life. As we found in DeltaKeeper-supported cruises, the current flow pattern is such that the south Delta export pumps pull Sacramento River water into the central Delta via those "Cuts" and thereby dilutes pollutants in the SJR. Our reports on these issues are on our website (in the SJR-Delta section at http://www.gfredlee.com/psjriv2.html). Since pollutants in the SJR and Sacramento River have a substantial impact on central Delta water quality, the Draft EIR/EISs are fundamentally flawed in their review of the impact of the WaterFix tunnel project on Delta water quality. A summary of our writings on the impact of altering Delta flows are presented in: Lee, G. F., and Jones-Lee, A., "Discussion of Water Quality Issues That Should Be Considered in Evaluating the Potential Impact of Delta Water Diversions/Manipulations on Chemical Pollutants on Aquatic Life Resources of the Delta," Report of G. Fred Lee [and] Associates, El Macero, CA, February 11 (2010). http://www.gfredlee.com/SJR-Delta/Impact_Diversions.pdf [and] Lee, G. F., and Jones-Lee, A., "Review of Need for Modeling of the Impact of Altered Flow through and around the Sacramento San Joaquin Delta on Delta Water Quality Issues," and "Summary: Water Quality Modeling Associated with Altered Sacramento River Flows in [and] around the Delta," Report to CWEMF [California Water and Environmental Modeling Forum] Stormwater Committee, by G. Fred Lee [and] Associates, El Macero, CA, March (2009). Http://www.gfredlee.com/SJR-Delta/Model-Impact-Flow-Delta.pdf	
2369	4	Review of Delta Stewardship Council (DSC)'s Delta Independent Science Board (DISB) comments on Bay Delta Conservation Plan (BDCP) WaterFix Draft Recirculated EIR/SEIS: On September 30, 2015 the DSC DISB submitted comments to the DSC on the draft EIR/EIS (http://deltacouncil.ca.gov/docs/final-delta-isb-comments-partially-recirculated-draft-environmental-impact-reportsupplemental). The ISB comments were reviewed by the DSC on October 23, 2015 and accepted by the Council. Those comments noted several "data gaps" and stated, "Environmental impacts of California WaterFix need to be assessed more completely and clearly." The DISB comments included a section "Water Quality (Chapter 8)" that summarized several deficiencies in the WaterFix draft REIR/SEIS Water Quality discussion of the impacts of the Sacramento River Tunnel Diversion project. Comments included the following, referencing pages of Chapter 8: "8-75, line 6: The failure to consider dissolved P [phosphorus] (DP) should be addressed; there is much greater uncertainty. The adherence of some P to sediment does not prevent considerable discharge of P as DP.	Regarding phosphorus impacts, as described in Phosphorus within Final EIR/EIS Section 8.3.1.7, Constituent-Specific Considerations, of Chapter 8, Water Quality, there is limited ability to predict changes in phosphorus concentrations, including release of sediment-bound P, and thus uncertainty, the assessment of phosphorus changes was conducted qualitatively. There are no sediment transport models for the Delta. Therefore, conservative mixing was assumed to predict changes in dissolved phosphate concentrations based on the mixing of different water sources. As described in both Section 4, New Alternatives: Alternatives 4A, 2D and 5A and Chapter 8, Water Quality, 8.3.3.9 of the RDEIR/SDEIS, phosphorus loading to waters upstream of the Delta and release of suspended sediment-bound phosphorus is not anticipated to change due to project operations. Further, phosphorus concentrations are not expected to change substantially due to restoration activities in Alternatives 4A, 2D and 5A. Negligible to low increases in phosphorus (i.e., <0.2 mg/L) may occur from January through March at locations in the Delta where the source fraction of San Joaquin River water would increase. Because dissolved phosphorus is a component of total phosphorus, and total phosphorus concentrations would at most increase minimally, it was not necessary to conduct a separate assessment on dissolved phosphorus. For responses to comments related to the Delta Independent Science Board's letters, please refer to

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		Also on page 8-95 line 40, qualify predictions due to lack of consideration of DP." We [G. Fred Lee and Associates] strongly support the DISB's comment that the draft WaterFix REIR/SEIS is significantly deficient in its failing to evaluate the importance of dissolved inorganic phosphorus as a key component in impacting Delta water quality, especially central Delta phytoplankton-related water quality. As discussed in our comments to the DSC, Lee, G. F., and Jones-Lee, A., "Comments on the Adequacy of C. Dahm's Discussion of Delta Eutrophication Issues & Delta N/P Rations as a Cause of Adverse Impact on Delta Fish," Comments to Delta Stewardship Council, Report of G. Fred Lee &Associates, El Macero, CA, November 17 (2011). http://www.gfredlee.com/SJR-Delta/DSC-Comments-Dahm-Eutroph.pdf: "In his CWEMF [California Water and Environmental Modeling Forum] nutrient modeling workshop presentation entitled, 'Impact of Sacramento River Input of Phosphorus to the Delta on Algal Growth in the Delta,' Dr. Erwin Van Nieuwenhuyse summarized his recent paper describing the response of average summer chlorophyll concentration in the Delta to an abrupt and sustained reduction in phosphorus discharge from the Sacramento County Regional Sanitation District wastewater treatment facility. His presentation provides important information on the impact of Sac Regional phosphorus discharge on Delta planktonic algae in the Delta, and is available at, http://www.cwemf.org/workshops/DeltaNutrientsWrkshp/VanNieuwenhuyse.pdf. "As discussed in the van Nieuwenhuyse's workshop presentation and published paper, Van Nieuwenhuyse, E., 'Response of Summer Chlorophyll Concentration to Reduced Total Phosphorus Concentration in the Rhine River (Netherlands) and the Sacramento-San Joaquin Delta (California, USA),' Can. J. Fish. Aquatic, Sci. 64(11):1529-1542 (2007). [http://www.ingentaconnect.com/content/nrc/cjfas/2007/00000064/00000011/art00006] and in the Lee and Jones-Lee workshop presentation, backup information, and papers referenced in their presentations, it is well-established that reducing the phosphorus loads and in-waterbody concentrations effects reductions in the phytoplankton biomass in Delta waters. This occurs even in situations in which the available phosphorus concentrations in the waterbody remain surplus compared to growth-rate-limiting concentrations. The decrease in planktonic algae in the Delta associated with decreased phosphorus loads to the Delta is important information that must be discussed in a creditable discussion of the impact of nutrients on Delta water quality." It is clear that the amount of dissolved phosphorus transported into the central Delta by the Sacramento River has a significant impact on the phytoplankton population in the central Delta. The proposed WaterFix project's diversion of Sacramento River water will impact the amount of Sacramento River water that enters the central Delta and thereby impact the phosphorus input to the central Delta and the phytoplankton population in that area of the Delta. This issue should have been discussed in the draft REIS/SEIR.	comment letters BDCP 1448 and/or RECIRC 2546.
2369	5	DWR Response to Delta ISB [Independent Science Board] draft comments on some of the deficiencies in the Delta WaterFix draft EIR/EIS: On September 16, 2015 DWR submitted the following statement (https://s3.amazonaws.com/californiawater/pdfs/63qnf_Delta_ISB_draft_statement_-_Enos_-_FINAL.pdf): "Statement from Cassandra Enos-Nobriga, program manager for the California Department of Water Resources, about the Delta Independent Science Board comments on the Partially Recirculated Draft Environmental Impact Report/Supplemental	The lead agencies respectfully disagree with the commenter's statement that the RDEIR/SDEIS is inadequate. The lead agencies believe that 2013 Draft EIR/EIS and 2015 RDEIR/SDEIS are complete in their evaluation of impacts, direct and cumulative, that project description is complete and satisfies the requirements of NEPA, that the project objectives are also precise and complete and satisfy the requirements of CEQA. The lead agencies agree that the 2013 Public Draft EIR/EIS and 2015 RDEIR/SDEIS provided the public and decision-makers with sufficient information on which to make informed comments which have been considered and incorporated into the Final EIR/EIS. Please refer to comment letters 1448 and 2546 to see responses to the Delta Independent Science Board's

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		Draft Environmental Impact Statement (RDEIR/SDEIS) for California WaterFix . . ." At a recent DSC [Delta Stewardship Council] meeting Phil Isenberg, Vice-Chair of the Delta Stewardship Council, stated that he was disappointed in the DWR WaterFix REIR/SEIS response to the ISB comments. We [G. Fred Lee and Associates] strongly support his position. By her statement, Cassandra Enos-Nobriga, program manager for the California Department of Water Resources WaterFix, attempted to justify the grossly superficial review of the Delta ISB review of the draft EIR/EIS. Basically her response to the DISB comments repeatedly stated that the proposed Delta Tunnel WaterFix project REIS/SEIR is not required to provide a detailed comprehensive review of the potential impacts of the proposed project on Delta water quality and other Delta resource issues. This reflects a highly superficial approach taken by DWR for informing decision-makers and the public about potential impacts of the WaterFix tunnel diversion project. Based on our experience in reviewing draft EIR/EISs, that superficiality will make the draft EIS/EIR non-certifiable under judicial review.	comments. Please refer to the comment/response index to locate the response to comments for those letters identified the comment. For more information regarding adaptive management please see Master Response 33. The lead agencies believe that 2013 Draft EIR/EIS and 2015 RDEIR/SDEIS are complete in their evaluation of impacts, direct and cumulative, that project description is complete and satisfies the requirements of NEPA, that the project objectives are also precise and complete and satisfy the requirements of CEQA. The lead agencies agree that the 2013 Public Draft EIR/EIS and 2015 RDEIR/SDEIS provided the public and decision-makers with sufficient information on which to make informed comments which have been considered and incorporated into the Final EIR/EIS. For more information regarding water quality impacts and its associated mitigation measures please see Chapter 8 of the Final EIR/EIS.
2369	6	Page 1-11 of http://baydeltaconservationplan.com/RDEIRS508/1_Introduction-508.pdf presents a summary of the approach used to evaluate the impact of the proposed WaterFix Tunnel project on Delta Water Quality. That section states, "Delta Hydrology and Water Quality Generally, Delta hydrodynamics are defined by complex interactions between tributary inflows, tides, in-Delta diversions, and SWP and CVP operations, including conveyance, pumping plants, and operations of channel barriers and gates. The degree to which each variable impacts the overall hydrology of the Delta varies daily, seasonally, and from year to year, depending on the magnitude of inflows, the tidal cycle, and the extent of pumping occurring at the SWP and CVP pumping plants. Changes in water inflow and outflow throughout the Delta affect the water quality within the Delta, particularly with regard to salinity. It has been estimated that seawater is pushing 3 to 15 mile farther inland since development began in the Delta over 150 years ago (Contra Costa Water District 35 6 2010). Additionally, other water constituents of concern in the Delta have been identified through ongoing regulatory, monitoring, and environmental planning processes such as CALFED, planning functions of the State Water Board, and the CWA [Clean water Act] Section 303(d) list of state water bodies that do not meet applicable water quality standards. In June 2007 (with updates in February and May 2009), EPA gave final approval of a list of 18 chemical constituents identified in the Section 303(d) list for impaired Delta waters (State Water Resources Control Board 2007). Included in this list are dichlorodiphenyltrichloroethane (DDT) and other pesticides, mercury, polychlorinated biphenyls (PCBs), and selenium." Page 1-31 section 1.3.1 Substantive Draft EIR/EIS Revisions: "Section 2.2, Water Quality Revisions, describes additional analyses undertaken to more accurately characterize the potential for exceedances of water quality standards and summarizes associated revisions." Those familiar with Delta water quality know that the approach that was used in DWR/USBR BDCP and WaterFix EIR/EIS and their revisions of relying on exceedance of water quality standards (objectives) in the Delta at current water quality monitoring locations is a not reliable to assess current water quality in the Delta and certainly to evaluate the impact of altering the amount of Sacramento River that enters the Delta channels. The 305b list is limited compared to that needed to properly list the constituents and areas of the Delta that are experiencing impaired water quality. Basically	The comment states that the water quality assessment reliance on exceedance of water quality standards (objectives) is not reliable to assess current water quality in the Delta or to evaluate effects of the alternatives. Water quality standards are established for the protection of beneficial uses, thus evaluating the potential for an alternative to cause additional exceedance of a water quality standard, along with evaluating water quality degradation, provides important information regarding the potential for the alternative to have a significant impact on the environment relative to the thresholds of significance. The comment further states that current monitoring of the Delta is deficient. As described in Final EIR/EIS Section 8.1.2.1, Water Quality Monitoring Programs and Sources of Data, a number of monitoring programs provided data from which to characterize the environmental setting/affected environment.

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		the current water quality monitoring program for Delta waters is grossly deficient compared to that needed to adequately evaluate current water quality standard violations. There have been several attempts to significantly improve the current water quality monitoring program for in Delta waters. This deficiency has been recognized for many years. Lee, G. F. and Jones-Lee, A., "Overview of Sacramento-San Joaquin River Delta Water Quality Issues," Report of G. Fred Lee [and] Associates, El Macero, CA (2004). Http://www.gfredlee.com/SJR-Delta/Delta-WQ-IssuesRpt.pdf Lee, G. F., and Jones-Lee, A., "Overview -- Sacramento/San Joaquin Delta Water Quality," Presented at CA/NV AWWA [American water Works Association] Fall Conference, Sacramento, CA, PowerPoint Slides, G. Fred Lee [and] Associates, El Macero, CA, October (2007). Http://www.gfredlee.com/SJR-Delta/DeltaWQCANVAWWAOct07.pdf Lee, G. F., and Jones-Lee, A., "Delta Water Quality Standards Violations" and "Comments on Water Quality Sections of the Delta Vision Strategic Plan, Third Staff Draft - dated August 14, 2008," Submitted to Delta Vision Blue Ribbon Task Force, Sacramento, CA. Report of G. Fred Lee [and] Associates, El Macero, CA, September 1 (2008). Http://www.gfredlee.com/SJR-Delta/DeltaVisionWQViolations.pdf These reports present a review of Delta water quality issues as well as the need for a more comprehensive water quality monitoring program in the Delta channels.	
2369	7	In order to begin to eliminate the deficiencies in the Delta water quality assessment, the Central Valley Reginal Water Quality Board (CVRWQB) has initiated a program to develop a comprehensive water monitoring program. This program is presented in http://www.swrcb.ca.gov/centralvalley/water_issues/delta_water_quality/comprehensive_monitoring_program/ The major problem in developing this improved monitoring program is its funding. It is still unclear that adequate funding can be developed to carry out the needed program. Several years of a comprehensive Delta channel water quality monitoring will be needed before adequate information will be available to develop an EIR/EIS that can be developed to inform the decision makers and the public of the potential impact of the proposed WaterFix tunnel project.	Staff from DWR and USBR constantly monitor Delta water quality conditions and adjust operations of the SWP and CVP in real time as necessary to meet water quality objectives set by the State Water Resource Control Board protection of agricultural water supply, municipal and industrial drinking water supply, and fish and wildlife beneficial uses. See Chapter 8 of the Final EIR/EIS for a discussion on the proposed projects effects on water quality, salinity and electrical conductivity. For more information regarding alternatives to the proposed project please see Master Response 4.
2369	8	The WaterFix RDEIR/SDEIS Water Quality section 8.1.3.10 addressing Nitrate/Nitrite and Phosphorus [N/P] states on page 8-23: "In addition, changes in ratios of nutrients may affect aquatic life by causing changes in the proportions of algal species, macrophytes and higher species (Glibert et al. 2011). While the impact of nutrient ratios on the proportions of algal species, macrophytes and higher species is unsettled within the scientific community, some analyses demonstrate that the ratio of one nutrient to another, nutrient stoichiometry, may influence primary productivity and community composition. Glibert et al. (2011) analyzed over 30 years of Delta water quality data and conclude that numerous aquatic organism population shifts were correlated with changes in the quality and quantity of nutrients.	Regarding the inclusion of Glibert et al. 2011 findings in the Affected Environment/Environmental Setting of Chapter 8, Water Quality, this is included for informational purposes only and the text acknowledges that Glibert's findings are unsettled. Further, the assessment of the effects of the alternatives on nutrients (ammonia, nitrate, and phosphorus) in Chapter 8 considers factors other than Glibert's findings to make impact determinations.

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		"This relationship between nutrient ratios and organism population shifts is not unique to the Delta. Studies in Hong Kong, Tunisia, Germany, Florida, Spain, Korea, Japan and Washington D.C. (Chesapeake Bay), to name a few, have all concluded that nutrient stoichiometry influences phytoplankton community composition (Ruhl and Rybicki 2010; Ibanez et al. 2008; Hodgkiss and Ho 1997; and Glibert et al. 2004). Furthermore, studies by Glibert et al. (2004; 2006), Lomas and Glibert (1999, and Dortch (1990) concluded that diatoms have a preference for nitrate while dinoflagellates and cyanobacteria generally prefer more reduced forms of nitrogen. Hessen (1997) found that a shift from calanoid copepods to Daphnia tracked N-P changes in Norwegian lakes. Sterner and Elser (2002) found that zooplankton size, composition and growth rates changed as the N-P ratio changed. Similar changes have been observed in the Delta, though these researchers did not differentiate the form of N between nitrate and ammonium. Glibert et al. (2011) found significant correlations between nutrient ratios and the dominant zooplankton in the Delta over the last 30 years. "The beneficial uses most directly affected by nitrogen and phosphorus concentrations are aquatic organisms (cold freshwater habitat, warm freshwater habitat, and estuarine habitat), drinking water supplies (municipal and domestic supply), and recreational activities (water contact recreation, non-contact water recreation), which can be indirectly affected by the nuisance eutrophication effects of nutrients." That discussion ignores the USGS [U.S. Geological Survey] and other reports of the unreliability of the Glibert nutrient ratios discussion. We [G. Fred Lee and Associates] discussed this issue in our comments: Lee, G. F., and Jones-Lee, A., "Comments on the Adequacy of C. Dahm's Discussion of Delta Eutrophication Issues [and] Delta N/P Rations as a Cause of Adverse Impact on Delta Fish," Comments to Delta Stewardship Council [DSC], Report of G. Fred Lee [and] Associates, El Macero, CA, November 17 (2011). http://www.gfredlee.com/SJR-Delta/DSC-Comments-Dahm-Eutroph.pdf An excerpt from those comments, equally applicable to the RDEIR/SEIS, is quoted below. "In our comments on the third draft of the DSC Plan [Lee, G. F., and Jones-Lee, A., 'Comments on the Delta Stewardship Council's Third Staff Draft Delta Plan -- Chapter 6 Improve Water Quality to Protect Human Health and the Environment -- Released April 22, 2011,' Submitted to Delta Stewardship Council, Sacramento, CA, Report of G. Fred Lee [and] Associates, El Macero, CA, Updated May 1 (2011). http://www.gfredlee.com/SJR-Delta/DSCThrdStaffDraft-Com.pdf], we reported the following: 'Impact of N/P Ratios on Delta Aquatic Life Resources the DSC third staff draft Chapter 6 devotes considerable attention to the writings that discuss N/P ratios in the Delta as a cause of ecosystem changes, the pelagic organism decline (POD), and of other resource problems in the Delta. The third staff draft Chapter 6 fails to mention a number of technical issues related to that concern that are discussed in the literature. For example, in his presentation cited below, Cloern discussed the lack of technical validity in the Glibert's claim that changes in N/P ratio are a cause of changes in the Delta ecosystem that has occurred in recent years. [Cloern, James 'Historical Perspective on Human Disturbance in the Sacramento-San Joaquin Delta Ecosystem,' Senior Research Scientist, U.S. Geological Survey Menlo Park, CA presented at National Academies of Science (NAS) National Research Council (NRC) meeting, 'Sustainable Water and Environmental Management in the California Bay-Delta' held on July 13-15, 2010 in Sacramento, CA,	

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		PowerPoint slides obtained from the NRC Public Access Records Office at www.nrc.gov/reading-rm/foia/foia-privacy.html.] In his CWEMF [California Water and Environmental Modeling Forum] nutrient workshop presentation entitled, 'Impact of Sacramento River Input of Phosphorus to the Delta on Algal Growth in the Delta,' Dr. Erwin Van Nieuwenhuyse summarized his recent paper describing the response of average summer chlorophyll concentration in the Delta to an abrupt and sustained reduction in phosphorus discharge from the Sacramento County Regional Sanitation District wastewater treatment facility. His presentation provides important information on the impact of Sac Regional phosphorus discharge on Delta planktonic algae in the Delta, and is available at, http://www.cwemf.org/workshops/DeltaNutrientsWrkshp/VanNieuwenhuyse.pdf." The WaterFix Tunnel RDEIR/SEIS discussion of the impact of N/P rations is unreliable reporting of the pertinent literature on this issue. The failure to discuss the findings of the USGS and other well-recognized Delta scientists results in unjustified bias in the discussion of the N/P ratio issues. This represents a significant deficiency in the RDEIR/SEIS.	
2370	1	Given that the RDEIR/SDEIS is currently the subject of public comment and is yet to be finalized, RCRC [Rural County Representatives of California] questions the timing of the Department of Water Resources (DWR) application to the U.S. Army Corps of Engineers (Corps) for a permit to construct the California WaterFix project. Additionally, RCRC questions the timing of the DWR and U.S. Bureau of Reclamation's (Bureau) Joint Petition to the State Water Resources Control Board (Board) for a change to water rights necessary to allow for the implementation of California WaterFix, specifically the authorization to add three additional points of diversion for both the State Water Project (SWP) and the Central Valley Project (CVP). Both the permit application before the Corps and the petition for change before the Board rely on the recirculated environmental documents for the California WaterFix project. The permit application and change petition for Alternative 4A appears to predetermine the outcome of the ongoing environmental review process. At the very least, this poses a public perception problem.	Please see Master Response 45 (Permitting) for discussion of the regulatory approvals and permits that are needed before implementation of the proposed project. Master Response 45 also provides information on the role of responsible and cooperating agencies related to approval of the California WaterFix and other related actions that would be implemented concurrently, but separately from California WaterFix. For updated information related to the Change Petition request pending before the SWRCB, please see SWRCB's web page detailing the schedule, previous rulings and upcoming hearings under California Water Fix. With regards to the proposed project subject to the current hearing, see Chapter 3, Alternatives consider and Master Response 4, Alternatives. Please refer to Master Response 45, regarding permitting processes and the appropriateness of this approach and Master Response 29, regarding the Endangered Species Act and timing for completing the ESA Section 7 process. Decisions about approval of a particular alternative are not included in the EIR/EIS.
2370	2	RCRC [Rural County Representatives of California] appreciates a number of the changes made to the previous version of the BDCP including the recognition that increased north of the Delta water demand is anticipated. Despite these changes, there are concerns raised by RCRC in our July 29, 2014 comment letter that remain.	No issues related to the adequacy of the environmental impact analysis in the EIR/S were raised.
2370	3	RCRC [Rural County Representatives of California] has reviewed the Delta Independent Science Board (DIS Board) draft comments on the RDEIR/SDEIS for California WaterFix dated September 14, 2015, and the DIS Board final comment letter dated September 30, 2015. The DIS Board September 30, 2015 comment letter can be accessed at: http://deltacouncil.ca.gov/docs/final-delta-isb-comments-partially-recirculated-draft-environmental-impact-reportsupplemental. RCRC agrees with many of the DIS Board observations. The DIS Board finds that the RDEIR/SDEIS lacks completeness, defers essential material to the Final EIR/EIS, and retains	The RDEIR/SDEIS followed NEPA guidelines (40 CFR §15022) by describing the incomplete and unavailable information. As a general discussion related to the environmental review process associated with major multi-year phased projects, the environmental review must be conducted at the level of specificity available at the time of the analysis. Both CEQA and NEPA encourage that the environmental review process is to be conducted at the earliest stage of development to allow for effective planning. Thus, this approach was used in the DEIR/S where components of the project to be implemented at later stages were evaluated at programmatic levels with the understanding that at future stages, additional environmental review would be necessary. The EIR/S has disclosed that there are multiple uncertainties at the later stages associated with climate

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		a number of deficiencies from the BDCP DEIR/DEIS. The DIS Board identified the following gaps: --Details about the adaptive management process, collaborative science, monitoring, and the resources that these efforts will require; --Due regard for several aspects of habitat restoration: landscape-scale, timing, long- term monitoring, and the strategy of avoiding damage to existing wetlands; --Analyses of how levee failures would affect water operations, and how the implemented project would affect the economics of levee maintenance; --Sufficient attention to linkages among species, landscapes, and management actions; effects of climate change on water resources; effects of the proposed project on San Joaquin Valley agriculture; and uncertainties and their consequences; and, --Informative summaries in words, tables, and graphs that compare the proposed alternatives and their principal environmental and economic impacts.	change and the habitat restoration and qualitatively assessed those effects to the extent of the best available science at this time. This is a very conservative approach to disclosing the effects of the project. The collaborative science and adaptive management and monitoring program has been updated for this Final EIR/EIS. Please refer to the Executive Summary and Chapter 3, Description of Alternatives and Master Response 33. Please see Appendix 6A, Final EIR/EIS ("BDCP/California WaterFix Coordination with Flood Management Requirements") Sections 6A.2 and 6A.3 for discussion on existing levee improvement programs and funding mechanisms, which would not be affected by the BDCP/CWF, Sections 6A.4 and 6A.5 information on seismic and levee failure risks in the Delta, and Section 6A.6 information on impacts of the proposed project on levees. Species linkages, landscapes and management The alternatives have incorporated measure to avoid impacts to sensitive resources when possible, minimize effects through timing and design measures and mitigated those effects that could not be feasibly avoided. Some of the concepts are discussed here; however, the reader is encouraged to review the terrestrial biology sections in both the 2013 DEIR/S and 2015 RDEIR/SEIS. The RDEIR/SEIS identified measures to provide for linkages at a landscape level. These included: L1 - Increase the size and connectivity of the reserve system by acquiring lands adjacent to and between existing conservation lands. L2 - Protect and improve habitat linkages that allow terrestrial species to move between protected habitats within and adjacent to the project area. L3 - Increase native species diversity and relative cover of native plant species, and reduce the introduction and proliferation of nonnative species. The project will be required to implement a mitigation monitoring and management plan that establishes the performance requirements (including timing and the monitoring specifications) of all mitigation measures. It is also expected that the permitting entities may require additional monitoring above and beyond that established by CEQA. The project has been designed to minimize wetland effects. The project was originally envisioned as a surface canal system which would have had substantially greater wetland effects than the tunnel options. A wetland restoration plan is required for all unavoidable impacts to wetlands. The 2013 DEIR/S also included substantial analyses of landscape linkages, particularly associated with the implementation of the additional conservation measures associated with the BDCP HCP elements. Climate change effects on the water resources were extensively modeled. The effect of climate change on water resources was one of the major contributors to changed condition over the 50-year study period. The changes that were projected formed the basis of the No Action (NEPA) baseline. The comment presents an overview of use of the Existing Conditions versus the No Action Alternative as the environmental baseline under CEQA. Use of the NEPA No Action Alternative baseline for evaluation of impacts to fish and aquatic resources is consistent with the CEQA guidelines and provides because it isolates the effect of the alternative from those of sea level rise, climate change, and future water demands and allows clear understanding of the impact of the alternative on the environment. For more information regarding environmental baselines please see Master Response 1. This informed the analyses of other related topics (water supply, water quality, fisheries, etc.) as to the portion of the effects at later time frames that were

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			associated with the implementation of the alternatives under review. Temporary and permanent effects to agriculture were discussed in Chapter 14 and socioeconomic effects were addressed in Chapter 16. As noted in the Executive Summary Table ES-9. Summary of BDCP/California WaterFix RDEIR/SDEIS Impacts and Mitigation Measures, there were some significant effects (CEQA) and Adverse (NEPA) associated with various alternatives. There were no significant socioeconomic effects associated with CEQA; however, some adverse effects were noted under the NEPA analysis. For example, although Alternatives 4A, 2D, and 5A would require much less conversion of agricultural land to restored or protected habitat than the alternatives that include a HCP/NCCP, agricultural land will still be affected by implementing any of the alternatives (ES.1.13). Similarly, Alternatives 4A, 2D, and 5A would have lesser socioeconomic effects associated with agricultural land conversions compared with other action alternatives. The EIR/S has disclosed that there are multiple uncertainties at the later stages associated with climate change and the habitat restoration and qualitatively assessed those effects to the extent of the best available science at this time. This is a very conservative approach to disclosing the effects of the project. The Executive Summary in both EIR/S used words, tables and graphics to compare and contrast the effects of the alternatives. For responses to comments related to the Delta Independent Science Board's letters, please refer to comment letters BDCP 1448 and/or RECIRC 2546.
2370	4	RCRC [Rural County Representatives of California] has also reviewed the DWR statement regarding the DIS [Delta Independent Science] Board's comments on the DREIR/SDEIS that was issued shortly after the DIS Board released their draft comments. DWR made the case that since an HCP/NCCP designation is not being pursued, certain issues raised are beyond the requirements of the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) and beyond the scope of an EIR/EIS. While this contention may be technically correct, RCRC agrees with the DIS Board's statement that given that the consequences of California WaterFix are of statewide importance circumstances "...demand that the California WaterFix EIR/EIS go beyond legal compliance." While the lead agencies contend that they are not required to include certain information in the Final EIR/EIS to meet minimum CEQA and NEPA requirements, California WaterFix will be required to secure a variety of permits and will additionally be required to be found in compliance with the Delta Plan adopted by the Delta Stewardship Council. As California WaterFix and California EcoRestore will not be pursued as an HCP/NCCP, they will not be incorporated into the Delta Plan pursuant to Water Code Section 85320. Instead, the two initiatives will be subject to the consistency certification provisions of Water Code Sections 85225-85225.25. As you may know, consistency certifications can be appealed to the Delta Stewardship Council by any person who claims that an action is inconsistent with the Delta Plan and, as a result of that inconsistency, the action will have a significant adverse impact of the achievement of one or both of the coequal goals or implementation of government-sponsored flood control programs to reduce risks to people and property in the Delta. Given this fact, RCRC suggests that the proponents of California WaterFix provide decision-makers and the public relevant information that goes beyond the minimum CEQA and NEPA requirements as urged by the DIS Board.	Please refer to Master Response 31, Appendix 3I, and Appendix 3J of the Final EIR/EIS for discussion of the compatibility of Alternative 4a and the Delta Plan. The Delta Plan is currently the subject of litigation which has arisen since the issuance of the 2015 RDEIR/SDEIR and which could affect the legal requirements and/or implementation of the Delta Plan. On June 24, 2016, Sacramento Superior Court Judge Michael P. Kenny ruled that the Delta Plan was invalidated (JCCP 4758), pending the Council's remedying of three specific deficiencies identified by the Court. Thus, the status of the Delta Plan and the Council's consistency certification process remain unclear during the pendency of the litigation, including appeals. The Lead Agencies intend to fully comply with the Delta Reform Act, to monitor the Delta Plan litigation and future Delta Plan amendments, and to consider filing a certification of consistency at the appropriate time. Please see the tables in this FEIR/EIS to look up the comment letter submitted by the Delta Independent Science Board (RECIRC 2546) and review the responses to those comments. For responses to comments related to the Delta Independent Science Board's letters, please refer to comment letters BDCP 1448 and/or RECIRC 2546.
2370	5	RCRC's [Rural County Representatives of California] primary concern remains the lack of assurances for areas upstream of the Delta and in-Delta as it relates to regional water	The Plan Area and Study Area are consistent in the Draft EIR/EIS, RDEIR/SDEIS, and Final EIR/EIS. The BDCP Plan Area is defined by the boundaries of the legal Delta with the addition of the Suisun Marsh area. The

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		sustainability, water rights protections, and no negative unmitigated direct or indirect impacts to the water supply, economy, and environment of these areas. In the U.S. Environmental Protection Agency (U.S. EPA) letter to the National Marine Fisheries Service (NMFS) dated August 26, 2014, the U.S. EPA specifically addressed the issue of upstream/downstream impacts stating on page 3: "The federal and State water management systems in the Delta are highly interconnected, both functionally and physically. The Draft EIS does not address how changes 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." On page 15, the U.S. EPA states: "Upstream operational changes caused by BDCP implementation could have significant environmental and water supply impacts in the upstream areas, and these impacts must be disclosed in the DEIS." The August 26, 2014 U.S. EPA letter can be accessed at: http://www.ewccalifornia.org/reports/epa-bdcp-deis-comments-8-26-2014.pdf. Despite the recommendations of the U.S. EPA noted above, the RDEIR/SDEIS states in the Water Supply, Revisions to Cumulative Impact Analyses section on pages 5-9 the following: "None of the alternatives would modify water deliveries to non-SWP and non-CVP water rights holders, including in-Delta water rights holders. Therefore the water supply analysis addresses impacts to DWR, Reclamation, and SWP water users and CVP water service contractors, as opposed to other water rights holders, as the BDCP does not include any actions that would affect water availability to any such water rights holders." Operations at upstream reservoirs including Central Valley Project (CVP) owned and operated reservoirs does impact non-SWP and non-CVP water rights holders. As noted in the RCRC July 29, 2014 comment letter, the 2014 drought year showed that the approach to the operations of the CVP and the SWP needs to be modified to ensure a stable supply of water is maintained in the reservoirs that feed into the CVP and SWP in order to meet the needs of Northern California while also serving export interests and meeting requirements in the Delta. RCRC urged at that time that state and federal agencies make a commitment that operations will be modernized to accomplish this balance.	EIR/EIS project area includes the Plan Area, upstream of the Delta region and the SWP and CVP export Service Areas because some of the effects of implementing the project or its alternatives would extend beyond the BDCP Plan Area. The analysis in the EIR/EIS includes impacts to Delta outflows, which ultimately reach the San Francisco Bay as well as impacts to Southern California and the San Joaquin Valley. The analysis of impacts of the proposed project in the study area can be found in the EIR/EIS chapters 5-30. Operation of the new north Delta facilities would be guided by strict regulations that are set by the SWRCB. Adaptive management and collaborative science will aid operators in managing the pumping schedule in the presence of sensitive species. Appendix B of the RDEIR/SDEIS shows supplemental modeling results for the new alternatives. In particular Section B.2.1 Alternative 4A the modeling demonstrates that under the preferred alternative (4A) reservoir levels (e.g., Trinity Lake, Shasta Lake, Folsom Lake, and Lake Oroville) would be similar to the No Action Alternative (ELT). Refer to Master Response 25 for information on upstream reservoir effects. Please see Master Response 32 for a discussion of how the permitted quantity, maximum rate of diversion, seasonal pattern or timing, purpose of use, and place of use would be the same with or without the project. For information regarding beneficial use please see Master Response 34. As described in Appendix 3A, Section 3A.9.3, of the 2013 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 BDCP and Alternatives 7 and 8. Please also see Appendix C of the RDEIR/SDEIS Supplemental Modeling Requested by State Water Resources Control Board Related to Increased Delta Outflows. In response to upstream operations, please refer to Master Response 25.
2370	6	California WaterFix may improve water supply reliability for water contractors downstream of the Delta, it does not improve reliability for in-Delta or upstream users. RCRC [Rural County Representatives of California] continues to urge that potential impacts on in-Delta and upstream water users be analyzed and mitigated.	Since 2006, the proposed project has been developed based on sound science, data gathered from various agencies and experts over many years, input from agencies, stakeholders and independent scientists, and more than 600 public meetings, working group meetings and stakeholder briefings. DWR's fundamental purpose of the proposed project is to make physical and operational improvements to the SWP system in the Delta necessary to restore and protect ecosystem health, water supplies of the SWP and CVP south of the Delta, and water quality within a stable regulatory framework, consistent with statutory and contractual obligations. By establishing a point of water diversion in the north Delta and new operating criteria with the goal of improving water timing of the proposed project as designed to establish a more natural east-west flow for migratory fish, improve habitat conditions, and allow for greater operational

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			flexibility. Please see Master Response 3 for additional information regarding the purpose and need behind the proposed project. The proposed project would not affect upstream water rights. It aims to allow the federal and state water projects to deliver more reliable water supplies, in a way less harmful to fish. The project does not increase the amount of water to which DWR holds water rights or for use as allowed under its contracts. The CALSIM II modeling performed for conveyance facility operations takes into account projected future demand for water supply in areas upstream of the Delta (as part of the future No Action baseline) prior to calculating Proposed Project diversion estimates to ensure that no area-of-origin protections or upstream water rights are affected by project conveyance facilities. Please see Appendix 5A of the FEIR/FEIS and Master Response 30 for additional modeling details. Please see Master Response 26 regarding water resources in northern California.
2371	1	This letter is submitted to provide comments on the BDCP/California WaterFix Partially Recirculated Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement. In addition to the comments in this letter, Delta Diablo incorporates its previous comments set forth in the attached correspondence dated July 28, 2014, January 14, 2013, June 30, 2011, February 16, 2011, May 14, 2009 and May 30, 2008. Our previous comments requested evaluation of a western Delta brackish desalination facility as part of the alternatives analysis. To date, an adequate study of a brackish desalination alternative in the western Delta has not been conducted, despite this being a potentially feasible alternative that will foster informed decision making and public participation, as well as satisfy primary objectives in the Purpose & Need Statement, which has been redefined with this latest revision. Developing a western Delta brackish desalination facility is consistent with the Sacramento-San Joaquin Delta Reform Act of 2009, in that it can provide for a more reliable water supply for the state and protect and enhance the quality of water supply from the Delta. Initial feasibility and environmental studies have been completed by Delta Diablo, and our previous comments referenced these available studies and identified benefits (R.W. Beck, 2005 [Footnote 1: R.W. Beck (2005, April). Northern Contra Costa County Feasibility Level Desalination Facility Cost. Retrieved July 23, 20 1 4 from http://www.ddsd.org/Modules/ShowDocument.aspx?documentid=375]; Hanson Environmental, 2008 [Footnote 2: Hanson Environmental (2008, July 18). Western Delta Brackish Desalination Study: An Assessment of the Potential Risk to Delta Smelt & Other Sensitive Fish Species Inhabiting the Sacramento-San Joaquin Bay- Delta Estuary to Water Diversions & Discharges Associated with a Potential Western Delta Desalination Facility to Provide New Water Supplies. Retrieved July 23, 2014 from http ://www.ddsd.org/Modules/ShowDocument.aspx? documentid=374]. A western Delta water supply would provide new yield from brackish water after freshwater has already flowed through the Delta, providing benefits to the Delta ecosystem. As a brackish desalination facility, it would be more reliable in times of drought. Brackish desalination is a water supply alternative that can address salinity impacts from saltwater intrusion, levee failure, drought, and sea level rise. The salinity of western Delta intake locations may prove unsuitable for invasive species like Dreissenid mussels, unlike other locations in the Delta which may be susceptible to invasion, causing significant and expensive removal problems for water supply intakes and fishscreens [Footnote 3: California Natural Resources Agency (2008, October). Invasive Mussel Guidebook for Recreational Water Managers and Users. Retrieved from http://resources.ca.gov/docs/qaugga/081105 Quagga- Zebra_Guide book.pdf]The siting	Please see Master Response 4 for discussion of the scope of the proposed project and alternatives (such as desalination) that were not carried forward for analysis in this document due to the fact that required actions beyond the scope of the proposed project. However, nothing in the proposed project would prevent other entities from pursuing innovative approaches to desalination or other water supply solutions. As described in Appendix 3A, Section 3A.7, Results of Initial Screening of Conveyance Alternatives, EIR/EIS (2013), desalination was included as part of Alternative B7. Issues related to desalination include land use impacts, costs, and substantial energy use requirements. Advances in technology have improved feasibility of desalination and as a statewide water use planning component; it will be evaluated by water agencies on a local/regional level. Desalination, the process of removing salt and other minerals from seawater to make it suitable for drinking or irrigation, is being implemented in several California communities. However, it has not proven viable to secure adequate water supplies to meet California's needs due to high costs and energy demands. Today, desalination creates an estimated 84,000 acre-feet of potable water a year in the state, mostly through treatment of brackish groundwater, which is less salty and cheaper to treat than sea water. In comparison, the proposed project would secure an estimated 4.7 to 5.2 million acre-feet of water to supply more than 25 million people and 3 million acres of farmland. 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. Local water agencies will need to invest in additional strategies and technologies, including desalination, to meet future water demand. The proposed project is one part of a diverse portfolio of strategies needed to meet California's overall water management needs. It is not a substitute for increased commitments to other water supply solutions, including recycling, desalination, water conservation and storage. Please see Master Response 7 regarding desalination. Please also note that all comments received during the 2013 and 2015 public comment period are included in the FEIR/EIS. Please refer to the table of commenters to locate the letter of interest.

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		of a brackish desalination plant in the western portion of the Delta would be significantly more cost effective than an ocean desalination facility, due to comparatively lower energy demands for treatment and processing of the lower dissolved solids. In addition, new brackish desalination technologies continue to be developed that will further reduce energy needs and thus costs (Global Water Intelligence, 2015 [Footnote 4: Global Water Intelligence (2015, September). Makeover Improves CD Process Efficiency. Water Desalination Report, Vol. 51, No. 34. Retrieved October 14, 2015 from http://email.globalwaterintel-fulfilment.com/files/amf_gwl /project_ 10/wdr2015-34_IDA.pdf]).	
2371	2	In light of the current unprecedented drought in California, alternatives that address the project need and increase water supply should be considered. Consistent with our previous comments, alternative solutions that should be properly evaluated include, but are not limited to, water recycling; increased storage (above ground and groundwater); and, development of a new western Delta water supply which could directly supplement or replace portions of the water supply obligations of the State Water Project and/or Central Valley Project. A combination of these types of projects seems best suited to genuinely meet the modified project purpose and need, and the coequal goals of providing a more reliable water supply for California while protecting, restoring, and enhancing the Delta ecosystem. California needs a true water fix. It is highly likely that a suite of new Delta solutions will need to be implemented as water supply demands increase with a growing population, environmental regulations change, and climate change increases variability in rainfall and snowpack levels. A true California water fix will only happen with increased investment in cost-effective solutions like brackish desalination and water recycling. These projects are critical to ensure reliable and sustainable water supplies for a healthy Delta ecosystem and the people of California	The proposed intakes would only be permitted to operate with regulatory protections, including river water levels and flow, which would be determined based upon how much water is actually available in the system, the presence of threatened fish species, and water quality standards. Flow criteria will be applied month by month and according to water year type. More information on the ranges of water project diversions, based on water year types and specific flow criteria, can be found in BDCP, Chapter 3, Conservation Strategy. Monitoring for compliance with D-1641 requirements or any future requirements for SWP/CVP water supply operations would be conducted year-round in the future under the proposed project. The proposed project is one component, among many, of the California Water Action Plan. 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/. By establishing a point of water diversion in the north Delta the proposed project is designed to improve native fish migratory patterns while securing reliable water deliveries. Appendix 3A, Identification of Water Conveyance Alternatives, Conservation Measure 1, EIR/EIS, describes the range of conveyance alternatives considered in the development of the EIR/EIS. Appendix 1B, Water Storage, EIR/EIS, describes the potential for additional water storage and Appendix 1C, Demand Management Measures, EIR/EIS, describes conservation, water use efficiency, and other sources of water supply including desalination. While these elements are not proposed as part of the proposed project, the Lead Agencies recognize that they are important tools in managing California's water resources. Please see Master Response 4 for information on the selection of alternatives. Please see Master Response 31 and Appendices 3I and 3J of the Final EIR/EIS for discussion of compliance with the Delta Reform Act.
2371	3	[ATT1: Letter BDCP 1659, sent July 28, 2014, with Attachments]	The comment describes an attachment to the comment letter submitted responding to the BDCP. The attachment does not raise any additional issues related to the environmental analysis in the 2015 RDEIR/SDEIS or the 2013 Draft EIR/EIS that are not already addressed in comment referencing the attachment or the Final EIR/EIS. All comments received during the 2013 and 2015 public comment period are included in the FEIR/EIS. Please refer to the table of commenters to locate the letter of interest.
2372	1	The 48,000 pages of BDCP drafts violate the NEPA regulation, 40 C.F.R. 1502.7, specifying that Draft EIS text shall normally not exceed 150 pages and "for proposals of unusual scope or complexity shall normally be less than 300 pages." Here, the volume was calculated to overwhelm the public while evading or obscuring the real issues.	Although the science and analysis that support the proposed project is complex, the Lead Agencies have attempted to present the information in plain language and with an emphasis on information useful to the public and decision makers. To the extent practicable, the Lead Agencies have followed the recommendations of the State CEQA Guidelines and NEPA regulations to reduce paperwork and avoid delay. See Master Response 38 for details regarding document length.
2372	2	There was silence on the profound issue of whether to increase the capacity to divert more water from the Sacramento River, sloughs, and the San Francisco Bay Delta or instead begin to reduce exports. The BDCP agencies ignored and refused to consider any alternatives that would reduce exports. Consequently, there was no alternatives section	The alternatives included in the Draft EIR/EIS 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 during time of preparation of the EIR/EIS. In fact, as a direct result of the extensive public

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		"sharply" defining the issues as required by 40 C.F.R. 1502.14, and no rigorous exploration and objective evaluation of "all reasonable alternatives" required by that regulation and the similar CEQA Guideline. Moreover, the project has gone through drastic change, no longer being a habitat conservation plan. As one example, providing "65,000 acres of tidal wetland restoration" has been sliced down to "59 acres." (RDEIR/SDEIS ES-17). Consequently, the Water Tunnels are now even more of a threat to fish species and their habitat than previously stimulated so many critical comments.	comments and agency input, the water facility and conveyance options proposed as part of the project changed significantly during the planning process in ways that reduce impacts in the Delta communities. Additional unique Alternatives that were proposed during review of Administrative Drafts of the BDCP and EIR/S were also considered and described, See Appendix 3A of the EIR/EIS and Section 4 of the RDEIR/SDEIS. This process included numerous public workshops and scoping meetings, extensive input from agencies, stakeholders, and the public, and an extensive multi-level screening process to refine the alternatives to be carried forward for full analysis in the EIR/EIS. As explained in Final EIR/EIS Appendix 3A "Identification of Water Conveyance Alternatives" , the alternative development process for the EIR/EIS was based upon a number of legal considerations including: (1) the legal requirements for adequate discussions of alternatives in an EIR and EIS, as set forth in CEQA and NEPA respectively, and the regulations and case law interpreting those statutory schemes; (2) the concepts of "potential feasibility" under CEQA and "reasonableness" under NEPA; and (3) the requirements of Water Code Section 85320 from the 2009 Delta Reform Act. The results of a multi-level screening process reflecting these considerations were further compared to the requirements of the Delta Reform Act and scoping comments related to the definition of potential EIR/EIS alternatives as identified by responsible and cooperating agencies under CEQA and NEPA, respectively. Please refer to Master Response 4 (Alternatives) for additional information regarding development of alternatives. For more information on Purpose and Need or the Project Objectives, please see Master Response 3 (Purpose and Need) and Chapter 2 of the Final EIR/FEIS (Alternative 4A). . Please also see Master Response 6 related to demand management as it relates to reducing exports. Additionally, With regard to alternatives, for example, the broad range of alternatives included in the EIR/EIS reflects a commonly used type of "bookend" analysis, referring to a range of decision-making options (alternatives) consisting of a continuum of choices. Under the "bookend" approach utilized by the Lead Agencies for the operational alternatives, the EIR/EIS evaluated alternatives that ranged from higher export deliveries at one end, and reduced exports and higher outflows to protect fish species at the lower end. (See Final EIR/EIS Appendix 3A, Section 3A.9 and Chapter 3, Section 3.2.1.4.) By analyzing various alternatives covering the entire spectrum of impacts, the alternatives included in the Draft EIR/EIS, RDEIR/SDEIS and Final EIR/EIS represent an appropriate range of alternatives and will permit the Lead Agencies to make a reasoned choice among alternatives. Thus, the range of alternatives included in the EIR/EIS fully complies with CEQA and NEPA. Although Alternatives 4A, 2D, and 5A include only those habitat restoration measures needed to provide mitigation for specific regulatory compliance purposes, habitat restoration is still recognized as a critical component of the state's long-term plans for the Delta. Such larger endeavors, however, will likely be implemented over time under actions separate and apart from these alternatives. The primary parallel habitat restoration program is called California EcoRestore (EcoRestore), which will be overseen by the California Resources Agency and implemented under the California Water Action Plan. . Proposition 1 funds and other state and public dollars will be directed exclusively for public benefits unassociated with any regulatory compliance responsibilities. Additional priority restoration projects will be identified through regional and locally-led planning processes facilitated by the Delta Conservancy. Plans will be completed for the Cache Slough, West Delta, Cosumnes, and South Delta. Planning for the Suisun Marsh region is already complete and a process for integrated planning in the Yolo Bypass is underway.
2372	3	The BDCP agencies received a total of 18,532 separate comments on the original draft documents. (RDEIR/SDEIS 1-3, 1-4). Those comments included 1518 unique letters from individual members of the public and 432 letters from agencies, organizations, and	The documentation generated by this proposed project has undergone extensive public and scientific input, discussion, and transparency, including the posting of administrative draft chapters online and providing many more opportunities for public participation than is normally required by the CEQA/NEPA processes;

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		stakeholder groups. (Id.) Those comments are vital to learning the views of organizations and public agencies that are not Water Tunnels boosters and contractors. For example, the U.S. Environmental Protection Agency (EPA) declared last August that: "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." (EPA letter August 26, 2014, p.2). For another example, on July 16, 2014, the United States Army Corps of Engineers issued comments 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). Despite repeated requests, the BDCP agencies have continued to refuse ever since December 2013 to post any of the comments by organizations or public agencies on the BDCP website. Not one of the federal or state addressees of our detailed letter of January 28, 2014 requesting that the BDCP agencies resume the posting of public comments on the BDCP website even had the courtesy to acknowledge our letter or explain their refusal to post public comments. This deliberate concealment of independent and contrary views and information from the public also now makes it more difficult for the public to prepare meaningful comments on the new RDEIR/SDEIS. In effect, the BDCP agencies require everyone to start from ground zero in an effort to understand the project and its environmental impacts by concealing the independent and contrary views and information provided by previous comments. Moreover, comments such as those from the EPA and Army Corps constitute critical new information that would be the foundation for many informed comments at this time. The comments from agencies and the public in 2014 on the original Drafts were so important that the BDCP agencies say they modified the documents and the alternatives based on the input. (RDEIR/EIS ES 2, 9, 15; 1-2). This has been and continues to be a bad faith effort to hide from the public the bad things that go along with the Water Tunnels including adverse environmental impacts and the existence of reasonable alternatives that would avoid the adverse impacts.	refer to Master Response 41(Transparency) for more information. Public comments submitted during the 2015 RDEIR/SDEIS were made available to the public. The public comments received on the 2013 Public Draft are contained within this Final EIR/EIS. . The obligations of California public agencies under Article 1, section 3(b)(1), of the California Constitution and under the Public Records Act, do not include any obligation to post comments on draft environmental documents on agency websites as such comments come in from the public and interested agencies. Rather, those statutes deal with the obligation for public agencies to hold certain kinds of meetings of public bodies and public officials in public, and to make non-privileged documents of various kinds available to members of the public in response to formal requests. To date, neither the California Legislature nor Congress has required Lead Agencies for CEQA and NEPA documents to post comments on draft environmental documents on their websites during the public review periods for those draft documents. This is consistent with the requirements of the California Environmental Quality Act (CEQA Guidelines §15088) and the National Environmental Policy Act (Council on Environmental Quality § 1503.4) and policies held by all Lead Agencies governing the implementation of CEQA and NEPA. Please see Master Response 40 for additional detail on the public outreach that has been done for stakeholders and Master Response 42 regarding treatment of public comments. Please refer to the index of commenters if you are interested in the responses to comments submitted by other entities during the 2013 Draft EIR/EIS and 2015 RDEIR/SDEIS comment periods. Please refer to Master Response 41 regarding transparency.
2372	4	The RDEIR/SDEIS fails to even disclose the numerous past calls for alternatives increasing flows by reducing exports made by the EWC (Environmental Water Caucus) and others including public agencies. The RDEIR/SDEIS likewise fails to disclose calls for modern, less harmful alternatives by others such as the EPA. [Footnote 1: EPA Detailed Comments on the Draft Environmental Impact Statement for the Bay Delta Conservation Plan; August 26, 2014, p. 13.] The RDEIR/SDEIS fails to even explain why such alternatives are not included and why they are not discussed or disclosed. Instead, the RDEIR/SDEIS states that additional alternatives 4A, 2D, and 5A were developed in response to comments "that DWR should pursue permit terms shorter than 50 years due to the levels of uncertainty regarding both the long-term effectiveness of habitat restoration in recovering fish populations and the future effects of climate change on the Delta and the Sacramento River watershed." (RDEIR/SDEIS 4.1-1). Claims that taking more water away from the fish will be good for the fish and that taking more freshwater away from the Delta would be good for the Delta are lies and false	The issues raised in this comment are responded to in comment 2 of this letter.

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		propaganda intended to deceive and confuse the public. This pattern and practice of viewpoint discrimination by the BDCP proponent agencies is the strongest self-indictment that could be made of the folly, environmental destruction and economic waste threatened by the Water Tunnels project. The lead agencies would not be hiding the views and information furnished by public agencies, neutrals and project opponents if they actually believed their claims about the asserted benefits of the project.	
2372	5	The First Amendment of the United States Constitution provides in pertinent part that there shall be no law "abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." Similarly, the California Constitution commands that "A law may not restrain or abridge liberty of speech or press" and the people have the right to "assemble freely to consult for the common good." Cal. Const., Art. 1, [Section] 2(a); [Section] 3(a). "In a public forum, by definition, all parties have a constitutional right of access and the state must demonstrate compelling reasons for restricting access to a single class of speaker, a single viewpoint, or a single subject. When speaker and subject are similarly situated, the state may not pick and choose." Perry Educ. Assn. v. Perry Local Education Assn, 460 U.S. 37, 55 (1983). "Any access barrier must be reasonable and viewpoint neutral [citations]." Christian Legal Soc. Chapter of the University of California, Hastings College of the Law v. Martinez, 130 S.Ct. 2971, 2984 (2010). "When the government targets not subject matter, but particular views taken by speakers on a subject, the violation of the First Amendment is all the more blatant. [Citation.] Viewpoint discrimination is thus an egregious form of content discrimination. The government must abstain from regulating speech when the specific motivating ideology or the opinion or perspective of the speaker is the rationality for the restriction." Rosenberger v. Rector and Visitors of University of Virginia, 515 U.S. 819, 829 (1995). Under the current regime, only those viewpoints that the government chooses have been posted on the BDCP website. The government posts its now 48,000 pages of Tunnels advocacy in the form of the Draft EIR/EIS and RDEIR/SDEIS but not any of the comments that were submitted on the Draft in 2014. The website continues to include blogs purporting to debunk alleged "Myths" about the BDCP, and other materials written to promote BDCP and discount public concerns. (See, e.g., http://baydeltaconservationplan.com/news/blog/14-01 10/Correcting_Stubborn_Myths_Part_II.aspx.) This blog suggests that a comment on the blog may be provided by clicking on a link. ("Click here to contact us with your questions or comments about the BDCP Blog.") Yet that link is the same link to the email address for submitting formal public comments on the Plan and EIR/EIS (BDCP.comments@noaa.gov). As explained clearly on the BDCP website, such comments will not be posted. The exclusion of critical comments from the BDCP website at the same time as the government agency proponents continue to post materials that promote their viewpoint that BDCP is a worthwhile project violates the First Amendment prohibition of viewpoint discrimination in forums created by the government.	The comment cites several court cases related to limiting speech or access to a government document or program. Chapter 32 and associated appendices provide information regarding how the EIR/EIS process has gone above and beyond the requirements to assure access to information and that all interested parties have had the opportunity to provide comments. Overall, more than 600 public meetings, working group meetings and stakeholder briefings have been held during the preparation of the proposed project's environmental documents. All of the documents, studies, administrative drafts and meeting materials – more than 3,000 documents in total, have also been posted online in an unprecedented commitment to public access and government transparency. Further, the proposed project raised the standard for proactive outreach and engagement with communities and the public overall by efforts such as establishing a multilingual toll-free phone line for questions which includes information in Spanish, Tagalog, Vietnamese and Chinese (Mandarin) in addition to English, providing translators upon request to respond to requests, and having a Spanish-language translator at every open house public meeting on the Draft EIR/S and Draft BDCP among other efforts. Consistent with the requirements of the California Environmental Quality Act (CEQA Guidelines §15088) and the National Environmental Policy Act (Council on Environmental Quality § 1503.4) and policies held by all Lead Agencies governing the implementation of CEQA and NEPA, all comments received on the DEIR/EIS and RDEIR/SDEIS are included with the Final EIR/EIS. Please see Master Response 42 regarding treatment of public comments. As state agencies, the Department of Water Resources and the California Natural Resources Agencies provided the public with educational information that is rooted in fact, based on reasonable assumptions supported by facts and expert opinions substantiated by facts. Doing so for a project of large scale and complexity can be a challenge. The BDCP website, blog, Your Questions Answered, and social media platforms have been the primary vehicle for communicating important project information and correcting misinformation. Brochures, factsheets, webinars and videos are other tools the State has employed to educate the public about the proposed project and the EIR/EIS process. Representatives from the State have also held numerous meetings and briefings around the state to educate stakeholders and provide them with critical information about project developments and the EIR/EIS process. Brochures, factsheets, webinars, reports and other information is kept on the project website, www.BayDeltaConservationPlan.com and is available for review. Historical materials remain available for review and are labeled as achieved or superseded. For more information regarding public outreach adequacy please see Master Response 40.
2372	6	The California Constitution provides in pertinent part that "The people have the right of access to information concerning the conduct of the people's business, and, therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny." Cal. Const. Art. 1, [Section] 3(b)(1). Moreover, any authority "shall be broadly construed if it furthers the people's right of access, and narrowly	Please see response to comment 5 of this letter. For more information regarding the document's length and complexity please see Master Response 38.

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		construed if it limits the right of access." Cal. Const. Art. 1, [Section] 3(b)(2). "Given the strong public policy of the people's right to information concerning the people's business (Gov. Code, [Section] 6250), and the constitutional mandate to construe statutes limiting the right of access narrowly (Cal. Const., art. 1, [Section] 3, subd. (b)(2), all public records are subject to disclosure unless the Legislature has expressly provided to the contrary." Sierra Club v. Superior Court, 57 Cal.4th 157, 166 (2013) (internal quotation marks deleted). The complexity of the BDCP and the volume of documents being circulated for public review to explain that complexity make review challenging even for professionals. For an individual member of the public, the job is virtually impossible. The public's ability to be informed regarding this project is facilitated by having access to comments being made by others during the review process, including non-profit environmental groups and other public agencies. The refusal to publish comment letters on the website as they come in denies the public the right of access to the comments in violation of the California Constitution.	
2372	7	NEPA and CEQA are both "environmental full disclosure laws." Silva v. Lynn, 482 F2d 1282, 1284 (1st Cir. 1973)(NEPA); Communities for a Better Environment v. City of Richmond, 184 Cal.App.4th 70, 88 (2010)(CEQA). Both laws require that an agency "use its best efforts to find out all that it reasonably can" about the subject project and its environmental impacts. Barnes v. U.S. Dept. of Transp. 655 F.3d 1124, 1136 (9th Cir. 2011)(NEPA); Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova, 40 Cal. 412, 428 (2007)(CEQA). Interfering with review by members of the public of comments made by other members of the public is environmental concealment, not disclosure, and is calculated to prevent the public from finding out all that it reasonably can about the subject project and its impacts. CEQA provides that "notwithstanding any other provision of law" the record of proceedings "shall include, but is not limited to," written documents submitted by any person relevant to findings and all written correspondence submitted to the respondent public agency with respect to compliance with CEQA or the project. Public Resources Code [Section] 21167.6(e)(3),(7). The NEPA Regulations require that federal agencies make comments received under NEPA available to the public pursuant to the provisions of the Freedom of Information Act and that they shall be provided without charge to the extent practicable. 40 C.F.R. [Section] 1506.6(f). The CEQA Regulations provide that: "Public participation is an essential part of the CEQA process. Each public agency should include provisions in its CEQA procedures for wide public involvement, formal and informal consistent with its existing activities and procedures, in order to receive and evaluate public reactions to environmental issues related to the agency's activities. Such procedures should include, whenever possible, making environmental information available in electronic format on the Internet, on a web site maintained or utilized by the public agency." 14 Code Cal. Regs. [Section] 15201. Instead, the BDCP proponent agencies have selectively published environmental information favorable to the project on their website while concealing what they consider	Please also see response 2372-3. For responses to comments related to the Delta Independent Science Board's letters, please refer to comment letters BDCP 1448 and/or RECIRC 2546.

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		to be unfavorable information that they would rather not share with the public. The comments made by such public agencies as the EPA, Army Corps [of Engineers], State Water Resources Control Board and Delta Independent Science Board during 2014 certainly constitute environmental information about the project. Making the comments available only after the comment period has closed makes a mockery of the promise of a fair, transparent and open process. Members of the public will have no opportunity to learn information provided by those with concerns about the BDCP in time to help them develop their own timely comments, including suggested alternatives to the project. The exclusion of comments from the website violated the environmental full disclosure purposes of both NEPA and CEQA, and the CEQA regulation requiring the posting of environmental information on the agency's website. There is only one possible remedy for these violations, including violations of the environmental full disclosure required by NEPA and CEQA. That is for the lead agencies to post at minimum all comments made by organizations and public agencies on the Draft Plan and Draft EIR/EIS in 2014, and on the RDEIR/SDEIS in 2015, on the BDCP/Water Fix website and then establishing a new public review and comment period on the Draft EIR/EIS and RDEIR/SDEIS so that the public can meaningfully review these documents informed by the views and information furnished by those who are neutral or project opponents. The exclusion of public comments from the BDCP website makes the claim that the BDCP encourages public participation a lie, and violates the First Amendment, California Constitution, NEPA and CEQA.	
2372	8	Development of alternatives increasing flows through the Delta has always been a direct and obvious first step to complying with California's public trust doctrine protecting Delta water quantity and quality. Instead of complying with the Delta Reform Act, the Endangered Species Act (ESA), the Clean Water Act and applying the public trust doctrine, all of the so-called BDCP alternatives involve new conveyance as opposed to consideration of any through-Delta conveyance alternatives reducing exports. The alternatives section (Chapter 3) of the Draft EIR/EIS and the ESA-required Alternatives to Take section (Chapter 9) of the BDCP Draft Plan failed to include even one alternative that would increase water flows through the San Francisco Bay-Delta by reducing exports, let alone the National Environmental Policy Act (NEPA), California Environmental Quality Act (CEQA), and ESA required range of reasonable alternatives. Instead, all BDCP alternatives including new Recirculated Draft EIR (RDEIR)/Supplemental Draft EIS (SDEIS) alternatives 4 modified, 4A, 2D and 5A would do the opposite of increasing flows, by reducing flows through the Delta by way of new upstream diversion of enormous quantities of water for the proposed Water Tunnels. These intentional violations of law require going back to the drawing board to prepare a new Draft EIR/EIS that would include a range of real alternatives, instead of just replicating the same conveyance project dressed up in different outfits. To be clear, 14 of the so-called 15 "alternatives" in the Draft EIR/EIS, 10 of the so-called 11 "take alternatives" in the Draft Plan (Chapter 9) and the 4 "alternatives" in the new RDEIR/SDEIS are all peas out of the same pod. They would create different variants of new upstream conveyance to divert enormous quantities of freshwater away from the lower Sacramento River, sloughs, and San Francisco Bay-Delta for export south. Organizations including FOR [Friends of the River] have already communicated several	Please see response to comment 2 of this letter. Additionally, 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. Please also see Appendix C of the RDEIR/SDEIS Supplemental Modeling Requested by State Water Resources Control Board Related to Increased Delta Outflows.

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		times over the years with BDCP officials about the failure to develop a range of reasonable alternatives in the BDCP process. [Footnote 2: This letter follows previous comments including our Friends of the River comment letter of May 21, 2014, our joint May 28, 2014 and joint September 4, 2014 comment letters focused on the failure of the BDCP Draft plan and Draft EIR/EIS to identify and evaluate a range of reasonable alternatives that are the declared "heart" of both the NEPA and CEQA required EISs and EIRs. A detailed evaluation of the Draft EIR/EIS's inadequate alternatives analysis was provided by the EWC in its comment letter of June 11, 2014, accessible online at http://ewccalifornia.org/reports/bdcpcomments6-11-2014-3.pdf.]	
2372	9	The direct and obvious way to increase flows through the Delta is to take less water out. The broad policy alternatives that should be highlighted in the BDCP NEPA and CEQA documents are to: 1) reduce existing export levels and thereby increase Delta flows; 2) maintain existing export levels and Delta flows; and 3) further reduce Delta flows by establishing a massive new diversion, the Delta Water Tunnels, upstream from the Delta. [Footnote 3: Though the Delta Water Tunnels alternative is a broad policy alternative, the Tunnels alternative is infeasible in terms of being actually adopted because it is not permissible under the ESA, Clean Water Act, Delta Reform Act and the public trust doctrine. Consequently, Alternative 4, DWR's original preferred alternative, and new Alternative 4A, Reclamation and DWR's new preferred alternative, are not actually feasible because they are not lawful. What is puzzling at this Draft EIR/EIS stage of the NEPA and CEQA process is why would the BDCP agencies refuse to consider lawful alternatives increasing Delta flows while both considering and giving preferred alternative status to alternatives that are at least arguably unlawful? As the RDEIR/SDEIS admits, "Many commenters argued that because the proposed project would lead to significant, unavoidable water quality effects, DWR could not obtain various approvals needed for the project to succeed (e.g., approval by the State Water Resources Control Board of new points of diversion for North Delta intakes)." (RDEIR/SDEIS ES-2).] The BDCP agencies and the new RDEIR/SDEIS continue to ignore the direct and obvious broad policy alternative of reducing existing export levels to thereby increase Delta flows -- which is mandated by section 85021 of the California Water Code.	As described in the EIR/EIS, the proposed project will be submitted to numerous state and federal agencies for approval, including to USFWS and NMFS under the Endangered Species Act, State Water Resources Control Board and U.S. Environmental Protection Agency under the Clean Water Act, and Delta Stewardship Council under the Delta Reform Act. The approvals and permits that will be issued by these agencies could result in changes to the proposed project that is presented in the EIR/EIS. However, implementation of the proposed project in accordance with these approvals and permits would be consistent with the related legislation referred to in this comment. Alternative 4A, the proposed project, will maintain compliance with Delta outflow regulatory requirements for all water years with the use of the North Delta intakes, as described in Chapter 5, Water Supplies, and Chapter 6, Surface Water. A detailed discussion of the specific Delta outflows under a range of seasons and water year types is contained in Appendix 5A. The No Action Alternative and Alternatives 4H1, 4H2, 4H3, 4H4; 5; 6A, 6B, 6C; 7; 8; and 9 would result in less SWP and CVP water deliveries south of the Delta than under Existing Conditions (shown in Tables 5-5 and 5-8 of Chapter 5, Water Supply in the Draft EIR/EIS for LLT). Similarly, Alternatives 6A, 6B, 6C; 7; 8; and 9 would result in less SWP and CVP water deliveries south of the Delta than under the No Action Alternative (shown in Tables 5-6 for LLT), and under Alternatives 4H2 and 4H4 would result in a small reduction in SWP south of Delta deliveries than under the No Action Alternative (shown in Table 5-9 for LLT For more information regarding 4A operational components please see Chapter 3 of the FEIR/EIS. The EIR/EIS process is intended to identify and support the permitting processes the commenter mentions but it is not for the EIR/EIS to determine whether or not permits will or won't be issued. Only those issuing agencies can make that determination. The amount of water DWR can pump from the new north Delta facilities is set by Federal regulating agencies, ESA compliance and project design, and not by the water contractors. Operations for the proposed project would still be consistent with the criteria set by the FWS (2008) and NMFS (2009) BiOps and State Water Resources Control Board Water Right Decision 1641 (D-1641), subject to adjustments made pursuant to the adaptive management process as described in the 2008 and 2009 BiOps (RDEIR/SDEIS Executive Summary ES.2.2). In addition to permitting constraints on daily operations of the SWP and CVP, DWR must maintain proper performance and bypass flows across fish screens when endangered and threatened fish species are present within the north Delta facilities area. The intake fish screens drive the overall size of the intake structure on the riverbank, and have been numbered and sized to permit water to flow through the screens within a predetermined flow regime set by California Department of Fish and Wildlife and NMFS fish screen criteria (BDCP Appendix 5B Section 3.B.3.3). Please also refer to the responses to comment 2 of this letter regarding the range of alternatives analyzed and comment 8 regarding public trust resources. With regards to public trust, please see Master Response 13.

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2372	10	Reclamation and DWR have ignored our repeated calls over the past several years to develop and consider alternatives increasing freshwater flows though the Delta by reducing exports. They do so to stack the deck making it easier for them to adopt the Water Tunnels alternative because they do not consider any alternatives other than new, upstream conveyance. This deficient BDCP California WaterFix alternatives analysis is not something that can be "fixed" by responses to comments in a Final EIR/EIS. Instead, Reclamation and DWR need to prepare and circulate a new Draft EIR/EIS that will include alternatives increasing Delta flows for consideration by the public and decision-makers.	Please refer to the responses to comments #2, #8 and #9 of this letter.
2372	11	The BDCP's omission of alternatives reducing exports to increase flows has been deliberate. A claimed purpose of the BDCP is "Reducing the adverse effects on certain listed [fish] species due to diverting water." (BDCP Draft EIR/EIS Executive Summary, p. ES-10). "[H]igher water exports" are among the factors the RDEIR/SDEIS admits "have stressed the natural system and led to a decline in ecological productivity." (RDEIR/SDEIS 1-10). "There is an urgent need to improve the conditions for threatened and endangered fish species within the Delta." (Draft EIR/EIS ES-10; RDEIR/SDEIS ES-6). The new RDEIR/SDEIS admits that "the Delta is in a state of crisis" and that "Several threatened and endangered fish species . . . have recently experienced the lowest population numbers in their recorded history." (RDEIR/SDEIS ES-1). Alternatives reducing exports are the obvious direct response to claimed BDCP purposes of "reducing the adverse effects on certain listed [fish] species due to diverting water" and "to improve the conditions for threatened and endangered fish species within the Delta." The way to increase Delta flows is to take less water out.	Please refer to the responses to comment #2 of this letter regarding the range of alternatives analyzed. Please also see Master Response 4. With regards to purpose and need, please see Master Response 3. The Proposed Project is intended to provide a more reliable water supply, with diversions that are more protective for fish, in accordance with the Delta Reform Act co-equal goals of improving water supply reliability and Delta ecosystem health. The plan does not increase the amount of water to which DWR holds water rights or for use as allowed under its contracts. Although the 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. The proposed water conveyance facilities provide for new water supply intakes on the Sacramento River that would be operated in conjunction with the existing SWP and CVP south Delta export operations to improve conditions for Delta fish and aquatic resources and provide for a more predictable and reliable export water supply. For more information regarding the Delta Reform Act, please see Master Response 31.
2372	12	Reclamation and DWR must develop and consider an alternative that would increase flows by reducing exports in order to satisfy federal and California law. The Delta Reform Act establishes that "The policy of the State of California is to reduce reliance on the Delta in meeting California's future water supply needs through a statewide strategy of investing in improved regional supplies, conservation, and water use efficiency." Cal. Water Code [Section] 85021. The Act also mandates that the BDCP include a comprehensive review and analysis of "A reasonable range of flow criteria, rates of diversion, and other operational criteria . . . necessary for recovering the Delta ecosystem and restoring fisheries under a reasonable range of hydrologic conditions, which will identify the remaining water available for export and other beneficial uses." Cal. Water Code [Section] 85320(b)(2)(A). And, the Act requires: "A reasonable range of Delta conveyance alternatives, including through-Delta," as well as new dual or isolated conveyance alternatives. Cal. Water Code [Section] 85320(b)(2)(B). In addition, the Act mandates that "The long-standing constitutional principle of reasonable use and the public trust doctrine shall be the foundation of state water management policy and are particularly important and applicable to the Delta." Cal. Water Code [Section] 85023.	Please refer to the responses to comments #2, #8 and #9 of this letter. As explained in Final EIR/EIS Appendix 3A "Identification of Water Conveyance Alternatives" , the alternative development process for the EIR/EIS was based upon a number of legal considerations including: (1) the legal requirements for adequate discussions of alternatives in an EIR and EIS, as set forth in CEQA and NEPA respectively, and the regulations and case law interpreting those statutory schemes; (2) the concepts of "potential feasibility" under CEQA and "reasonableness" under NEPA; and (3) the requirements of Water Code Section 85320 from the 2009 Delta Reform Act. The results of a multi-level screening process reflecting these considerations were further compared to the requirements of the Delta Reform Act and scoping comments related to the definition of potential EIR/EIS alternatives as identified by responsible and cooperating agencies under CEQA and NEPA, respectively. Table 3A-15 of Appendix 3A compares the screening process to the "Range of Alternative Provisions" in the Delta Reform Act. This chart breaks down the text of Water Code Section 85320, subdivision (b)(2)(A) and (B), into discrete measures of consistency and describes how the measures are met in the EIR/EIS alternatives analysis. It indicates that all of the specific requirements of Section 85320, subdivision (b)(2)(B), involving the "comprehensive review and analysis" of a "reasonable range of Delta conveyance alternatives" were met. The alternatives carried forward for analysis in the EIR/EIS include through-Delta, dual conveyance, and isolated conveyance alternatives, as well as further capacity and design options of a lined canal, an unlined canal, and pipelines, as expressly contemplated by the statute. The EIR/EIS also considered a wide variety of operational alternates as required by the Act. For additional information on the Delta Reform Act, see Appendix 3I, BDCP Compliance with the 2009 Delta Reform Act. Appendix 3I also addresses how the requirement from Water Code Section 85320 pertaining to the comprehensive evaluation of a reasonable range of flows, diversions and operating criteria has been satisfied in part through the portion of the EIR/EIS alternatives analysis focused on water supply operations. Please refer to Master Response 31 regarding compliance with the Delta Reform Act, and Appendix 3I and

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			Appendix 3J of the Final EIR/EIS.
2372	13	Reclamation and DWR [Footnote 4: BDCP Applicants include San Luis Delta-Mendota Water Authority, Westlands Water District, Kern County Water Agency, Zone 7 Water Agency, Metropolitan Water District of Southern California, and Santa Clara Valley Water District.] have now marched along for over four years in the face of "red flags flying" deliberately refusing to develop and evaluate a range of reasonable alternatives, or indeed, any real alternatives at all, that would increase flows by reducing exports. Four years ago the National Academy of Sciences declared in reviewing the then-current version of the draft BDCP that: "[c]hoosing the alternative project before evaluating alternative ways to reach a preferred outcome would be post hoc rationalization -- in other words, putting the cart before the horse. Scientific reasons for not considering alternative actions are not presented in the plan." (National Academy of Sciences, Report in Brief at p. 2, May 5, 2011).	The documentation generated by this proposed project has undergone extensive public and scientific input, discussion, and transparency, including the posting of administrative draft chapters online and providing many more opportunities for public participation than is normally required by the CEQA/NEPA processes (see Master Response 41 regarding transparency). Since 2006, the proposed project has been developed based on sound science, data gathered from various agencies and experts over many years, input from agencies, stakeholders and independent scientists, and more than 600 public meetings, working group meetings and stakeholder briefings. Please also refer to the responses to comments #2, #8 and #9 of this letter.
2372	14	More than three years ago, on April 16, 2012, the Co-Facilitators of the EWC [Environmental Water Caucus] transmitted a letter to then-Deputy Secretary of the California Natural Resources Agency Gerald Meral. The letter stated EWC's concerns with BDCP's current approach and direction of the [BDCP] project. (Letter, p. 1). Most of the letter dealt with the consideration of alternatives. The penultimate paragraph of the letter specifically states: "The absence of a full range of alternatives, including an alternative which would reduce exports from the Delta. It is understandable that the exporters, who are driving the project, are not interested in this kind of alternative; however, in order to be a truly permissible project, an examination of a full range of alternatives, including ones that would reduce exports, needs to be included and needs to incorporate a public trust balancing of alternatives." (Letter, p. 2). The EWC provided its "Reduced Exports Plan" to BDCP agency officers back in December 2012 and again in person on February 20, 2013. EWC Co-Facilitator Nick DiCroce stated in his December 2012 message to Deputy Secretary Meral that: "Now that the project is nearing its EIR/EIS stage, we feel it is important to formally present it [Reduced Exports Plan] to you and request that you get it on the record as an alternative to be evaluated. . . . As you know, CEQA and NEPA both require a full range of reasonable alternatives to be evaluated." (December 15, 2012 email DiCroce to Meral). On November 18, 2013, FOR [Friends of the River] submitted a comment letter in the BDCP process urging those carrying out the BDCP to review the "Responsible Exports Plan," an update of the previous "Reduced Exports Plan" proposed by the EWC: as an alternative to the preferred tunnel project. This Plan calls for reducing exports from the Delta, implementing stringent conservation measures but no new upstream conveyance. This Plan additionally prioritizes the need for a water availability analysis and protection of public trust resources rather than a mere continuation of the status quo that has led the Delta into these dire circumstances. Only that alternative is consistent with the EPA statements indicating that more outflow is needed to protect aquatic resources and fish populations. The EWC Responsible Exports Plan is feasible and accomplishes project objectives and therefore should be fully analyzed in a Draft EIS/EIR. (FOR November 18, 2013 comment letter at p. 3, Attachment 4 to FOR January 14, 2014 comment letter). All of the so-called project alternatives set forth in the Draft Plan, Draft EIR/EIS, and new RDEIR/SDEIS create a capacity to divert more water from the Delta far upstream from the present diversion, which will undoubtedly decimate Delta-reliant species already on the	Please refer to the responses to comments #2, #8 and #9 of this letter.

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		brink of extinction, including the Delta smelt, Chinook salmon, steelhead, San Joaquin kit fox, and tricolored blackbird, among dozens of others. The differences among the alternatives are slight. "The 15 action alternatives are variations of conservation plans that differ primarily in the location of intake structures and conveyance alignment, design, diversion capacities (ranging from 3,000 to 15,000 [cubic feet per second]), and operational scenarios of water conveyance facilities that would be implemented under CM1." (Draft EIR/EIS, ES p. 26).	
2372	15	The Water Tunnels would divert enormous quantities of water from the Sacramento River near Clarksburg -- waters that presently flow through designated critical habitats for the host of imperiled species in the Sacramento River and sloughs to and through the Bay-Delta. Should the Tunnels be completed, these waters would instead be exported through the northern intakes upstream from the Delta. And this would be done contrary to ESA Section 10 (prohibiting reduction of the likelihood of survival and recovery of listed species), ESA Section 7 (prohibiting federal agency actions that are likely to jeopardize the continued existence of any endangered species or that "result in the destruction or adverse modification of [critical] habitat of [listed] species" 16 U.S.C. [Section] 1536 (a)(2)), and California Water Code Section 85021 (requiring that exporters reduce reliance on the Delta for water supply).	As described in the EIR/EIS, the proposed project will be submitted to numerous state and federal agencies for approval, including to USFWS and NMFS under the Endangered Species Act. The approvals and permits that will be issued by these agencies could result in changes to the proposed project that is presented in the EIR/EIS. However, implementation of the proposed project in accordance with these approvals and permits would be consistent with the related laws cited to in this comment.
2372	16	We [Friends of the River] request development of a range of reasonable alternatives increasing Delta flows and reducing exports. The BDCP agencies must take this opportunity as part of preparing a new, legally sufficient, Draft EIR/EIS that incorporates actions called for by the Responsible Exports Plan (attached to our previous comment letters and also posted at http://www.ewccalifornia.org/reports/responsibleexportsplanmay2013.pdf). These actions include: 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 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 up to 1.3 million acres of 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. We also request that the range of reasonable alternatives include reducing exports both more and less than the 3,000,000 acre-feet limit called for by the Responsible Exports Plan. [Footnote 5: EWC's new A Sustainable Water Plan for California (May 2015) is an updated EWC alternative to the BDCP California Water Fix Delta Tunnels. The features of the new plan are similar in pertinent part to the previous Responsible Exports Plan recommendations and features set forth above. The new plan is at http://ewccalifornia.org/reports/ewcwaterplan9-1-2015.pdf and is attached to the EWC (Environmental Water Caucus) comments submitted about October 29, 2015.] Responsible Exports Plan Alternatives could vary by how much time is allotted 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 for Tunnels construction.	Please refer to the responses to comments #2, #8 and #9 of this letter.

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2372	17	The RDEIR/SDEIS admits the existence of paper water, 'quantities totaling several times the average annual unimpaired flows in the Delta watershed could be available to users based on the face value of water permits already issued.' (RDEIR/SDEIS 1-11). The BDCP agencies misuse the Delta Reform Act's definition of the coequal goals: "'Coequal goals' means the two goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem . . ." Cal. Water Code [Section] 85054. Providing "a more reliable water supply" means real water actually available, not paper water, and reflecting water available for export while meeting the needs for Delta water quantity, quality, freshwater flows, fisheries, public trust obligations, the ESA, the Clean Water Act, and senior water rights holders. It does not mean moving the exporters who are junior water rights holders -- including 1.3 million acres of drainage impaired lands -- to the front of the line ahead of everyone and everything else. It also does not mean putting the exporters in the front of the line during a lengthy extreme drought, crashing fish populations, and reductions in water use being made by millions of Californians.	The EIR/EIS was prepared in a manner to comply with the 2009 Delta Reform Act, including sections that are included in this comment, as described in Appendix 3I, BDCP Compliance with the 2009 Delta Reform Act, of the EIR/EIS. With regards to compliance with the Delta Reform Act, please see Master Response 31. Water rights issued on rivers in the Trinity and Central Valley watersheds include a wide range of beneficial uses from hydropower to municipal, industrial, and agricultural water users. However, not all of the water diverted under the water rights is consumptively used. For example, water diverted for hydropower electric generation is fully returned to the water bodies; and a portion of the water diverted from municipal, industrial, and agricultural water uses is returned to the water bodies. In addition, the amount of water diverted is dependent upon water rights priorities and the need to meet environmental flow and quality requirements. Therefore, it is difficult to compare the total volume of water rights licenses to the total amount of water available in the system. For example, water rights issued to DWR and Reclamation are not fully available to provide water under the SWP and CVP water contracts in many years due to the demands of senior water rights holders and regulatory requirements. All of the alternatives evaluated in the EIR/EIS would only divert water under existing water rights which were issued to DWR and Reclamation by the State Water Board with consideration for senior water rights and Area of Origin laws and requirements. Senior water rights holders are not affected by implementation of action alternatives. The amount of water that DWR and Reclamation can pump from the new north Delta facilities is set by Federal regulating agencies, ESA compliance and project design, and not by the water contractors. Operations for the proposed project would still be consistent with the criteria set by the U.S. Fish and Wildlife Service and National Marine Fisheries Service biological opinions and State Water Resources Control Board Water Right Decision 1641 (D-1641), subject to adjustments made pursuant to the adaptive management process, as described in Chapter 5, Water Supply of the EIR/S. In addition to permitting constraints on daily operations of the SWP and CVP, DWR and Reclamation must maintain proper performance and bypass flows across fish screens when endangered and threatened fish species are present within the north Delta facilities area. 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 statewide solution to all of California's water problems, and it is not an attempt to address directly the need for continued investment by the State and other public agencies in conservation, storage, recycling, desalination, treatment of contaminated aquifers, or other measures to expand supply and storage (as described in Section 1.C.3 of Appendix 1C, Demand Management Measures). Changes water deliveries and surface water flows in the Sacramento Valley under the action alternatives as compared to the Existing Conditions and the No Action Alternative are presented in Chapter 5 and Appendix 5A of the EIR/EIS; and associated changes in aquatic resources along the Sacramento River are presented in Chapter 11 of the EIR/EIS. With regards to storage, please see Master Response 37.
2372	18	The estimated $15 billion cost of the Water Tunnels -- which in reality will amount to $30 billion or more including capital cost (and costs normally being greater than when under estimated by self-interested project consultants) -- represents an "opportunity cost." The enormous sums spent on the Water Tunnels would be opportunity lost to making modern water quality and quantity improvements including recycling, conservation, and technical improvements such as drip-irrigation. In other words, the sums spent on outdated concepts -- the Water Tunnels -- would be lost to effective modern measures actually increasing water availability. The only true benefit-cost study prepared on the Water	Socioeconomic effects of the various alternatives are described and assessed in Chapter 16, Socioeconomics, of the 2013 Public Draft BDCP EIR/EIS. Please see Master Response 5 for more information on costs and funding. The typo of cost/benefit analysis described in the comment is not required by CEQA or NEPA and is not included in the EIR/EIS. Regarding mitigation costs of the proposed project, the cost of mitigation measures related to the proposed project will be covered wholly by the state and federal water contractors who rely on Delta exports. Although Alternatives 4A, 2D, and 5A include only those habitat restoration measures needed to provide mitigation for specific regulatory compliance purposes, habitat restoration is still recognized as a critical

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		Tunnels concluded that the costs are 2 to 3 times higher than the benefits. Dr. Jeffrey Michael, Benefit-Cost Analysis of Delta Water Conveyance Tunnels (Eberhardt School of Business, University of the Pacific, July 12, 2012). Now that the project has dropped the features of habitat conservation while keeping only the Water Tunnels the exporters would not have the benefit of 50-year permits and virtually guaranteed water deliveries. That change, in addition to worsening the adverse environmental impacts of the Water Tunnels, also increases the already negative cost benefit ratio. The change also leaves the taxpaying public to be stuck with all costs to mitigate the adverse impacts of the Water Tunnels.	component of the state's long-term plans for the Delta. Such larger endeavors, however, will likely be implemented over time under actions separate and apart from these alternatives. The primary parallel habitat restoration program is called California EcoRestore (EcoRestore), which will be overseen by the California Resources Agency and implemented under the California Water Action Plan. Proposition 1 funds and other state and public dollars will be directed exclusively for public benefits unassociated with any regulatory compliance responsibilities.
2372	19	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. [Section] 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." [Section] 1502.9(a). The Responsible Exports Plan and variants on it must be among those alternatives in a new Draft EIR/EIS for BDCP that helps to disclose, sharpen and clarify the issues. [Footnote 6: The EIS alternatives section is to "Rigorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated." [Section] 1502.14(a).] Reclamation and DWR 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. [Section] 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, Draft EIR/EIS, and RDEIR/SDEIS. [Footnote 7: In California v. Block, 690 F.2 753, 765-769 (9th Cir. 1982), the project at issue involved allocating to wilderness, non-wilderness or future planning, remaining roadless areas in national forests throughout the United States. The court held that the EIS failed to pass muster under NEPA because of failure to consider the alternative of increasing timber production on federally owned lands currently open to development; and also because of failure to allocate to wilderness a share of the subject acreage "at an intermediate percentage between 34% and 100%." 690 F.2d at 766. Like the situation here where the BDCP agencies claim a trade-off involved between water exports and Delta restoration (RDEIR/SDEIS ES 4-6), the Forest Service program involved "a trade-off between wilderness use and development. This trade-off however, cannot be intelligently made without examining whether it can be softened or eliminated by increasing resource extraction and use from already developed areas." 690 F.2d at 767. Here, likewise, trade-offs cannot be intelligently analyzed without examining whether the impacts of alternatives reducing exports can be softened or eliminated by increasing water conservation, recycling, and eventually retiring drainage-impaired agricultural lands in the areas of the exporters from production. Accord, Oregon Natural Desert Assn. v. Bureau of Land Management, 625 F.3d 1092, 1122-1124 (9th Cir. 2010) (EIS uncritical alternatives analysis privileging of one form of use over another violated NEPA). Here, the BDCP alternatives analysis has unlawfully privileged water exports over protection of	Please refer to the responses to comments #2, #8 and #9 of this letter. Also please refer to Master Response 3 regarding the purpose and need.

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		Delta water quality, water quantity, public trust values, and ESA values.] Instead of sharply defining the issues and providing a clear basis for choice among options, the BDCP consultants have now produced 48,000 pages of conclusory Water Tunnels advocacy.	
2372	20	The failure to include a range of reasonable alternatives 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) [Section] 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." [Section] 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. Moreover, there has been complete failure to identify and make the required findings of infeasible as to environmentally superior alternatives. [Footnote 8: Before an agency "may approve a project with a significant environmental impact, it is required to make findings identifying . . . the specific . . . considerations that make infeasible the environmentally superior alternatives. . . " Flanders Found. v. City of Carmel-by-the-Sea, 202 Cal.App.4th 603, 620-21 (2006). The statute provided a definition of "feasible" as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors." Cal. Pub. Res. Code [Section] 21061.1. As to a project's economic feasibility, "the fact that an alternative may be more expensive or less profitable is not sufficient to show that the alternative is financially infeasible. What is required is evidence that the additional costs or lost profitability are sufficiently severe as to render it impractical to proceed with the project." Pres. Action Council v. City of San Jose, 141 Cal.App.4th 1336, 1352 (2012). The RDEIR/SDEIS concedes that the project would have a number of significant and unavoidable adverse environmental impacts. (RDEIR/SDEIS Table ES-9, ES-41 through ES-105; Appendix A, Ch. 31, Table 31-1, 31-3 through 31-8). When the project would have significant adverse environmental effects, agencies are "required to consider project alternatives that might eliminate or reduce the project's significant adverse environmental effects." Friends of the Eel River v. Sonoma County Water Agency, 108 Cal.App.4th 859, 873 (2003). Instead of complying with CEQA by considering such alternatives, the lead agencies have refused to do so.	Please also refer to the responses to comments #2, #8 and #9 of this letter.
2372	21	With respect to the ESA, we [Friends of the River (FOR)] 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 BDCP violates both the ESA Regulations (50 C.F.R.[Section] 402.14(a) "at the earliest possible time" requirement and the NEPA Regulations (40 C.F.R. [Section] 1502.25(a) "concurrently with" and "integrated with" requirements. (FOR January 14, 2014 comment letter and its four attachments). The Biological Assessments and Biological Opinions, still missing (RDEIR/SDEIS 1-15), are essential to any meaningful public review	The Proposed Project has been developed with the goals of minimizing and avoiding incidental take of listed species to the maximum extent practicable. Chapter 11, Fish and Aquatic Resources, and Chapter 12, Terrestrial Biological Resources, EIR/EIS, describe effects of the Proposed Project and several alternatives on fish and wildlife species in the Plan Area. Please also see Master Response 17. Section 7 requires that federal agencies, in consultation with the federal fish and wildlife agencies, ensure that their actions are not likely to jeopardize the continued existence of species or result in modification or destruction of critical habitat.

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		and comment on a project claimed to be responsive to declining fish populations.	Where the alternative does not include preparation of an HCP, ESA compliance for construction and operation of water intakes in the north Delta and associated conveyance facilities would be achieved solely through Section 7. For these alternatives, USFWS and NMFS would not issue a permit and would not act as a lead agency for NEPA compliance. Where Section 7 is the ESA compliance strategy, USFWS and NMFS will assume roles as cooperating agencies for purposes of the NEPA review. Reclamation would be the lead federal action agency for Section 7 compliance where a non-HCP alternative is selected. Reclamation's Section 7 compliance would be expected to also address the Section 7 compliance needs for the USACE permit actions. In cooperation with DWR, Reclamation would prepare a biological assessment (BA) for submission to USFWS and NMFS requesting formal consultation under ESA Section 7. A biological opinion is not required prior to the release of the Draft environmental documents. 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 BDCP. For more information please see 1.1.5.2 of Section 1 Introduction of the RDEIR/SDEIS. The combined environmental compliance processes for the Endangered Species Act (ESA) and the National Environmental Policy Act (NEPA) require that a Biological Assessment (BA) be completed and a Biological Opinion be issued prior to completing the NEPA Record of Decision. A completed BA is not required prior to issuing a Draft Environmental Impact Statement under NEPA. Under Section 7 of the Endangered Species Act (ESA), federal agencies whose actions may impact listed species are required to consult with the United States Fish and Wildlife Service (USFWS) and/or the National Marine Fisheries Service (NMFS), as appropriate, prior to taking any such action to ensure the action is not likely to jeopardize species listed under the ESA or result in destruction or adverse modification of critical habitat. At the end of consultation, USFWS and/or NMFS will complete a biological opinion, setting forth an opinion detailing how the agency action affects the species or its critical habitat.
2372	22	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. Reclamation and DWR have ignored the EWC [Environmental Water Caucus]'s alternative that was handed to them on a silver platter back in December 2012, almost three years ago. In short, the fundamental flaws in the alternatives sections in the BDCP Draft EIR/EIS, Chapter 9 of the BDCP plan and the RDEIR/SDEIS have led to NEPA and CEQA documents "so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded." 40 C.F.R. [Section] 1502.9(a).	Please refer to the responses to comments #2, #8 and #9 of this letter.
2372	23	On August 26, 2014, the U.S. Environmental Protection Agency (EPA) issued its 40-page review of the Draft BDCP EIS finding 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	Please also refer to the responses to comments #2, #8 and #9 of this letter. The FEIR/EIS includes updated water quality modeling in the Delta that demonstrates several water quality impacts presented in the Draft EIR/EIS were a result of modeling assumptions and limitations, specifically relating to the use of monthly time steps in CALSIM, the location of the D1641 water quality compliance

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		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). EPA further stated that "Data and other information provided in the Draft EIS indicate that all CM [Conservation Measure]1 [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 ensure freshwater flow that can meet the needs of those [declining fish] populations and 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." (Id.). "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). EPA explained that: "Other reasonable alternatives could be developed by incorporating a suite of measures, including water conservation, levee maintenance, and decreased reliance on the Delta. Such alternatives would be consistent with the purpose and need for the project, as well as with the California Bay-Delta Memorandum of Understanding among federal agencies and the Delta Reform Act of 2009." (Id. at p. 13). EPA noted that "The 'Portfolio Approach' developed by a diverse set of stakeholders is one attempt to place Delta water management into the larger context of facilities investments and integrated operations." (Id., p. 13 fn. 20). [Footnote 9: The BDCP agencies had unlawfully dismissed consideration of the Portfolio Approach in a Draft EIR/EIS appendix claiming "Although there is much merit in this Portfolio-Based Proposal" such things as water recycling and conservation to improve water supply reliability in areas that use water diverted from the Delta are "beyond the scope of the BDCP." (Draft EIR/EIS appendix 3A at p. 81). The lead agencies simply ignore the Delta Reform Act including Water Code [Section] 85021 and the EPA as well as the alternatives requirements of NEPA and CEQA.] In addition, EPA concluded that "The Draft EIS does not address how changes 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.3).	points assumed in the Draft EIR/EIS alternatives, and restoration assumptions, among others. See Chapter 8 and appendices for more details. In addition, the FEIR/EIS includes analyses on impacts downstream of the BDCP/CWF Plan Area, including impacts to sediment loading, salinity, and flows. Chapter 11 in the FEIR/EIS includes an updated description of the fish analysis methodology and the logic used in making impact determinates (important to note that all NEPA analyses now include a conclusion, contrary to the several analyses in the Draft EIR/EIS, in addition to discussion on the science and uncertainty behind several of the methods used in the analysis (i.e. flow-abundance/habitat relationships). The new proposed project, Alternative 4A, incorporates the H3+ operational scenario that includes Fall X2 requirements consistent with the 2008 USFWS BiOP, and spring outflow criteria to avoid project impacts to longfin smelt. See Chapter 3, FEIR/EIS, for more information on Alternative 4A operations. The proposed project would not affect upstream water rights. It aims to allow the federal and state water projects to deliver more reliable water supplies, in a way less harmful to fish. The project does not increase the amount of water to which DWR holds water rights or for use as allowed under its contracts. The CALSIM II modeling performed for conveyance facility operations takes into account projected future demand for water supply in areas upstream of the Delta (as part of the future No Action baseline) prior to calculating Proposed Project diversion estimates to ensure that no area-of-origin protections or upstream water rights are affected by the project conveyance facilities. Please see Appendix 5A of the FEIR/FEIS for additional modeling details. Please see Master Response 26 regarding water resources in northern California. Impacts to the San Francisco Bay have been analyzed for pertinent resources areas—specifically, water quality. As described in the 2013 Public Draft BDCP EIR/EIS Chapter 8, Section 8.2.3.15, selenium criteria were promulgated by the State Water Resources Control Board and San Francisco Bay Regional Water Quality Control Board for all of San Francisco Bay and the portions of the Delta waters in North San Francisco Bay, including portions of the Delta, and Suisun Bay, Carquinez Strait, San Pablo Bay, and the Central San Francisco Bay. The U.S. Environmental Protection Agency Action Plan for Water Quality Challenges in the San Francisco Bay/Sacramento-San Joaquin Estuary requires development of a new site-specific numeric selenium criteria to protect aquatic and terrestrial species dependent on the aquatic habitats of the Bay Delta Estuary. The new criteria being developed by the State Water Resources Control Board and San Francisco Bay Regional Water Quality Control Board could be more stringent than the existing selenium water quality criteria and require actions that would decrease allowable concentrations of selenium in surface waters of the Bay Delta Estuary and may set allowable levels of selenium in the tissue of fish and wildlife. For additional water quality information, please see Master Response 14. Applicable selenium objectives for water in the affected environment are summarized in Table 8-54, and selected benchmarks for assessment of selenium in whole-body fish, bird eggs, and fish fillets are presented in Table 8-55 in Appendix A Chapter 8 Water Quality of the RDEIR/SDEIS. For more information regarding updated selenium analysis please see Section 8.3.1.7 Constituent-Specific Considerations Use in the Assessment in Appendix A Chapter 8 of the RDEIR/SDEIS.
2372	24	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	Please refer to the responses to comments #2, #8 and #9 of this letter.

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		Delta outflow. For this reason a broader range of Delta outflows should be considered for the preferred project." (Id. Comment 10 p. 12).	
2372	25	On July 16, 2014, the U.S. Army Corps of Engineers found that: "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), no showing on which alternative may contain the Least Environmentally Damaging Practicable Alternative (LEDPA) for section 404, Clean Water Act purposes (Comment 5), "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).	Please see the index of commenters to locate the letter and responses to U.S. Army Corps of Engineers submitted during the 2013 Draft EIR/EIS comment period.
2372	26	Reclamation and DWR had to drop the attempt to deceive the public that the Water Tunnels are part of a habitat conservation plan because of the refusal of U.S Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) scientists to falsely find that the Water Tunnels would not be harmful to endangered species of fish and their habitat. The RDEIR/SDEIS calls this "difficulties in assessing species status and issuing assurances over a 50 year period . . ." (RDEIR/SDEIS 1-2). In fact, the federal scientists have been issuing "red flag" warnings that the Water Tunnels threaten the "potential extirpation of mainstem Sacramento River populations of winter-run and spring-run Chinook salmon over the term of the permit" for more than three years.	This comment speculates about federal agency determinations regarding the previously proposed BDCP but does not raise any specific issue related to the environmental analysis in the EIR/EIS.
2372	27	The RDEIR/SDEIS fails to even disclose the numerous past calls for alternatives increasing flows by reducing exports as made by the EWC [Environmental Water Caucus] and others including public agencies. The RDEIR/SDEIS fails to even explain why such alternatives are not included and why they are not discussed or disclosed. Instead, the RDEIR/SDEIS states that additional alternatives 4A, 2D, and 5A were developed in response to comments "that DWR should pursue permit terms shorter than 50 years due to the levels of uncertainty regarding both the long-term effectiveness of habitat restoration in recovering fish populations and the future effects of climate change on the Delta and the Sacramento River watershed." (RDEIR/SDEIS 4.1-1). There is complete absence of any alternatives increasing flows through the Delta, as well as the absence of any explanation, discussion, or disclosure that such alternatives have been presented for consideration by organizations and agencies. This is a deliberate, bad faith evasion of the alternatives development and analysis required by NEPA and CEQA and hiding of such alternatives and their existence from the public and from the decision-makers. The lead agencies have violated the NEPA requirement to: "Rigorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated." 40 C.F.R. [Section] 1502.14(a).	Please refer to the responses to comments #2, #8 and #9 of this letter.
2372	28	Under the BDCP, three large new intakes would divert vast amounts of water from the Sacramento River between Clarksburg and Courtland through two tunnels roughly 35	Operation of the project water delivery system could not drain the Delta rivers and channels dry, including the Sacramento River. The project facilities, including water intakes and pumping plants would be operated

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		miles south for export from the Central Valley and State Water Projects' pumping plants. As a result of this massive new diversion, enormous quantities of freshwater which now flow through the Sacramento-San Joaquin Delta before being diverted would never even reach the Delta. The BDCP Delta Water Tunnels project is not a permissible project under the Endangered Species Act (ESA) because it would adversely modify critical habitat for at least five endangered and threatened fish species.	in accordance with permits issued by the State Water Resources Control Board, U.S. Fish and Wildlife Service, National Marine Fisheries Service, and California Department of Fish and Wildlife. The project only would be permitted to operate with regulatory protections, including river water levels and flow (e.g. north Delta bypass flows), which would be determined based upon how much water is actually available in the system, the presence of threatened fish species, and water quality standards. More information on the ranges of project water diversions, based on water year types and specific flow criteria, can be found in Chapters 3 and 5 and Appendix 5A, Section C. Effects on the special status species referred to in this comment are presented in Chapter 11 of the EIR/EIS. As described in the EIR/EIS, the proposed project will be submitted to numerous state and federal agencies for approval, including to USFWS and NMFS under the Endangered Species Act. The approvals and permits that will be issued by these agencies could result in changes to the proposed project that is presented in the EIR/EIS. However, implementation of the proposed project in accordance with these approvals and permits would be consistent with the related legislation referred to in this comment.
2372	29	First, the Sacramento River Winter-Run Chinook Salmon is listed as an endangered species under the Endangered Species Act, 16 U.S.C. [Section] 1531 et seq. Likewise, the Central Valley Spring-Run Chinook Salmon, Central Valley Steelhead, Southern Distinct Population Segment of North American Green Sturgeon, and Delta Smelt, are listed as threatened species under the ESA. [Footnote 10: Each of these species is listed under the California Endangered Species Act as well, with most of them considered threatened. Bay Delta Conservation Plan, Section 1.4.3, Covered Species, Table 1-3, p. 1-24. This table shows that under the California Endangered Species Act, Delta smelt is listed as threatened; however, the BDCP species account for Delta smelt states that the California Fish and Game Commission elevated Delta smelt to the status of endangered on March 4, 2009. (BDCP, Appendix 2A, section 2A.1.2, p. 2A.1-2, lines 21-24.) Longfin smelt is considered threatened, winter-run Chinook salmon is considered endangered, spring-run Chinook salmon threatened, fall- and late fall-run Chinook salmon are considered species of special concern; and green sturgeon (southern DPS) is also considered a species of special concern. Longfin smelt is at this time a candidate species for listing under the federal Endangered Species Act.] Second, the reaches of the Sacramento River, sloughs, and the Delta that would lose significant quantities of freshwater flows through operation of the proposed Water Tunnels are designated critical habitats for each of these five listed endangered and threatened fish species. Third, no Biological Assessment has been prepared and transmitted to the U.S. Fish and Service (USFWS) or National Marine Fisheries Service (NMFS) by Reclamation with respect to the Water Tunnels project. Fourth, ESA Section 7 consultations have not occurred and no Biological Opinion has been prepared by the USFWS or NMFS with respect to the effects of the operation of the Water Tunnels on the five federally listed species of fish or their designated critical habitats. Fifth, because of Reclamation's failure to prepare Biological Assessments and failure to initiate ESA consultation, no "reasonable and prudent alternatives" (RPAs) have been developed or suggested by the USFWS or NMFS to avoid species jeopardy or adverse modification of designated critical habitat. Approval of the Water Tunnels project in the form of preferred Alternative 4A or otherwise would violate the substantive prohibitions of Section 7 of the ESA by adversely modifying designated critical habitat as well as by jeopardizing the continued existence of the endangered and threatened fish species. Approval of the Water Tunnels project would violate the procedural requirements of the ESA because Reclamation has not evaluated its proposed action "at the earliest possible time" to determine whether its	Alternative 4A, also known as California WaterFix, has been developed in response to public and agency input and is the new CEQA Preferred Alternative. Alternative 4A is also the NEPA Preferred Alternative, a designation that was not attached to any of the alternatives presented in the 2013 Public Draft EIR/EIS. Alternative 4 remains a potentially viable alternative and is being carried forward in this RDEIR/SDEIS because it represents the original habitat conservation plan/natural community conservation plan (HCP/NCCP) alternative approach, and because it provides an important reference point from which the Alternative 4A, 2D, and 5A descriptions and analyses were developed. If the Lead Agencies ultimately choose the alternative implementation strategy and select an alternative presented in the RDEIR/SDEIS after completing the CEQA and NEPA processes, elements of the conservation plan contained in the alternatives in the 2013 Public Draft EIR/EIS may be utilized by other programs for implementation of the long term conservation efforts. Numerous comments, such as these, 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. Please refer to the response to comment #21 in this letter related to the timing of the Biological Opinion. With regards to permitting, please see Master Response 45.

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		action may affect listed species or critical habitat and has not entered into formal consultation with USFWS and NMFS. Approval of the Water Tunnels project would violate the procedural requirements of NEPA because the BDCP Draft EIR/EIS and Water Fix RDEIR/SDEIS have not been prepared "concurrently with and integrated with" Biological Assessments and Biological Opinions required by the ESA. Again, the Biological Assessments and Biological Opinions, though required, do not exist. These are not deficiencies that can be "fixed" by responses to comments in a Final EIR/EIS. Instead, Reclamation and DWR must prepare a new Draft EIR/EIS to be circulated for public review and comment. The new public Draft EIR/EIS document must include the range of reasonable alternatives including alternatives increasing flows by reducing exports as set forth above. The new public Draft NEPA document must also be prepared concurrently with and integrated with the ESA required Biological Assessments, Biological Opinions, and include reasonable and prudent alternatives, developed by the USFWS and NMFS. The required reasonable and prudent alternatives would include alternatives increasing flows through the Delta to San Francisco Bay by reducing exports.	
2372	30	The Sacramento River winter-run Chinook salmon is listed as an endangered species under the ESA. 50 C.F.R. [Section] 17.11. Critical habitat for the species was designated to include the Sacramento River extending from River Mile 0 near the Delta to River Mile 302, which is far north of the proposed BDCP diversion near Clarksburg. 50 C.F.R. [Section] 226.204. The Water Tunnels project would divert enormous quantities of freshwater from the winter-run Chinook salmon's designated critical habitat. The four threatened fish species mentioned above [Central Valley spring-run Chinook salmon, Central Valley steelhead, Southern Distinct Population of green sturgeon, and Delta smelt] would likewise lose enormous quantities of freshwater from their designated critical habitats because of diversion of water for the Tunnels. [Footnote 11: The Central Valley Spring-Run Chinook Salmon is listed as a threatened species under the ESA. 50 CFR [Section] 17.11. Critical habitat for the species was designated to include the Sacramento River from Lat 38.0612, Long -121.7948, near Mile 0, upstream to Elk Slough (38.4140, -121.5212) in Clarksburg, California. 50 C.F.R. [Section] 226.211(k)(5)(i). The Central Valley Steelhead is listed as threatened under the ESA. 50 CFR [Section] 17.11. Critical habitat for the species was designated to include the Sacramento River from Lat 38.0653, Long -121.8418, near Mile 0, upstream to Elk Slough in Clarksburg. 50 CFR [Section] 226.211(l)(5). The Southern Distinct Population Segment of North American Green Sturgeon is listed as threatened under the ESA. 50 CFR [Section] 17.11. Critical habitat for this species is designated to include the Sacramento-San Joaquin Delta including all waterways up to the elevation of mean higher high water within the area defined in California Water Code Section 12220. 50 CFR [Section] 226.219(a)(3). The National Marine Fisheries Service's website provides a map displaying Green Sturgeon critical habitat: <http://www.nmfs.noaa.gov/pr/pdfs/criticalhabitat/greensturgeon.pdf>. The map indicates that the critical habitat includes the Sacramento River from Mile 0 near the Delta to upstream beyond the proposed intake site near Clarksburg. The Delta Smelt is listed as threatened under the ESA. 50 CFR [Section] 17.11. Critical habitat for the species was designated to include "all contiguous waters of the legal Delta." 50 CFR [Section] 17.95-e-Fishes-Part 2. The US Fish and Wildlife Service's website	The comments are noted with respect to listing status and critical habitat designation. As stated in prior responses, the preferred alternative is now Alternative 4A and no longer includes an HCP. Alternative 4A, also known as California WaterFix, has been developed in response to public and agency input and is the new CEQA proposed project. Alternative 4A is also the NEPA Preferred Alternative, a designation that was not attached to any of the alternatives presented in the 2013 Public Draft BDCP Draft EIR/EIS. Alternative 4 (AKA BDCP) remains a potentially viable alternative and is being carried forward in this RDEIR/SDEIS because it represents the original habitat conservation plan/natural community conservation plan (HCP/NCCP) alternative approach, and because it provides an important reference point from which the Alternative 4A, 2D, and 5A descriptions and analyses were developed. If the Lead Agencies ultimately choose the alternative implementation strategy and select an alternative presented in the RDEIR/SDEIS after completing the CEQA and NEPA processes, elements of the conservation plan contained in the alternatives in the 2013 BDCP Draft EIR/EIS may be utilized by other programs for implementation of the long term conservation efforts. Alternative 4A (California WaterFix) will be subject to consultation under Section 7 of the ESA. Please also refer to response to comment #29 of this letter.

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		provided a map displaying some of the Delta smelt's critical habitat: <http://www.fws.gov/sfbaydelta/maps/delta_smelt_critical_habitat_map.pdf>. The map indicates that the Delta Smelt's critical habitat includes the Sacramento River near Mile 0 upstream to the proposed BDCP intake site near Clarksburg.] "The ESA provides 'both substantive and procedural provisions designed to protect endangered species and their habitat.'"San Luis & Delta-Mendota Water Auth. V. Jewell (Jewell), 747 F.3d 581, 596 (9th Cir. 2014), cert. denied, 135 S.Ct. 948 and 950 (2015). Pursuant to the commands of Section 7 of the ESA, each Federal agency "shall . . . Insure that any action authorized, funded, or carried out by such agency . . . Is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of [critical] habitat of such species. . . ." 16 U.S.C. [Section] 1536(a)(2). "Actions" include "actions directly or indirectly causing modification to the land, water, or air." 50 C.F.R. [Section] 402.02. "ESA section 7 prohibits a federal agency from taking any action that is 'likely to jeopardize the continued existence' of any listed or threatened species or 'result in the destruction or adverse modification' of those species' critical habitat." San Luis [and] Delta- Mendota Water Auth. V. Locke (Locke), 776 F.3d 971, 987 (9th Cir. 2015).	
2372	31	The BDCP itself identifies stressors and threats to each of the five species [Sacramento River winter-run Chinook salmon, Central Valley spring-run Chinook salmon, Central Valley steelhead, Southern Distinct Population of green sturgeon, and Delta smelt]. Common threats and stressors to the five species include habitat loss due to the operation of water conveyance systems, increasing water temperatures and predation hotspots. By installing gigantic diversion intakes in at least three locations between Clarksburg and Courtland, and by diverting massive amounts of water from the Sacramento River, the Water Tunnels project will literally reduce the amount of aquatic habitat available to these five species in their critical habitats. Additionally, the massive diversion will reduce flow in the critical habitat and contribute to a further increase in water temperature. The Effects Analysis chapter (Chapter 5) of the Draft BDCP Plan (November 2013) admits that significant adverse effects could result from the Water Tunnels on the covered fish and their habitat including: "Change in entrainment of fish in water diversions. Change in predation as a result of new structures. Modification of river flow. Change in habitat. Change in food and foraging. Permanent indirect and other indirect losses. Disturbances related to construction and maintenance." (Plan, Ch. 5, 2-13).	The list of potential effects that the commenter provides from p. 2-13 in section 5.2 of the public draft BDCP EIR/EIS are the types of effects that could result from the project covered activities, as opposed to a list of significant adverse effects as the commenter states. The Lead Agencies strived to use the best available science throughout the effects analysis. The use of specific scientific data and findings was often vetted with fisheries managers to ensure it was the best available. A variety of data were obtained for the proposed project process: quantitative data from peer-reviewed published literature on topics specific to the Plan Area; peer-reviewed published literature outside the Plan Area but on topics relevant to the proposed project; unpublished quantitative data from within the Plan Area and from outside of the Plan Area; qualitative data or personal communication with topical experts; and expert opinion if no other sources were available. A full description of the methodology of the Net Effects analysis, including justification for the qualitative approach, can be found in Chapter 5, Section 5.2.7.10, Approach for Determining Net Effects on Covered Fish Species, and Section 5.5, Effects on Covered Fish. As indicated in Section 5.2.7.10, "The [BDCP net effects] conclusions represent qualitative judgments of the effects of the BDCP that are grounded in the detailed quantitative and qualitative analyses in the appendices… BDCP net effects conclusions are necessarily qualitative and synthesize results from the more detailed (and often quantitative) analyses found in the appendices to this chapter. While qualitative, the net effects conclusions are derived from a transparent and structured approach. This approach is based on conceptual models that describe the logic and assumptions embedded within the effects analysis. Please also refer to responses to comments #29 and #30 of this letter.
2372	32	The BDCP identifies key hydrologic and hydrodynamic changes that reduce or adversely modify habitat of these listed fish species. (See below) These changes will exacerbate threats and stressors already known to affect these fish. BDCP modeling in the RDEIR/SDEIS finds that through-Delta survival rates of winter-run, spring-run, and fall-run Chinook salmon all decrease relative to the No Action Alternative from Water Tunnels operation. (RDEIR/SDEIS Tables 11-4A-23, 51, and 74). Specifically, the BDCP identifies reduced habitat due to water storage and water conveyance systems as a stressor and threat to winter-run Chinook salmon. (BDCP EIR-EIS	Chapter 11, Fish and Aquatic Species, of the FEIR/FEIS describes the projected effects of the new preferred alternative, Alternative 4A to fish species. The analysis finds that there would be no adverse effects in a NEPA context to salmonids. From a CEQA context, determinations follow those of NEPA determinations when climate change is considered. NMFS and USFWS will determine whether there the project will jeopardize the continued existence of all listed species and their critical habitat in their Biological Opinions as part of the ESA Section 7 consultation. The project cannot proceed without incidental take authorization from NMFS and USFWS.

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		Administrative Draft, 11A-47, March 2013). There will be adverse effects on juvenile winter-run Chinook salmon including near-field (contact with screens and aggregation of predators) and far-field (reduced downstream flows (Plan, Ch. 5, 5.3-23; RDEIR/SDEIS p. 4.3.7-48), reduced Sacramento River attraction flows for migrating adult winter-run Chinook salmon (Plan, Ch. 5, 5.3-29), possible reduction of survival of juvenile winter-run Chinook salmon during downstream migration and possible negative effect on upstream migration of adult winter-run Chinook salmon by changing attraction flows/olfactory cues. (Plan, Ch. 5, 5.3-32). The BDCP also admits that "A potential adverse effect of the BDCP on adult winter-run Chinook salmon will be the reduction in flow downstream of the north Delta diversions on the Sacramento River, reducing river flow below the north Delta intakes." (Plan, Ch. 5, 5. 3-45; BDCP Appendix 5C, Tables C.A-41 and C.A-42; RDEIR/SDEIS Figures 4.3.2-7 and 4.3.2-8.) The reduced outflow along with the possible change in olfactory signals due to change in the flow mixture "could affect upstream migration." (Id.). The RDEIR/SDEIS states: "when compared to the CEQA baseline, [Alternative 4A, the Water Tunnels], including climate change, would substantially reduce the quantity and quality of spawning and egg incubation habitat for winter-run Chinook salmon relative to existing conditions." (RDEIR/SDEIS, 4.3.7-58.) [Footnote 12: See Erica Goode, Troubled Delta System Is California's Water Battleground, N.Y. Times, 6/24/15, available at http://www.nytimes.com/2015/06/25/science/troubled-delta-system-is-californias-water-battleground.html (discussing, inter alia, how increased river temperatures killed 95% of California salmon eggs in 2014, and pointing out that California's salmon population has dropped precipitously over the last several decades).]	Please also refer to responses to comments #29, #30 and #31 of this letter.
2372	33	The BDCP identifies several threats and stressors to the Central Valley spring-run Chinook salmon, which include flow reductions causing increased water temperature and habitat elimination or degradation due to water conveyance systems. (BDCP EIR-EIS Administrative Draft, 11A-83, 11A-76 (March 2013)). The BDCP Plan admits that adverse effects of the proposed north Delta diversions on juvenile spring-run Chinook salmon include near-field (physical contact with the screens and aggregation of predators) and far-field (reduced downstream flows). (Plan, Ch. 5, 5. 4-16; see also RDEIR/SDEIS, p. 4.3.7-79, lines 15-17). "Plan Area flows have considerable importance for downstream migrating juvenile salmonids and will be affected by the proposed north Delta diversions . . . Because of the north Delta diversions, salmonids migrating down the Sacramento River generally will experience lower migration flows compared to existing conditions. . . As with winter-run Chinook salmon, it was assumed with high certainty that Plan Area flows have critical importance for migrating juvenile spring-run Chinook salmon." (Plan, Ch. 5, 5. 4-17; BDCP Appendix 5C, Tables C.A-41 and C.A-42; see also RDEIR/SDEIS, Figures 4.3.2-7 and 4.3.2-8). Other admitted adverse effects caused by operations of the north Delta diversions include reduced attraction flows in the Sacramento River for migrating adult spring-run Chinook salmon. (Plan, Ch. 5, 5. 4-19). "Lower river flow downstream of the north Delta intakes under the BDCP may reduce survival of juvenile spring-run Chinook salmon during downstream migration along the Sacramento River and also could negatively affect upstream migration of adult spring-run Chinook salmon by changing attraction flows/olfactory cues." (Plan, Ch. 5, 5. 4-20). The RDEIR/SDEIS again delivers bleak prospects for the survival of this federally-protected species: "Under Alternative 4A (including climate change effects), there are flow and storage reductions, as well as temperature increases in the Sacramento River that would lead to biologically meaningful increases in egg mortality rates and overall reduced habitat conditions for spawning spring-run and egg incubation." (RDEIR/SDEIS, 4.3.7-98).	Please refer to responses to comments #29, #30 and #31 of this letter.

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2372	34	The BDCP states that threats and stressors to the steelhead include water storage and conveyance systems as well as flow reductions contributing to increased water temperatures. (BDCP EIR-EIS Administrative Draft, 11A-129, 11A-133 (March 2013)). The Plan admits near-field (physical contact with the screens and aggregation of predators) and far-field (reduced downstream flows leading to greater probability of predation) effects of the north Delta diversions on juvenile Sacramento River region steelhead. (Plan, Ch. 5, 5. 6-11; see also RDEIR/SDEIS, p. 4.3.7-199, lines 1-6). The plan also admits that "Sacramento River attraction flows for migrating adult Sacramento River region steelhead will be lower from operations of the north Delta diversions under the BDCP." (Plan, Ch. 5, 5. 6-13; BDCP Appendix 5C, Tables C.A-41 and C.A-42; see also RDEIR/SDEIS, Figures 4.3.2-7 and 4.3.2-8). The Plan admits that with respect to the Feather River, "the reduction in flows in the high-flow channel due to BDCP would reduce conditions in an already unsuitable habitat." (Plan, Ch. 5. 6-16). The RDEIR/SDEIS states: "In general, Alternative 4A would degrade the quantity and quality of rearing habitat for steelhead relative to Existing Conditions." (RDEIR/SDEIS, 4.3.7-22).	The lead agencies agree that this information was provided. However, the entire section from which these statements came in Chapter 11, Fish and Aquatic Species, should be read to fully understand the determinations made regarding whether these effects would be adverse or significant. In addition, Alternative 4A is the new preferred alternative, and some of this information applies to Alternative 4.
2372	35	The BDCP identifies increased water temperatures and habitat loss as threats and stressors to the green sturgeon. BDCP EIR-EIS Administrative Draft, 11A-162-65 (March 2013). With respect to admitted adverse effects, the Plan admits that flow changes will reduce transport and migration flows in the Feather River and Plan area. (Plan, Ch. 5. 8-17 through 8-24). "As such [reduction in early fall releases], average in stream flows during some months of the three periods identified above (June-September, August-October, August-June) are expected to substantially decline in the Feather River at Thermalito and moderately decline in the Sacramento River at Verona under the BDCP, especially for the LOS [low-outflow scenario] (Appendix 5.C, flow, passage, salinity, and turbidity, section 5.C.5.3.3, High Outflow and Low Outflow Scenarios)." (Plan, Ch. 5, 5.8-18). Also, the plan admits that "there is [on the Feather River] the potential for appreciable change in the Feather River as a result of operational differences between the BDCP scenarios and future conditions without the BDCP (EBC2_LLT)." (Plan, Ch. 5, 5.8-24). The RDEIR/SDEIS states: "In general, Alternative 4A would reduce the quantity and quality of rearing habitat for larval and juvenile green sturgeon relative to Existing Conditions." (RDEIR/SDEIS, 4.3.7-296).	The lead agencies that this information was provided. However, we advise that the entire section from which these statements came in Chapter 11, Fish and Aquatic Species, be read to fully understand the determinations made regarding whether these effects would be adverse or significant. In addition, Alternative 4A is the new preferred alternative, and some of this information applies to Alternative 4.
2372	36	The BDCP identifies several threats and stressors to the Delta smelt, including water exports and increased water temperature. (BDCP EIR-EIS Administrative Draft, 11A-8–11 (March 2013)). Admitted adverse effects caused by the BDCP north Delta intakes include reducing the quantity of sediment entering the Plan Area thus increasing water clarity and negatively affecting Delta smelt. (Plan, Ch. 5, 5.1-30; see also RDEIR/SDEIS, p. 4.3.7-26, 4.3.7-29). Greater water residence time from changes in water operations will likely increase the toxic blue-green alga Microcystis having both direct and indirect effects on the smelt. (Plan, Chapter 5, 5.1-32; BDCP, Appendix 5C, p. 5.4-14; RDEIR/SDEIS, Chapter 8, Table 8-60a). North Delta intakes' operations will introduce and increase entrainment and impingement of Delta smelt as well as introduce and increase predation hotspots in and around the new intakes (RDEIR/SDEIS, p. 4.3.7-24, lines 4-7).	The commenter is correct in the potential effects that are listed, although for delta smelt entrainment and predation is likely to decrease overall because of dual conveyance allowing water diversion from the north Delta intakes (where delta smelt are less common) as opposed to the south Delta export facilities. 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 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. For more information on mitigation measures to minimize contraction and operational-related impacts to fish species, including Delta and longfin smelt, please see Chapter 11, EIR/EIS. Please refer to Master Response 14.
2372	37	In 2013, NMFS reiterated its previous "Red Flag" comment that the Water Tunnels project threatens the "potential extirpation of mainstem Sacramento River Populations of winter-run and spring-run Chinook salmon over the term of the permit . . . ." (NMFS	To review the responses to comments submitted by other entities during the comment period for the 2013 Draft EIR/EIS or the 2015 RDEIR/SDEIS, please refer to the index of commenters to find the appropriate

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		Progress Assessment and Remaining Issues Regarding the Administrative Draft BDCP Document, Section 1.17, 12, April 4, 2013). As we pointed out in our July 22, 2015 letter, the EPA has called for alternatives addressing "the need for water availability and greater freshwater flow through the Delta." (EPA Letter, August 26, 2014, p. 2). Likewise, the Army Corps of Engineers, State Water Resources Control Board, and USFWS scientists also raised concerns regarding the BDCP's impacts on water quality and impacts to endangered and threatened species. However, comments from other federal agencies were ignored. In April 2015, the claimed habitat conservation elements of the BDCP have been dropped or drastically pared back in the switch from the BDCP to the "California WaterFix." As just one example, the plan to provide "65,000 acres of tidal wetland restoration" has been eviscerated to merely "59 acres of tidal wetland restoration." (RDEIR/SDEIS ES-17). Consequently, the current Water Tunnels project is even more of a threat to fish species and their habitat compared to the previous version that resulted in the concerns raised then by the EPA, Army Corps of Engineers, State Water Resources Control Board, and NMFS and USFWS scientists.	letter number(s). The lead agencies have seriously considered the myriad of comments from federal agencies over the last 10 years. Those comments have led to many project changes to reduce impacts to fish and wildlife. Alternative 4A was developed in response to public and agency input.
2372	38	"The goal of the ESA is not just to ensure survival but to ensure that the species recover to the point it can be delisted." Alaska v. Lubchenko, 723 F.3d 1043, 1054 (9th Cir. 2013), citing Gifford Pinchot Task Force v. U.S. Fish and Wildlife Service, 378 F.3d 1059, 1070 (9th Cir. 2004). Pursuant to the commands of the ESA, each Federal agency "shall. . . insure that any action authorized, funded, or carried out by such agency. . . is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of [critical] habitat of such species . . . ." 16 U.S.C. [Section] 1536(a)(2). "[T]he purpose of establishing 'critical habitat' is for the government to carve out territory that is not only necessary to the species' survival but also essential for the species' recovery." Gifford Pinchot, 378 F.3d 1059, 1070. Also, "existing or potential conservation measures outside of the critical habitat cannot properly be a substitute for the maintenance of critical habitat that is required by Section 7 [of the ESA, 16 U.S.C [Section] 1536]." Gifford Pinchot, 378 F.3d 1059, 1076. Taking the fresh water flows and safe refuge away from the endangered and threatened fish species would neither insure their survival nor insure their recovery and delisting. On-the- ground habitat restoration is not a lawful substitute under the ESA for maintaining the critical habitat of and in the waters of the Sacramento River, sloughs, and Delta. The reduction of water and flows, increased residence times of water, and increased water temperature are adverse modifications of their critical habitat. Approval of the BDCP would violate the ESA. The Water Tunnels project is thus not permissible under the ESA. [Footnote 13: We [Friends of the River (FOR) have brought the impermissibility of the Water Tunnels project given the substantive prohibitions of the ESA and the related procedural ESA and NEPA violations to the attention of Reclamation and DWR on numerous occasions for more than two years now. These prior communications include the FOR letters of June 4, September 25 and November 18, 2013, January 14, March 6, May 21, and July 29 (including pp. 10-11), 2014, EWC [Environmental Water Caucus] letter of June 11, 2014 (including pp. 29-30) and our recent joint letters of July 16 (requesting an extension of time to comment), and July 22 (alternatives), 2015. We also addressed these issues in our meeting with federal agency representatives in Sacramento on November 7, 2013.]	The determination regarding adverse modification of critical habitat and jeopardy is reserved for NMFS and FWS in their BiOp. According to the Biological Assessment, minimal effects on designated critical habitat are expected and other effects of Alternative 4A are avoided, minimized, or compensated. A ROD for this EIR/EIS will not be issued until the BiOp is issued. Furthermore, 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). It should also be noted that under the stringent environmental statutes in place today, including the Endangered Species Act, operation of the proposed water delivery system could not drain the Delta rivers and channels dry, including the Sacramento River. The proposed project's facilities, including water intakes and pumping plants, would be operated in accordance with permits issued by, U.S. Fish and Wildlife Service, National Marine Fisheries Service, State Department of Fish and Wildlife, and the State Water Resources Control Board, among other agencies. The proposed project would be permitted to operate with regulatory protections, including river water levels and flow, which would be determined based upon how much water is actually available in the system, the presence of threatened fish species, and water quality standards.
2372	39	Extinction is forever. Fortunately, the ESA obligates federal agencies "to afford first priority to the declared national policy of saving endangered species," Tennessee Valley Authority v. Hill, 437 U.S. 153, 185 (1978). Despite that, Reclamation has failed to prepare	USFWS and NMFS have coordinated with this project at the earliest opportunity. They were engaged in early planning and assessment of the BDCP and were co-lead agencies of the EIS. A BA will be prepared once the alternative is selected. Otherwise, there would need to be a BA prepared for each and every alternative

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		a Biological Assessment pertaining to its action and has failed to initiate consultation with USFWS and NMFS even though Biological Assessment preparation and initiation of consultation are required by the ESA. (See RDEIR/SDEIS 1-15 (under "Section 7 of the Endangered Species Act")). The RDEIR/SDEIS concedes that "formal consultation under ESA Section 7" will be necessary. (Id.). Section 7 of the ESA (16 U.S.C. [Section] 1536(a)(4) requires that "Should the agency find that its proposed action may affect a listed species or critical habitat, it must formally or informally consult with the Secretary of the Interior, or his or her delegee [USFWS and/or NMFS]." Jewell, 747 F.3d 581, 596. "Formal consultation is required when the acting agency or consulting agency determines that the proposed action is likely to adversely affect a listed species or critical habitat. 50 C.F.R. [Sections] 402.13, 402.14. Formal consultation requires the consulting agency . . . to issue a biological opinion stating whether the proposed action is likely to jeopardize such species or habitat. 16 U.S.C. [Section] 1536(b); 50 C.F.R. [Section] 402.14." Jewell, 747 F.3d at 596. ESA Regulations (50 C.F.R. [Section] 402.14(a)) require that "Each Federal agency shall review its actions at the earliest possible time to determine whether any action may affect listed species or critical habitat. If such a determination is made, formal consultation is required. . . ." Karuk Tribe of California v. U.S. Forest Service, 681 F.3d 1006, 1020 (9th Cir. 2012) (en banc), cert. denied, 133 S.Ct. 1579 (2013). The Ninth Circuit Court of Appeals has repeatedly held that: "Any possible effect, whether beneficial, benign, adverse or of an undetermined character, triggers the formal consultation requirement." Western Watersheds Project v. Kraayenbrink, 620 F.3d 1187, 1210 (9th Cir. 2010). Accord, Karuk Tribe, 681 F.3d 1006, 1027; Cal. ex rel. Lockyer v. U.S. Department of Agriculture, 575 F.3d 999, 1018 (9th Cir. 2009).	considered. The 2013 DEIR/S and the 2015 RDEI/SEIS had substantial information on the affected environmental and effects for the biological resources. This information contained within the EIR/S will form the foundation of the BA. Please see Master Response 45 (Permitting), Master Response 5 (Compliance with ESA), and Master Response 29 (BAs and BiOps not included in EIR/EIS). The comment does not raise any environmental issue related to the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS.
2372	40	Even the ardent advocates for the Water Tunnels project who prepared the 48,000 pages of BDCP advocacy documents do not contend that taking large quantities of water away from the Sacramento River, sloughs, and Delta will not have "any possible effect, whether beneficial, benign, adverse or of an undetermined character" on the endangered and threatened fish species or their habitat. Not surprisingly, no preposterous claim of "no possible effect" is made in the Draft EIR/EIS or RDEIR/SDEIS. But instead of reviewing the proposed Water Tunnels at the earliest possible time, Reclamation is delaying ESA review until some unspecified and unacknowledged future time. The NEPA regulations require that "To the fullest extent possible, agencies shall prepare draft environmental impact statements concurrently with and integrated with environmental impact analyses and related surveys and studies required by the. . . Endangered Species Act. . . ." 40 C.F.R. [Section] 1502.25(a). "The [ESA] regulations also acknowledge that the agencies are expected to concurrently comply with both Section 7 of the ESA and NEPA. See 50 C.F.R. [Section] 402.06 ('Consultation, conference, and biological assessment procedures under section 7 may be consolidated with interagency cooperation procedures required by other statutes, such as the National Environmental Policy Act (NEPA).')." Jewell, 747 F.3d 581, 648. "ESA compliance is not optional," and "an agency may not take actions that will tip a species from a state of precarious survival into a state of likely extinction." Nat'l Wildlife Fed'n v. Nat'l Marine Fisheries Serv., 524 F.3d 917, 929-30 (9th Cir. 2008). Consequently, against this threat of extinction, conducting the draft EIS public review and comment stage without Biological Assessments or Biological Opinions leaves the public in the dark and violates both the ESA and NEPA. In the absence of the ESA required analyses, the draft EIS/EIR is "so inadequate as to	Please refer to comment 2372-21 and 2372-39 for responses to the issues raised by this comment concerning agency coordination, permitting, and the timing of the biological opinion. With regards to permitting, please see Master Response 45.

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		preclude meaningful analysis" in violation of NEPA. 40 C.F.R. [Section] 1502.9(a). [Footnote 14: The CEQA rule is the same. Recirculation is required where feasible project alternatives were not included in the Draft EIR. CEQA Guidelines, 14 Cal. Code Regs., [Section] 15088.5(a), or when "The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded." CEQA Guidelines, § 15088.5(a)(4).] Reclamation has violated the "at the earliest possible time" ESA mandate and the "concurrently with and integrated with" NEPA mandate by prematurely issuing the Draft EIR/EIS and now the REDIR/SDEIS attempting to hide from the reviewing public the critical pertinent information and analyses that would be supplied by the missing Biological Assessments and Biological Opinions [BiOps]. New upstream diversions of large quantities of water from the Sacramento River will undeniably "affect" the listed fish species and their critical habitats. The public now has what it does not need: unsupported advocacy from the consultants speculating that the adverse effects will be offset or that the effects will not really be all that adverse. The public does not have what it does need: the federal agency Biological Assessments and Biological Opinions required by the ESA and NEPA. [Footnote 15: "The ESA requires an agency to use 'the best scientific and commercial data available' when formulating a BiOp." Locke, 776 F.3d 971, 995. "The purpose of the best available science standard is to prevent an agency from basing its action on speculation and surmise." Locke, 776 F.3d at 995.]	
2372	41	The evasion of ESA obligations by Reclamation is both extreme and deliberate. Reclamation has on August 26, 2015 joined with DWR in submitting a petition to the State Water Resources Control Board for a change in the point of diversion necessary for the Water Tunnels. The petition recites that "The proposed project reflects the culmination of a multiyear planning process that began in 2006 . . ." (Petition cover letter, p. 1). The passage of nine years makes a mockery of the ESA requirement to commence ESA review "at the earliest possible time." Because of the absence of the ESA-Required Biological Assessments and Biological Opinions, Reclamation feels free to make the demonstrably false representation in the petition that "The California WaterFix would result in substantially improved conditions in the Delta for endangered and threatened species and afford greater water supply reliability for the state." (Petition cover letter, p. 2).	The USFWS, NMFS and CDFW have been consulting on the project since 2006. This is part of the commencing ESA (for both federal and state ESA). USFWS and NMFS are co-lead agencies for the NEPA documented. A Section 7 incidental take permit will be required under the federal Endangered Species Act. The EIR/EIS (See Chapters 11 and 12, plus associated appendices) has significant information on the effects of the project, No Project/No Action and other build alternatives). The BA will utilize the analyses presented in the EIR/EIS for the Section 7 review process. USFWS/NMFS will prepare a biological opinion will be the decision document. It should be recognized that if approved, the project will need to implement all mitigation measures as defined in the EIR/S, plus any additional measures required as part of the subsequent permitting process. Therefore, the decision makers and the public have been informed of the “minimum” measures that would be required.
2372	42	Red flag comments and the Record so far have made it clear that there is at minimum significant uncertainty about whether the Water Tunnels project is even permissible under the ESA. This critical issue cannot be resolved until the Biological Assessments and Opinions have been prepared. Reclamation has not obtained the determination pursuant to ESA-required consultation whether the "preferred alternative" -- the Water Tunnels -- is even lawful or feasible. Against this threat of extinction from known stressors and negative effects on the critical habitat, conducting the NEPA environmental draft process prior to and in a vacuum from the ESA consultation process violates the ESA command to carry out the ESA process "at the earliest possible time" and violates the NEPA command to conduct the NEPA and ESA processes "concurrently" and in an "integrated" manner. This also constitutes unlawful piecemealing or segmenting of the NEPA process from the ESA required analyses of the jeopardy and habitat threats posed by the proposed Water Tunnels.	Please refer to Master Response 5 regarding claims that the BDCP Draft EIS/EIR and RDEIR/SDEIS violate the ESA. Reclamation has prepared a biological assessment and is pursuing a BiOp under Section 7 of the ESA and DWR has prepared an application for an incidental take permit under 2081(b) of CESA for the California WaterFix. For more information regarding how the Lead Agencies evaluate the whole of the project please see Master Response 8.

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2372	43	Our July 22, 2015 letter to you set forth the NEPA violations resulting from the failure of the BDCP documents, including the Draft EIR/EIS and the new RDEIR/SDEIS, to include a range of reasonable alternatives increasing freshwater flows through the Delta by reducing exports and not including new upstream conveyance. We pointed out how Reclamation and DWR have ignored repeated warnings and suggestions made to them over the years by public agencies including the EPA, U.S. Army Corps of Engineers, and State Water Resources Control Board, by the National Academy of Sciences and by the Environmental Water Caucus (EWC). Beyond ignoring the NEPA alternatives mandate, expert government agencies, the Academy and the EWC, Reclamation is also ignoring the crystal clear prohibitions and mandates of the ESA and NEPA. The previous section set forth the procedural ESA requirements for consultation "at the earliest possible time" and the procedural NEPA requirements for the NEPA Draft EIS to be prepared "concurrently with and integrated with" the analyses required by the ESA.	Please refer to comment 2372-21 and 2372-39 for responses to the issues raised by this comment concerning agency coordination, permitting, and the timing of the biological opinion. With regards to permitting, please see Master Response 45.
2372	44	Under Section 7 of the ESA, 16 U.S.C. [Section] 1536(b)(3)(A), after consultation "If it appears that an action may affect an endangered or threatened species, the consulting agency must provide a biological opinion to the action agency explaining how the action 'affects the species or its critical habitat.' Id. [Section] 1536(b)(3)(A). When a biological opinion concludes that the action is likely to jeopardize an endangered or threatened species, or adversely modify its habitat, then the consulting agency must suggest 'reasonable and prudent alternatives [RPA].' Id." Cottonwood Envtl. Law Ctr. v. U.S. Forest Serv., 789 F.3d 1075, 1085 (9th Cir. 2015). Accord, Jewell, 747 F.3d 581, 596; Locke, 776 F.3d 971, 988. The consulting agency "in the course of proposing an RPA, must insure that the RPA does not jeopardize the species or its habitat." Jewell, 747 F.3d 581, 636. We pointed out in our July 22, 2015 letter (at p. 10) that Reclamation and DWR had to drop the attempt to sell the Water Tunnels as part of a habitat conservation plan. The USFWS and NMFS scientists were unwilling to find falsely that the Water Tunnels would not be harmful to endangered species of fish and their habitat. The RDEIR/SDEIS calls this "difficulties in assessing species status and issuing assurances over a 50 year period . . ." (RDEIR/SDEIS, 1-2). In fact, for more than three years, the federal scientists have been issuing "Red Flag" warnings that the Water Tunnels threaten the "potential extirpation of mainstem Sacramento River populations of winter-run and spring-run Chinook salmon over the term of the permit," contrary to publicity claims made for the project.	Please refer to comment 2372-21 and 2372-39 for responses to the issues raised by this comment concerning agency coordination, permitting, and the timing of the biological opinion. With regards to permitting, please see Master Response 45.
2372	45	The Draft EIR/EIS and RDEIR/SDEIS alternatives and alternatives analyses are of no value whatsoever to either decision-makers or the public. This appears to be a deliberate effort on the part of Reclamation and DWR to unlawfully evade the obligation to develop a Draft EIR/EIS for public review and comment a range of reasonable alternatives including alternatives that would increase freshwater flows through the Delta by reducing exports and that would not include new upstream conveyance. A central feature of this intentional violation of the procedural requirements of both NEPA and the ESA is premature issuance by Reclamation of the Draft EIR/EIS and RDEIR/SDEIS on the one hand, while with the other hand, Reclamation has deliberately failed to prepare a Biological Assessment and initiate formal ESA consultation with USFWS and NMFS. As a result of these violations, reasonable and prudent alternatives have not been prepared by USFWS and NMFS and are not available to the public during the BDCP and Water Fix public review and comment periods. Reclamation and DWR wish to approve the	Please refer to comment 2372-2 regarding the range of alternatives studied. Please refer to comment 2372-21 and 2372-39 for responses to the issues raised by this comment concerning agency coordination, permitting, and the timing of the biological opinion. With regards to permitting, please see Master Response 45. Several issues were raised in the comment including adequacy of the range of alternatives addressed, ESA and BO and additional alternatives. Each of those categories are responded to below: Range of Alternatives Comment infers that an insufficient range of alternatives were considered. The 2013 EIR/S carried 15 build

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		Water Tunnels in spite of their adverse impacts on Delta water quality and quantity and on endangered and threatened fish species. In contrast, the ESA requires that the project must not jeopardize endangered species or their habitat. In essence, the current Water Tunnels project/Water Fix is an unlawful attempt by Reclamation and DWR to approve the Water Tunnels in a vacuum, in the absence of reasonable and prudent alternatives that they wish to avoid but which are required by the ESA. Reasonable and prudent alternatives are also necessary to provide the NEPA required analysis of a range of reasonable alternatives. The range of reasonable alternatives required by NEPA will necessarily include the reasonable and prudent alternatives required by the ESA. We are pleased to offer EWC [Environmental Water Caucus]'s A Sustainable Water Plan for California, discussed in our July 22, 2015 letter, as one example of a reasonable and prudent alternative to the Water Tunnels. [Footnote 16: http://ewccalifornia.org/reports/ewcwaterplan9-1-2015.pdf] One remedy for this unlawful process is for Reclamation to proceed to prepare a Biological Assessment and request consultation with USFWS and NMFS, and then issue a new Draft EIR/EIS for public review and comment concurrently with and integrated with the resulting Biological Opinions prepared under the ESA. The only other lawful remedy open to Reclamation and DWR is also eminently sensible: drop the Water Tunnels proposed action and focus on intelligent 21st century water solutions such as recycling, drip-irrigation, conservation, and retirement of drainage impaired lands in the San Joaquin Valley from production.	alternatives through the analysis process. The RDEIR/SEIS addressed another three alternatives. This does not include a vast number of alternatives evaluated but rejected from further analysis due to infeasibility issues. Please see Master Response 4 regarding the alternatives development. As a plan prepared to meet the rigorous standards of the federal and state Endangered Species Acts, the proposed project is intended to be environmentally beneficial, not detrimental. By establishing a point of water diversion in the north Delta and new operating criteria to improve water volume, timing, and salinity, the proposed project is designed to improve native fish migratory patterns and allow for greater operational flexibility. ESA and BO Comment indicates that the EIR/S was issued too early and that the BA prepared first. Additionally, the comment also infers that the project has not consulted with USFWS and NMFS. USFWS and NMFS have coordinated with this project at the earliest opportunity. They were engaged in early planning and assessment of the BDCP and were co-lead agencies of the EIS. A BA will be prepared once the alternative is selected. Otherwise, there would need to be a BA prepared for each and every alternative considered. The 2013 DEIR/S and the 2015 RDEI/SEIS had substantial information on the affected environmental and effects for the biological resources. This information contained within the EIR/S will form the foundation of the BA. Both CEQA and NEPA encourage that the environmental review process is to be conducted at the earliest stage of development to allow for effective planning. Thus, this approach was used in the DEIR/S where components of the project to be implemented at later stages were evaluated at programmatic levels with the understanding that at future stages, additional environmental review would be necessary. The combined environmental compliance processes for the Endangered Species Act (ESA) and the National Environmental Policy Act (NEPA) require that a Biological Assessment (BA) be completed and a Biological Opinion be issued prior to completing the NEPA Record of Decision. A completed BA is not required prior to issuing a Draft Environmental Impact Statement under NEPA. Under Section 7 of the Endangered Species Act (ESA), federal agencies whose actions may impact listed species are required to consult with the United States Fish and Wildlife Service (USFWS) and/or the National Marine Fisheries Service (NMFS), as appropriate, prior to taking any such action to ensure the action is not likely to jeopardize species listed under the ESA or result in destruction or adverse modification of critical habitat. At the end of consultation, USFWS and/or NMFS will complete a biological opinion, setting forth an opinion detailing how the agency action affects the species or its critical habitat. Also see Master Response 5 and Master Response 29 regarding compliance with ESA and timing of the BO. Additional Alternatives The comment identifies additional conservation measures as an alternative to the project. DWR's fundamental purpose of the proposed project is to make physical and operational improvements to the SWP system in the Delta necessary to restore and protect ecosystem health, water supplies of the SWP and CVP south of the Delta, and water quality within a stable regulatory framework, consistent with statutory and contractual obligations. By establishing a point of water diversion in the north Delta and new operating criteria to improve water volume, timing, and salinity, the proposed project is designed to improve native fish migratory patterns and allow for greater operational flexibility. Please see Master Response 3 for additional information regarding the purpose and need behind the proposed project. The project proposes to stabilize water supplies, and exports could only increase under certain

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			circumstances. Water deliveries from the federal and state water projects under a fully-implemented Alternative 4A are projected to be about the same as the average annual amount diverted in the last 20 years. Although the proposed project would not increase the overall volume of Delta water exported, it would make the deliveries more predictable and reliable, while restoring an ecosystem in steep decline. More than two-thirds of the residents of the state and more than two million acres of highly productive farm land receive water exported from the Delta watershed. The proposed project aims to provide a more reliable water supply, in a way more protective of fish. However, the project proponents have no authority to designate what water is used for. One of the State Water Resources Control Board's (State Water Board's) charges is to ensure that the State's water is put to the best possible use and that this use is in the best interest of the California public. This charge is reflected in part by the designation of beneficial uses established through the State Water Board's planning process. These beneficial uses are identified in each Water Quality Control Plan (Basin Plan) issued by the State Water Board. The proposed project Lead Agencies have no power to impose penalties or require retirement of lands currently being used for agriculture. DWR and Reclamation have contracts with various entities, some of which sell water to water retailers, who have individual policies and programs to motivate ratepayers to conserve water. Different districts have the right to take different approaches depending on their individual circumstances.
2372	46	It is difficult if not impossible to imagine a closer relationship for NEPA and CEQA purposes than that between the proposed Delta Water Tunnels and the long-term operations of the CVP (Central Valley Project) and SWP (State Water Project). Planned long-term operations of the CVP and SWP system determine whether the Delta Water Tunnels might arguably make any sense for water supply purposes. In turn, whether or not the new conveyance proposed by the BDCP/Water Fix is approved will make a major difference in the actual long-term operations of the CVP and SWP system. Despite this extremely close relationship, separate environmental review processes for the WaterFix Delta Water Tunnels on the one hand, and the long-term CVP and SWP operations on the other hand, are underway. A Draft EIS was issued in July on the Coordinated Long-Term Operation of the CVP and SWP, and the comment period closed September 29, 2015. [Footnote 17: FOR [Friends of the River] submitted supplemental comments that same day raising the NEPA segmentation violation issue raised by this letter. The FOR and EWC [Environmental Water Caucus] letters were submitted to Mr. Ben Nelson of the Bureau of Reclamation, Bay-Delta Office, 801 I Street, Suite 140, Sacramento, California, as directed by the instructions for commenting on that Draft EIS.] A separate Draft EIR/EIS and Recirculated Draft EIR/Supplemental Draft EIS (RDEIR/SDEIS) have been prepared for the WaterFix Tunnels with the comment period closing October 30, 2015. The Bureau of Reclamation is the federal lead agency for both of these NEPA processes. The California Department of Water Resources (DWR) is the State lead agency for the WaterFix NEPA/CEQA process. This deliberate separation of the Water Tunnels NEPA and CEQA process from the NEPA compliance process for the Coordinated Long-term Operation of the CVP and SWP is segmentation -- also referred to as piecemealing -- of environmental review. That segmentation violates NEPA and CEQA.	The RDEIR/SDEIS Executive Summary, ES.1.2.6, identifies the lead and cooperating, agencies that will use the RDEIR/SDEIS as part of their decision-making process. Reclamation is a full partner in the project and in fact is the sole federal lead agency in the California WaterFix RDEIR/SDEIS and the FEIR/FEIS. Reclamation's action in relation to the proposed project would be to adjust CVP operations specific to the Delta to accommodate new conveyance facility operations and/or flow requirements under the proposed project, in coordination with SWP operation. As a result, the RDEIR/SDEIS adequately meets the NEPA/CEQA requirements of both agencies. For more information regarding how the lead agencies analyzed the proposed project as a whole, please see Master Response 8. Please also refer to Master Response 8 (Piecemeal and Segmentation), which was prepared to address the question of piecemealing the environmental review process.
2372	47	There would be no proposal to develop the massive and expensive Delta Water Tunnels if there were not to be long-term CVP and SWP operations. Likewise, long-term CVP and	Comment indicates that the SWP and CVP are interrelated to the proposed project. Comment also states that environmental effects will occur. As previously stated in response to similar comments in this letter, the

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		SWP long-term operations will be vastly different depending on whether or not the Delta Water Tunnels are developed. The Introduction to the WaterFix RDEIR/SDEIS includes among the Water Tunnels project objectives: "Restore and protect the ability of the SWP and CVP to deliver up to full contract amounts, when hydrologic conditions result in the availability of sufficient water, consistent with the requirements of state and federal law and the terms and conditions of water delivery contracts held by SWP contractors and certain members of San Luis Delta-Mendota Water Authority, and other existing applicable agreements." (WaterFix RDEIR/SDEIS Introduction, p. 1-9.) The RDEIR/SDEIS for the WaterFix states: "Generally, Delta hydrodynamics are defined by complex interactions between tributary inflows, in-Delta diversions, and SWP and CVP operations, including conveyance, pumping plants, and operations of channel barriers and gates. The degree to which each variable impacts the overall hydrology of the Delta varies daily, seasonally, and from year to year, depending on the magnitude of inflows, the tidal cycle, and the extent of the pumping occurring at the SWP and CVP pumping plants." (Water Fix RDEIR/SDEIS Introduction, p. 1-11.) It is clear that the California WaterFix will cause changes in SWP and CVP operations -- since the very point of the California WaterFix is to feed more water into the SWP and CVP network. The foregoing statement on the WaterFix RDEIR/SDEIS, establishes that these changes in SWP and CVP operations will affect, among other natural habitats, Delta hydrodynamics -- i.e., they will have an environmental impact. The Draft EIS for the Long-Term Operation of the CVP and SWP states: "The purpose of the Coordinated Operation Agreement (COA) (Public Law 99-546) is to ensure that the CVP and SWP each manage respective water rights from the Delta and share the obligations to protect other beneficial uses of water in the Sacramento Valley and the Delta. The State Water Resources Control Board (SWRCB) has placed conditions on the CVP and SWP water right permits and licenses to meet water quality and operational criteria within the Delta. Reclamation and DWR coordinate the operation of the CVP and SWP to meet these and other operating requirements pursuant to COA." (Draft EIS Long-Term Operations, p. ES-2.) The WaterFix RDEIR/SDEIS describes the need for Reclamation to ultimately "adjust CVP operations and/or flow requirements, in coordination with SWP operations." (WaterFix RDEIR/SDEIS at 1-13). Similarly, the SWP/CVP DEIS states that: "There are numerous water supply and water quality projects and actions that could be potentially affected by changes in the coordinated long-term operation of the CVP and SWP, or could affect the CVP and SWP operations." SWP/CVP DEIS at 3-45. The WaterFix is one these "numerous" projects. See Id. at 3-46. Consequently, the interconnection between the Delta Tunnels and the State's water system is readily apparent. Again, a primary purpose of the WaterFix is to deliver higher quality water to the CVP and SWP while resulting in lower water quality in the Delta. Additionally, the future adjustments that will have to be made in the CVP and SWP as a result of increased inflow "will likely change" the project's environmental effects, since	proposed project's facilities, including water intakes and pumping plants, would be operated in accordance with permits issued by, U.S. Fish and Wildlife Service, National Marine Fisheries Service, State Department of Fish and Wildlife, and the State Water Resources Control Board, among other agencies. The proposed project would be permitted to operate with regulatory protections, including river water levels and flow, which would be determined based upon how much water is actually available in the system, the presence of threatened fish species, and water quality standards. The EIR/S and RDEIR/SEIS have been prepared to disclose the environmental effects. The proposed project is a joint RDEIR/SDEIS 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. This document, along with the BDCP Draft EIR/EIS, and expected Final EIR/EIS are 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). For more information please see 1.1.5 of Section 1 Introduction of the RDERI/SDEIS. Also see Master Response 3 for information on the purpose and need of the project.

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		CVP and SWP flow schedules affect wildlife and natural habitat throughout the State.	
2372	48	The EPA commented last year during the BDCP environmental review process that: "Upstream/Downstream Impacts: The Federal and State water management systems in the Delta are highly interconnected, both functionally and physically. The Draft EIS does not address how changes 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." (EPA comments on Draft Environmental Impact Statement for the Bay Delta Conservation Plan, San Francisco Bay Delta, California (CEQ# 20130365), p. 3, August 26, 2014). [Footnote 18: In its detailed comments attached to the letter, EPA further explained that: "The Draft EIS does not include a comprehensive description of the CVP and SWP with and without new North Delta intake facilities or through-Delta operations. Such information as needed to assist the reader in understanding how the water delivery system operates under Existing Conditions and how it would change under CM1 [Delta Water Tunnels] alternatives."(Detailed Comments, p. 22).] In communications about BDCP funding needs for ESA [Section] 7 analysis, NMFS has stated: "Effects Analysis and Subsequent Analyses -- Analysis of Upstream Flow Changes: While the 'operational constraints' of the project reservoirs may not be altered under BDCP, the actual operations -- that is, how those constraints are met -- are expected to be. Therefore, reservoir releases for BDCP will differ from what releases for the same time would have been if BDCP had not been implemented. This can result in changes to physical and thermal habitat conditions that affect Chinook salmon spawning, incubation, and rearing. NMFS has identified issues with current analyses of upstream conditions as presented in the Public Draft BDCP and EIS/R since results are often grouped by month and water year type, masking any real changes caused by project implementation." (NMFS Draft, BDCP FUNDING NEEDS FOR ESA SECTION 7 ANALYSIS, March 18, 2015 at p. 3)(obtained pursuant to FOIA, Document ID: 0.7.669.5336.3, REL_INTERIM 10015478). The subjects of the two separate processes are connected. [Footnote 19: As explained by the Delta Independent Science Board in its comments of September 30, 2015, "The operating guidance for the new [WaterFix] alternatives seems isolated from the many other water management and environmental activities in and upstream of the Delta likely to be important for managing environmental and water supply resources related to Delta diversions." (DISB Review of BDCP/WaterFix Partially Recirculated Draft EIR/Supplemental Draft EIS at. p. 14).] They are inextricably intertwined.	To review the responses to comments submitted by other entities during the comment period for the 2013 Draft EIR/EIS or the 2015 RDEIR/SDEIS, please refer to the index of commenters to find the appropriate letter number(s). Please also refer to comment 2372-46. For responses to comments related to the Delta Independent Science Board's letters, please refer to comment letters BDCP 1448 and/or RECIRC 2546.
2372	49	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." (40 C.F.R. [Section] 1502.4(a). [Footnote 20: In City of Rochester v. U.S. Postal Serv., 541 F.2d 967, 972-73 (2d Cir. 1976), the court explained that: "To permit noncomprehensive consideration of a project	Please refer to comment 2372-46.

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		divisible into smaller parts, each of which taken alone does not have a significant impact but which taken as a whole has cumulative significant impact would provide a clear loophole in NEPA. [Citations omitted]. The guidelines of the Council on Environmental Quality make it clear that the statutory term 'major Federal actions' must be assessed 'with a view to the overall, cumulative impact of the action proposed, related Federal action and projects in the area, and further actions contemplated.'" 40 C.F.R. s 1500.6(a) (1975). The transfer decision is plainly a consequential, if not an inseparable, feature of the construction project. Pursuant to NEPA Regulation 40 C.F.R. [Section] 1508.25(a), multiple federal actions must be evaluated in the same environmental impact statement if they are connected, cumulative, or similar. Here, the long-term operations on the one hand, and proposed Delta Water Tunnels on the other hand, are all three. They are connected, cumulative, and similar. When two proposals or parts of proposals are so closely connected that they effectively constitute a single course of action, an agency must analyze both proposals in a single EIS. Id. A three-part test determines whether two proposals are so connected: "Actions are connected if they: (i) [a]utomatically trigger other actions which may require environmental impact statements, (ii) [c]annot or will not proceed unless other actions are taken previously or simultaneously, and (iii) are interdependent parts of a larger action and depend on the larger action for their justification." 40 C.F.R. [Section] 1508.25(a)(1). The WaterFix and the coordinated operation of the SWP and CVP are clearly connected. Under (i), the WaterFix, which describes as a primary purpose "restor[ing] and protect[ing] the ability of the SWP and CVP to deliver up to full contract amounts," will automatically trigger increased flow diversions to the SWP and CVP. (WaterFix RDEIR/SDEIS at ES-6). Close to a decade's worth of litigation has indicated that alterations to flow levels in the SWP and CVP will likely necessitate environmental impact statements. See Bureau of Reclamation, Coordinated Long-Term Operation of the CVP and SWP (Aug. 2, 2015, 1:50 PM), http:www.usbr.gov/mp/BayDeltaOffice/Documents/lto.html. Under (ii), the water diversions proposed in the WaterFix cannot occur unless SWP and CVP operations adjust flow levels. Indeed, the WaterFix RDEIR/SDEIS states: "SWP operation of new conveyance facilities and/or flow patterns proposed under the [California WaterFix] would require changes in existing CVP operations." WaterFix RDEIR/SDEIS at 1-11. For (iii), the California WaterFix and the coordinated operation of the SWP and CVP are clearly "interdependent parts of a larger action." Namely, they are both part of the same effort to manage the CVP and SWP. The inextricable connection between the projects thus requires that both be analyzed in the same EIS. Reclamation and DWR's ongoing failure to do this constitutes a violation of NEPA. 40 C.F.R. [Section] 1502.4(a); 40 C.F.R. [Section] 1508.25(a)(1). [Footnote 21: 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." [Section] 1500.2(c). See also [Section] 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.")]	

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2372	50	The rules under CEQA are similar to those under NEPA in prohibiting segmenting environmental review. 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. Vineyard Area Citizens v. City of Rancho Cordova, 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. . ." 14 Code Cal. Regs (CEQA Guidelines) [Section] 15378(a). The courts have explained that: "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 combine or interact might not be analyzed in the separate environmental reviews." Tuolumne County Citizens for Responsible Growth v. City of Sonora, 155 Cal.App.4th 1214, 1230 (2007). It should come as no surprise that the diversion of millions of acre-feet of fresh water from the north to the south has the potential to affect a number of the State's sensitive fish species. [Footnote 22: See, e.g., Felicity Barringer, Effort Falters on San Francisco Bay Delta, N.Y. Times, Dec. 14, 2010, http://www.nytimes.com/2010/12/15/science/earth/15delta.html?src=me ("Environmentalists and fishermen note that the years of abundant water for farms and Southern California cities corresponded to years when fish populations crashed -- in the case of the smelt, almost to the vanishing point").] For this very reason, Reclamation and DWR cannot lawfully segment two interrelated actions into separate environmental analyses. The coordinated operation of the CVP/SWP and the WaterFix are both part and parcel of the same project because they both combine to cause "a direct physical change in the environment." 14 Code Cal. Regs. [Section] 15378. Thus, the current WaterFix RDEIR/SDEIS violates CEQA and will continue to violate CEQA until a new Draft EIR/EIS for the WaterFix analyzes both the environmental impact of the Water Tunnels and the operation of SWP and CVP. To proceed in the manner required by NEPA and CEQA, the Bureau of Reclamation must cease these two separate environmental review processes. Reclamation and DWR must instead prepare and issue for public review one new Draft EIR/EIS comprehensively analyzing in one environmental review process and one Draft EIR/EIS the environmental impacts of both the Coordinated Long-Term Operation of the CVP and SWP and the proposed BDCP/WaterFix Delta Water Tunnels. Because of the segmentation, the Draft EIR/EIS and RDEIR/SDEIS is "so inadequate as to preclude meaningful analysis," in violation of NEPA. 40 C.F.R. [Section] 1502.9(a). Likewise, it is "so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded," in violation of CEQA, 14 Code Cal. Regs [Section] 15088(a)(4).	Please refer to comment 2372-46.
2372	51	A number of organizations previously warned that the BDCP EIR/EIS failed to consider and evaluate cumulative project impacts. [Footnote 23: See, e.g., FOR [Friends of the River], Comment Letter 7/29/14 at 51 ("The [BDCP EIR/EIS] is inherently incomplete since it fails to include numerous connected actions and other impacts from the project."); Delta Wetlands Project, Comment Letter 7/29/14 at 2 ("[T]he Delta Wetlands Project is a reasonably foreseeable probable future project that must be included in the cumulative impacts analysis of the Draft EIR/EIS."); NMFS, Comment Letter 7/29/14 at 43 ("In several respects, the DEIS/DEIR's analysis of cumulative impacts is significantly flawed, understating the potential environmental impacts of the BDCP in combination with other	Discussion of the main environmental attributes affecting individual covered species is provided in Appendix 2.A of the 2013 Public Draft. Effects of the proposed water conveyance and associated restoration activities on general resource areas are discussed in Ch. 4 of the RDEIR/SDEIS. Resource areas are addressed separately under sections for each of the new project Alternatives, including surface water, groundwater, water quality, fish and aquatic resources, terrestrial biological resources, agricultural resources, air quality and greenhouse gases, public health, and others. Where impacts are determined to be significant, environmental commitments will be implemented to avoid and/or offset these effects, where possible.

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		state and federal projects and programs.").] The California WaterFix RDEIR/SDEIS offered an opportunity for DWR and Reclamation to remedy these deficiencies, yet only minor changes were made. Consequently, the California WaterFix RDEIR/SDEIS preserves the shortcomings of the BDCP EIR/EIS, which means that it, too, is inadequate as a matter of law. Under both NEPA and CEQA, an agency must assess a project's cumulative impacts using the best information and technology available. See 14 Code Cal. Regs. [Section] 15355; 40 C.F.R. [Section] 1508.7. The concern here is that an agency will fail to consider the environmental impacts that come as a consequence of the primary project. When one project will likely combine with other past, present or future projects to cause a cumulative environmental impact, that impact must be analyzed in a single EIR/EIS. Failure to address cumulative impacts in a single EIR/EIS leads to inaccurate and inadequate environmental reports. Such reports often make a "project sound more feasible that [it] truly [is]" because they are "based on assumptions of need and utility that are questionable and may be 'delusions' or perhaps 'deceptions.'" See Bent Flyvberj, Delusions and Deceptions in Large Infrastructure Projects, 51 California Management Review 170 (2009). As currently presented, the California WaterFix RDEIR/SDEIS consists of a number of delusions and a number of deceptions, which combine to make the project sound less infeasible.	The Cumulative Impact Analyses that was written for the 2013 Public Draft EIR/EIS has been revised to include the impacts associated with the new proposed project alternatives and also updates past analyses. Environmental Commitments are to minimize effects to the Delta and its inhabitants and mitigate for loss of habitat to the ecosystem and its species. For more information please see Section 5 Revisions to Cumulative Impact Analyses, Appendix A Chapter 11 Fish and Aquatic Resources, Appendix A Chapter 12 Terrestrial Biological Resources, and Appendix 3B Environmental Commitments, AMMs, and CMs of the RDEIR/SDEIS. For additional information regarding cumulative impacts, please see Master Response 9.
2372	52	"[G]eneral statements about [other] projects affecting environmental conditions are insufficient; 'quantified or detailed data' about the effects of specific projects is necessary." Or. Natural Res. Council Fund. v. Brong, 492 F.3d 1120, 1134 (9th Cir. 2004). Detailed data is necessary because "[t]he purpose of the cumulative impact analysis is to provide readers with a complete understanding of the environmental effects a proposed action will cause, [and] [s]eparating the cumulative effects discussion into discrete environmental impact statements eliminates the context necessary for readers to comprehend fully the project's overall environmental effects." North Carolina Alliance for Transp. Reform, Inc. v. U.S. Dept. of Transp., 151 F.Supp.2d 661, 698 (2001). An EIR cannot simply set forth a conclusory statement that cumulative impacts will be insignificant or minor. Delaware Riverkeeper Network v. F.E.R.C., 753 F.3d 1304, 1319 (D.C. Cir. 2014). An EIR must provide a meaningful analysis of "the overall impact that can be expected if the individual impacts are allowed to accumulate." Id. at 1320. Similarly, under CEQA, an EIR must discuss a related project when "it [is] reasonable and practical to include the project and. . .without [its] inclusion, the severity and significance of the cumulative impacts" could not be adequately stated. Gray v. County of Madera, 167 Cal. App. 4th 1099, 1127 (2008). Discussion of cumulative impacts "must reflect the severity of the impacts and the likelihood of their occurrence." Preserve Wild Santee v. City of Santee, 210 Cal. App. 4th 260, 277 (2012).	Please refer to comment 2372-51 regarding cumulative impacts.
2372	53	The Delta Wetlands Project provides one example of the failure of the California WaterFix RDEIR/SDEIS to thoroughly discuss the cumulative impact of other projects. As described in the California WaterFix RDEIR/SDEIS: "[T]he Delta Wetlands project includes the conversion of two Delta islands into reservoir islands that would store water for future supplies. This additional water storage might affect shallow groundwater levels and agricultural drainage patterns and present a potential for groundwater seepage onto adjacent islands or tracts in the Delta."	Please refer to comment 2372-51 regarding cumulative impacts.

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		RDEIR/SDEIS 5-67. More specifically, the Delta Wetlands Project would store approximately 215,000 acre-feet of fresh water to increase the availability of high-quality water in the Delta for export or outflow. Delta Wetlands Project, Comment Letter 7/29/14 at 3. In combination with the conveyance facilities proposed in the California WaterFix RDEIR/SDEIS, this means that a vast quantity of water that would ordinarily flow naturally into the Delta would instead be diverted into manmade storage and transport systems. These artificial diversions will harm the environment. Indeed, the California WaterFix RDEIR/SDEIS recognizes that operating the Delta Wetlands Project in conjunction with the proposed conveyance facilities "would likely result in changes in existing land use in the study area by permanently converting land to new uses for purposes such as restoration projects, or water storage. These changes would be adverse because of the substantial amount of land likely to be converted to other uses that would create incompatibilities with numerous land use designations, goals and policies set forth by these general plans." RDEIR/SDEIS 5-139.	
2372	54	Courts emphasize the importance of discussing cumulative impacts in detail in environmental assessments. See Kern v. United States BLM, 284 F.3d 1062, 1075 (9th Cir. 2002). But rather than provide detailed discussion, the California WaterFix RDEIR/SDEIS chooses instead to intersperse brief comments throughout the remainder of this 8,000-plus page document. This attempt to delude the public renders the RDEIR/SDEIS per se inadequate. DWR and Reclamation cannot offhandedly comment that the California WaterFix will adversely and permanently alter the environment without offering a more complete discussion. The public must be fully apprised of project risks. An "EIR must contain facts and analysis, not just the bare conclusions of the agency." Gray v. County of Madera, 167 Cal. App. 4th 1099, 1109 (2008). EIRs require detail for a very commonsense reason. Without a complete understanding of a project, decision-makers cannot determine whether it would make sense. "An EIR must include detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project." Gray, 167 Cal. App. 4th at 1109. The current RDEIR/SDEIS lacks the requisite detail. Indeed, it essentially lacks all detail. The issues associated with projects like the Delta Wetlands Project cannot be meaningfully considered because the RDEIR/SDEIS omits all substantive discussion of what those issues are. As a result, readers are left solely to ponder the ominous implications of phrases like "these changes would be adverse. . . ." An adequate EIR should not leave the reader with questions. It should provide the reader answers. "To make an informed decision about how or whether to proceed with the proposed projects and to comply with NEPA, an agency must identify their potential combined environmental impacts and make that information available to the public." Klamath-Siskiyou Wildlands Center. v. Bureau of Land Management, 387 F.3d 989, 991 (9th Cir. 2004). As mentioned above, the RDEIR/SDEIS identifies a number of projects that will have impacts -- "flood protection projects, habitat and ecosystem restoration projects, and water conveyance projects" -- but gives no indication of what the impacts of those projects will be. RDEIR/SDEIS at 5-139. This failure to provide required information violates both NEPA and CEQA. Only upon release of a revised Draft EIR/EIS can these defects be cured.	Please refer to comment 2372-51 regarding cumulative impacts.

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2372	55	"'Cumulative impacts' refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." Cal. Code Regs. Tit. 14 [Section] 15355. "The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable future projects." Id. An analysis of cumulative impacts is necessary because "[t]he full environmental impact of a proposed . . . action cannot be gauged in a vacuum." Whitman v. Board of Supervisors, 88 Cal. App. 3d 397, 408 (1978). DWR and Reclamation are currently attempting to gauge the full environmental impact of the California WaterFix in a vacuum. The California WaterFix is a project closely connected with SWP and CVP. The California WaterFix will divert more water into each of these projects thereby altering flow schedules and reservation levels. These alterations will require operational adjustments that have the potential to adversely affect a number of threatened habitats and species. See www.usbr.gov/mp/Bay DeltaOffice/Documents/lto.html. These foreseeable operational adjustments constitute cumulative impacts that the California WaterFix RDEIR/SDEIS completely fails to address. "It is vitally important that an EIR avoid minimizing the cumulative impacts. Rather, it must reflect a conscientious effort to provide public agencies and the general public with adequate and relevant detailed information about them." Citizens to Preserve the Ojai v. County of Ventura, 176 Cal. App. 3d 421, 431 (1985). Both public agencies and the general public must know how the projects described in the California WaterFix RDEIR/SDEIS will impact the environment. The need for this information is pressing because SWP and CVP operations have already been shown to adversely affect protected species and critical habitats. See Coordinated Long-Term Operation of the Central Valley Project and State Water Project, Draft EIS, ES-3-ES-6. Until the cumulative effects of these three projects are fully analyzed in a single report, public decision-makers will be unable to understand the project's long-term effects. Courts require that an EIR display a "conscientious effort to provide public agencies and the general public with adequate and relevant detailed information" about cumulative impacts. San Franciscans for Reasonable Growth v. City and County of San Francisco, 151 Cal. App. 3d 61, 79 (1984). As a consequence of the projects proposed in the California WaterFix, Reclamation would need to "adjust CVP operations and/or flow requirements, in coordination with SWP operations." California WaterFix RDEIR/SDEIS at 1-13. Likewise, the California WaterFix is one of the numerous projects "that could be potentially affected by changes in the coordinated long-term operation of the CVP and SWP, or could affect the CVP and SWP operations." Coordinated Long-Term Operation of the Central Valley Project and State Water Project, Draft EIS at 3-45 and 3-46.	Please refer to comment 2372-51 regarding cumulative impacts.
2372	56	As a result of this massive new diversion ("Water Tunnels project"), enormous quantities of freshwater which now flow through the Sacramento-San Joaquin Delta before being diverted would never even reach the Delta. The BDCP Delta Water Tunnels project is not a permissible project under the federal Clean Water Act (CWA) because it would degrade water quality in the San Francisco Bay-Delta Estuary. This in turn will adversely impact numerous recognized beneficial uses and public health. The Water Tunnels project will require a Clean Water Act Section 401 certification, [but] it cannot legally be given one since it will not comply with established water quality standards. To summarize [Footnote 24: This letter draws on previous comments in letters submitted	Again, 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. The model results in Final EIR/EIS for Alternative 4A indicate that flows and export volumes would increase in wet, above normal, and below normal years between December and March and in June and July as compared to the Existing Conditions and No Action Alternative. Export rates and volumes would not substantially change in April and May. During the September through December period in all year types and in February and March in wet and above normal year types, Delta outflow would increase under Alternative 4A as compared to Existing Conditions. However, Delta outflow would be similar or less in most conditions except in October in all water year types as compared to the No Action Alternative.

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		timely on the Bay Delta Conservation Plan by Earth Law Center, July 28, 2014, accessible at http://www.friendsoftheriver.org/site/DocServer/xBDCP_Comments_Aug_2014_0003949.pdf?docID=9362; California Sportfishing Protection Alliance, No. 2 on Water Quality, July 28, 2014, accessible at http://www.friendsoftheriver.org/site/DocServer/xBDCP_Comments_Aug_2014_0002679.pdf?docID=9241; and Environmental Water Caucus, June 11, 2014, accessible at http://www.friendsoftheriver.org/site/DocServer/xBDCP_Comments_Aug_2014_0006165.pdf?docID=9585, as well as preliminary review of the Bay Delta Conservation Plan/California WaterFix 2015 RDEIR/SDEIS.], first, the Delta Water Tunnels project will violate water quality standards. Second, because the state cannot issue a 401 certification to a Water Tunnels Project that does not meet water quality standards and objectives, the Corps of Engineers cannot legally issue a 404 permit regulating dredge and fill in waters of the United States. Third, the Water Tunnels project has no defensible antidegradation analysis in either the Draft EIR/EIS or the RDEIR/SDEIS, which is required for compliance with the CWA. And the lack of an adequate antidegradation analysis is yet another reason the State will be unable to issue the 401 certification. Fourth, the Water Tunnels project threatens to dictate water quality objectives and prejudice ongoing State Water Resources Control Board's (SWRCB) Bay-Delta Water Quality Control Plan Phase 1 and 2 processes, in violation of the Clean Water Act. [Footnote 25: The project on one hand, seeks conditional permits for the north Delta intakes of the Tunnels Project, including gaping exemptions from water quality standards that undermine beneficial uses that should be protected by the water quality control plan. On the other hand, the Tunnels project will prejudice the Phase 1 and 2 processes with premature diversion and 404 permit requests, potential Delta island purchases by the Metropolitan Water District of Southern California, as well as the inadequate Tunnels environmental review process.] Finally, the proposed project fails to meet the Clean Water Act's requirement for the Least Environmentally Damaging Practicable Alternative (LEDPA).	Effects on water quality referred to in this comment are presented in Chapter 8. Effects on the special status species referred to in this comment are presented in Chapter 11 of the EIR/EIS. As described in the EIR/EIS, the proposed project will be submitted to numerous state and federal agencies for approval, including to State Water Resources Control Board and U.S. Environmental Protection Agency under the Clean Water Act. The approvals and permits that will be issued by these agencies could result in changes to the proposed project that is presented in the EIR/EIS. However, implementation of the proposed project in accordance with these approvals and permits would be consistent with the related legislation referred to in this comment. Regarding the applicability of Section 401 certification, the comment is not correct in stating that a project cannot change water quality conditions and obtain authorization under Section 401. Section 401 is a permit process that may (and typically does) include terms and conditions for the project in question to promote or require avoidance, reduction, and minimization of potential adverse water quality effects. Please refer to Master Response 14 regarding assessment of water quality degradation in the EIR/EIS and the relevance of federal and state antidegradation policy considerations in the CEQA/NEPA process. The assessment of potential water quality effects of the project alternatives fulfills a primary public disclosure purpose of the CEQA and NEPA process. The Clean Water Act section 404 and 401 regulatory compliance processes are separate from the CEQA/NEPA process, and involve their own procedures and policies. Additionally, the proposed project was developed to meet the rigorous standards of the Clean Water Act and federal and state Endangered Species Acts, the proposed project is intended to be environmentally beneficial, not detrimental. By establishing a point of water diversion in the north Delta and new operating criteria to improve water volume, timing, and salinity, the proposed project is designed to improve native fish migratory patterns and allow for greater operational flexibility. The Corps is a co-operating agency and their regulatory authority was discussed in the EIR/S. Please see Master Response 45 (Permitting) for additional information on permits being sought for the proposed project and Master Response 34 regarding beneficial uses of water.
2372	57	It deserves special mention that four million people in the five Delta counties depend on good water quality in the Delta for their livelihoods and quality of life. Nearly one million Delta residents depend on the Delta as their primary drinking water supply. To improve the Delta as a fishable, swimmable, drinkable, and farmable region will require protecting and enhancing the Estuary's water quality, pure and simple. If we are to leave generations to come an Estuary with sustained and diverse ecological fertility, the Estuary deserves and needs more flowing water, cleansed of the pollutants that now plague it, and state and federal rejection of the Water Tunnels Project will help in realizing this goal.	The potential impacts of the alternatives on the resources mentioned in the comment, water quality, recreation, agriculture, aquatic and terrestrial biological species are thoroughly analyzed in the EIR/EIS. No specific environmental issue is raised, therefore, a more specific response cannot be provided.
2372	58	Historically, the Bay-Delta Estuary has been enormously productive, a magnet for many aquatic species to reproduce in and migrate through. Its native species evolved to take advantage of the Estuary’s annual and seasonal variations in water quality and flow. As the seasons change, the Bay-Delta Estuary cycles through such ecological roles as aquatic nursery, restaurant, and crossroads. The Delta's communities and economy were built on this ecological foundation. The health of this diverse ecosystem depends on having variable and good water quality that benefits each of these roles.	The comment is a statement about historic and existing conditions in the Bay Delta. No specific environmental issues or issues related to the adequacy of the environmental impact analysis in the EIR/EIS were raised.
2372	59	Development and implementation of the Water Tunnels project must be accountable to the CWA [Clean Water Act]. Sound planning dictates that implementation of the CWA’s requirements should begin now, to prevent violations by the Water Tunnels project. One CWA requirement that will arise during Water Tunnels project implementation is CWA Section 401 certification, which is necessary for any "[f]ederal license or permit to	The proposed project was developed to meet the rigorous standards of the Clean Water Act and federal and state Endangered Species Acts, the proposed project is intended to be environmentally beneficial, not detrimental. By establishing a point of water diversion in the north Delta and new operating criteria to improve water volume, timing, and salinity, the proposed project is designed to improve native fish migratory patterns and allow for greater operational flexibility. The Corps is a co-operating agency and their

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		conduct any activity . . . [that] may result in any discharge into navigable waters." [Footnote 26: 33 U.S.C. [Section] 1341(a)(1).] The California Department of Water Resources and the United States Bureau of Reclamation filed an application for a CWA Section 404 dredge and fill permit with the US Army Corps of Engineers [USACE] on August 24, 2015, and they filed an application for a 401 certification on September 23, 2015 with the State Water Resources Control Board (SWRCB). [Footnote 27: Accessed September 15, 2015, at http://www.spk.usace.army.mil/Media/RegulatoryPublicNotices/tabid/1035/Article/616568/spk-2008-00861-california-waterfix-project.aspx.] The 404 permit will be needed from the Army Corps of Engineers because construction of the Water Tunnels project will result in discharges of dredge or fill material into waters of the United States. [Footnote 28: "Many of the actions that will be implemented under the Water Tunnels project will result in the discharge of dredged or fill materials into waters of the United States and will need to be authorized by USACE." Public Draft Plan [Section] 1.3.7.1 (Nov. 2013), available at: http://baydeltaconservationplan.com/Libraries/Dynamic_Document_Library/Public_Draft_BDCP_Chapter_1_ -_Introduction.sflb.ashx. This is no less true of intake construction of the "California WaterFix" version (Alternative 4A) of the Water Tunnels project.] Section 401 requires that the SWRCB certify that the Corps' Section 404 permit meets CWA requirements before the permit may be legally issued. [Footnote 29: "No license or permit shall be granted until the certification required by this section has been obtained or has been waived as provided in the preceding sentence. No license or permit shall be granted if certification has been denied by the State, interstate agency, or the Administrator, as the case may be." 33 U.S.C. [Section] 1341(a)(1).] State and federal agencies have long recognized the importance of this requirement, meeting several times to discuss it in the context of the preparation of the Water Tunnels project EIR/EIS. [Footnote 30: As reflected by U.S. EPA in its comments on these discussions: "[a]lthough there is no statutory requirement that the NEPA document prepared for an HCP [Habitat Conservation Plan] under the Endangered Species Act be used as the basis for permits and certifications required under CWA [Section] 404 to authorize and implement the project, EPA recognizes the importance of coordination in federal review. Toward this end, EPA and the Corps have met with the project proponent on numerous occasions over the past several years in the interest of using the BDCP EIS/EIR to inform the Corps' 404 regulatory decisions. Despite these efforts, significant unresolved issues remain about the scope of analysis for the proposed project, the level of detail required to trigger the consultation process and federal permitting, and the structure of a comprehensive permitting framework for the proposed project." U.S. EPA, "EPA's Comments on BDCP ADEIS," p. 6 (July 03, 2013), available at: www2.epa.gov/sites/production/files/documents/july3-2013-epa-comments-bdcp-adeis.pdf.]	regulatory authority was discussed in the EIR/S. Please see Master Response 45 (Permitting) for additional information on permits being sought for the proposed project.
2372	60	The inadequate flow proposals of the Water Tunnels project EIR/EIS alternatives will ensure that its implementation trips over mandatory compliance with the CWA [Clean Water Act]. Flow regimes that fully protect Delta ecosystems and aquatic species are necessary to avoid this result. CWA regulations dictate that adopted criteria must protect the "most sensitive" beneficial use. [Footnote 31: 40 CFR [Section] 131.11 ("For waters with multiple use designations, the criteria shall support the most sensitive use"); see also 40 CFR [Section] 131.6.] The SWRCB's August 2010 flow criteria report used science to identify the minimum amount	Please refer to comment 2372-56.

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		of unimpaired flow that would protect Delta fish species and habitats. That report thus reflects flows needed to comply with CWA mandates. A new Bay-Delta Plan adopting the Water Tunnels project's proposed flow regimes would fall significantly short of this benchmark, and thereby would fail to protect the most sensitive beneficial uses as required by the CWA.	
2372	61	Instead of improving flow conditions in the Delta, the Water Tunnels project will actually increase average exports [Footnote 32: See Public Draft Plan, App. 5B, Fig. 5.B.4-4, available at: http://baydeltaconservationplan.com/Libraries/Dynamic_Document_Library/Public_Draft_BDCP_EIREIS_Appendix_5B_-_Responses_to_Reduced_South_of_Delta_Water_Supplies.sflb.ashx. See also BDCP/California WaterFix, RDEIR/SDEIS, 2015, Section 4.3.1, Figures 4.3.1-15, -16, -18, -19, -20, and -21.] and reduce already inadequate Delta outflow in many months. Specifically, on average for February through June, the Water Tunnels project would decrease Delta outflow by about 1,000 cubic feet per second [cfs] and also decrease the median Delta outflow by about 2,000 cfs. [Footnote 33: See Public Draft Plan, App. 5C, Attachment 5.C.A, Table C.A-41, available at: http://baydeltaconservationplan.com/Libraries/Dynamic_Document_Library/Public_Draft_BDCP_Appendix_ 5C_-_Part_5_-_Flow_Passage_Salinity_and_Turbidity.sflb.ashx.] For the period of January through June (the time period during which the August 2010 Flow Criteria from the SWRCB called for an increase of outflow to 75 percent of unimpaired Delta outflow), the BDCP decreases outflow. Water Tunnels project modeling shows that long-term average Sacramento River flows below the north Delta intake diversions would decrease between 6 to 38 percent from current and future flows without the Tunnels project, and in wet years river flows would decrease between 7 and 42 percent. Overall, monthly lower Sacramento River flows are projected by "California WaterFix" to decrease between 20 and 24 percent. (See Attachments 1, 2, and 3 [ATT1, ATT2, ATT3] to this letter.) [Footnote 34: Estimates derived by Restore the Delta from graphical analysis interpolating data in Figures 4.3.2-7 and 4.3.2-8 from the Recirculated Draft EIR/EIS, Section 4.3. See Attachment 1 to this letter. See also Appendix B, Tables B.7-28 (downstream of north Delta intakes), B.7-30 (Sacramento River at Rio Vista), B.7-32 (Delta outflow), and B.7-34 (San Joaquin River at Vernalis), pp. B-357 to B-370. These tables show that most changes are decreases in flow of 5 percent or more compared with Existing Conditions and the No Action Alternative (especially along the Sacramento River downstream of the north Delta intakes). Only slight improvements occur in just a handful of months and water year types. Most San Joaquin River flows at Vernalis between February and September in most water year types decrease greater than 5 percent relative to existing conditions as well.] Decreased flows and increased residence times will cause the designated beneficial uses of migratory and rare fish species to decline, according to Water Tunnels Project RDEIR/SDEIS modeling results. Through-Delta survival rates of the juvenile and smolt life stages of winter-run, spring-run, fall-run and late-fall-run Chinook salmon are all expected to decrease relative to both existing conditions and the No Action Alternative. (See Attachment 4 [ATT4] to this letter.) These fish species are "rare and endangered species" beneficial uses as well as "migration of aquatic organisms" beneficial uses. These reduced flows will decrease the size of critical open water estuarine habitat beneficial uses for state and federally-listed species like Delta smelt and longfin smelt, both of which count also as rare and endangered beneficial uses under the current Bay-Delta Water Quality Control Plan. [Footnote 35: State Water Resources Control Board, Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary, December 13,	Specific CALSIM II model runs were not conducted for the analyses presented in the RDEIR/SDEIS. Results for specific CALSIM II model runs for the proposed project, Alternative 4A, and action alternatives, Alternatives 2D and 5A, are presented in the Final EIR/EIS. Alternative 4A, the proposed project, will maintain compliance with Delta outflow regulatory requirements for all water years with the use of the North Delta intakes, as described in Chapter 5, Water Supplies, and Chapter 6, Surface Water. A detailed discussion of the specific Delta outflows under a range of seasons and water year types is contained in Appendix 5A. It should be noted that U.S. Environmental Protection Agency's comment referred to in this comment was related to a range of alternatives presented in the 2012 Administrative Draft EIR/EIS. The range of alternatives has undergone major changes between that 2012 document and the current 2016 Final EIR/EIS. Many of those changes were included in the proposed project to respond to previous comments.

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		2006, p. 9.] The U.S. EPA expressed serious concerns about the EIR/EIS Administrative Draft's (ADEIS) proposed decrease in outflow "despite the fact that several key scientific evaluations by the federal and State agencies indicate that more outflow is necessary to protect aquatic resources and fish populations." [Footnote 36: U.S. EPA, "EPA Comments on Administrative Draft EIR/EIS, III Aquatic Species and Scientific Uncertainty, Federal Agency Release," p. 4 (July 18, 2013), available at: http://www2.epa.gov/sites/production/files/documents/july3-2013-epa-comments-bdcp-adeis.pdf.] The Water Tunnels project's flow regime will violate the beneficial uses of affected waterways and therefore violate water quality objectives. DWR and the Bureau of Reclamation must drop the Water Tunnels project to protect all designated beneficial uses.	
2372	62	Reduced through-Delta flows will stagnate water conditions and cause Delta water quality to deteriorate badly. (See Attachment 5 [ATT5] to this letter, citing model results supporting this analysis.) RDEIR/SDEIS modeling documents find that the project will violate standards for boron, bromide, chloride, electrical conductivity, nitrate, dissolved organic carbon, mercury, and selenium. [Footnote 37: RDEIR/SDEIS, Appendix B.] While these constituents' concentrations will increase in western and central Delta locations, as well as Contra Costa Water District's Pumping Plant No. 1, their concentrations are expected to decrease in export waters of the North Bay Aqueduct in Barker Slough, and Jones Pumping Plant and Banks Pumping Plant in the south Delta. These results hold for both changes compared with existing conditions as well as the No Action Alternative, the latter of which factors out most sea level rise and climate change impacts.	For more information regarding the environmental setting as it relates to water quality, please see Master Response 14. Multiple comments stated that additional data should have been compiled for the affected environment/environmental setting (setting) and to support the assessment of water quality presented in Chapter 8 of the EIR/EIS. The data sets compiled for the setting and assessment were selected based on availability, scope of analyses addressed, locations addressed, and period of record. 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 extent of data that was available. For additional information on baseline, please see Master Response 1. The comment suggests that there were deficiencies in the water quality assessment of the project alternatives on electrical conductivity (EC), chloride, and/or bromide (i.e., salinity), and organic carbon, specifically in regard to effects on drinking water intakes of Contra Costa Water District (CCWD) or City of Antioch. Commenters argued one or more of the following issues with the assessment: • Effects at Antioch and CCWD intakes were underestimated because of coarse averaging periods (monthly, long-term, annual), and commenters assert that assessing impacts on a 15-minute or daily basis provides a more accurate representation of effects on the intake, and results in a greater level of effect than disclosed in the Draft EIR/EIS; • Related, longer averaging periods are inappropriate because improvements during periods when water quality is high do not offset degradation of water quality during periods when the quality is low; • The analysis only included two of CCWD's four intakes, and thus impacts to CCWD cannot be completely understood from the analysis; • Modeling simulated CCWD operations, including Los Vaqueros Reservoir storage, but this information was not used in the water quality assessment; • The project reduces the periods of time when there is good water quality in the Delta (e.g., periods when chloride concentrations at Contra Costa Water District's intakes are less than 50 and 65 mg/L), which causes a significant adverse impact on CCWD's delivered water quality and operation of the Los Vaqueros Reservoir. The Draft EIR/EIS fails to disclose impacts to CCWD's Los Vaqueros Reservoir. Regarding use of 15-minute or daily data for assessment purposes, Appendix 5A Section C of the Draft

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			EIR/EIS, "Appropriate Use of Model Results" states that: "Due to the assumptions involved in the input data sets and model logic, care must be taken to select the most appropriate time-step for the reporting of model results. Sub-monthly (e.g. weekly or daily) reporting of model results is inappropriate for all models and the results should be presented on a monthly basis." The models contain various assumptions and limitations that preclude use of daily or sub-daily modeling results for most assessments, particularly those that compare modeling results to specific thresholds. A detailed description of modeling limitations can be found in Appendix 5A of the Draft EIR/EIS, as well as in Chapter 8 Section 8.3.1.1 and 8.3.1.3 of the RDEIR/SDEIS. Given the models used and the associated limitations in interpreting the output, utilizing a shorter time step than monthly average for assessing the City of Antioch and CCWD's intakes would not result in a more accurate assessment of effects of the project on salinity. While there would be days within a month in which salinity at a given location would be higher than the monthly average at that location (just as there would be days when it is lower), given the modeling limitations, comparing alternatives and baselines based on the monthly average at those locations is considered appropriate for the purposes of NEPA and CEQA. Regarding comments that the analysis only included two of CCWD's four intakes, and thus impacts to CCWD cannot be completely understood from the analysis, impacts to salinity were assessed at various locations throughout the Delta. Locations were chosen such that the assessment of changes under the alternatives relative to baselines would be representative of changes in various portions of the Delta as a whole. Some commenters have asserted that the chosen locations are not representative of other locations, in some cases by showing time-series plots of a water quality constituent concentration at the two locations and highlighting the differences. Water quality in the Delta does vary spatially and temporally. It is obvious that there are many locations in the Delta that would not have identical water quality to the chosen locations for assessment. However, assessment was done on a comparative basis (i.e., alternatives as compared to baselines). Given the purposes of the assessment, the effects of the project at the locations assessed are considered representative of the effects of the project in various portions of the Delta as a whole. Thus, although CCWD's four intakes vary in their instantaneous water quality, effects of the project on water quality at the two intakes assessed are considered representative of degree and direction of salinity changes at the other intakes. Regarding use of modeling for Los Vaqueros Reservoir impacts, modeling conducted for the project includes a representation of CCWD operations and Los Vaqueros Reservoir. However, the representation is a simplification and was not optimized for CCWD operations and intake options. The water quality assessment evaluated chloride levels relative to the Bay Delta Water Quality Control Plan (WQCP) chloride objectives. Objectives that apply at Contra Costa Pumping Plant #1 ensure that the municipal and industrial beneficial use of surface water in the west Delta is protected, relative to salinity. Los Vaqueros Reservoir is not a named water body in the Basin Plan and does not contain surface water beneficial uses. Furthermore, the project does not cause direct effects in Los Vaqueros Reservoir; rather, effects are indirect and are due to CCWD diversion of water from the Delta into the reservoir. Therefore, the assessment did not directly assess effects to Los Vaqueros Reservoir, but did assess effects of the project on surface water near CCWD intakes that divert water into the reservoir. CCWD has a goal of 65 mg/L chloride in water delivered to customers. This goal is not a state or federal water quality objective. Arguments made in some comments imply that any increases in chloride represent an impact to the beneficial use of water in Los Vaqueros Reservoir, but small increases in chloride concentrations when chloride is < 100 mg/L typically do not adversely affect the municipal and industrial beneficial use of the surface water body. Adverse effects to the municipal and industrial beneficial use may occur when water quality objectives are exceeded (which was assessed via comparison of the modeling results to Bay Delta WQCP objectives), or when substantial water quality degradation occurs, such that

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			exceedance is more likely and beneficial uses may be impacted. The chloride assessment in the Draft EIR/EIS includes an assessment of degradation on a monthly average basis for the entire period modeled and the drought period modeled that evaluated use of assimilative capacity relative to the WQCP objective of 250 mg/L that applies year-round. Adverse impacts were identified where degradation would result in substantially increased risk for adverse effects to municipal and industrial beneficial uses, including at Antioch and CCWD Pumping Plant #1, which are of concern to the commenters. Thus, the Draft EIR/EIS discloses adverse effects associated with chloride degradation where they would occur. Finally, for chloride, project alternatives evaluated in the Draft EIR/EIS (Alternatives 1A, 1B, 1C, 2A, 2B, 2C, 3, 4, 5, 6A, 6B, 6C, 7, 8, 9) were considered to have significant and unavoidable impacts in the Delta due in part to water quality degradation occurring in the western Delta, and for some alternatives, exceedance of the 150 mg/L chloride objective. Various analyses and improvements to the assessment were added, as described in Section 2.2.1 of the RDEIR/SDEIS and as incorporated into this Final EIR/EIS. Alternatives 2D, 4A, and 5A did not show significant impacts for chloride from substantial degradation or objective exceedance in the western Delta, and thus impacts for chloride are considered less than significant.
2372	63	To obtain CWA [Clean Water Act] Section 401 certification, the project at issue must meet several CWA requirements, including the requirement to meet water quality standards under CWA Section 303. [Footnote 38: 33 U.S.C. [Section] 1341(a)(1), (d). A state agency may also condition, deny or waive certification under certain circumstances. See also 33 U.S.C. [Section] 1341(a)(1)-(2), and 33 U.S.C. [Section] 1341(d). According to [Section] 401(d), certification "shall set forth any effluent limitations and other limitations . . . necessary to assure that any applicant" complies with certain provisions of the CWA. The Supreme Court in PUD No. 1 of Jefferson County v. Washington Department of Ecology held that this includes CWA [Section] 303, since [Section] 301 incorporates it by reference. PUD No. 1 of Jefferson County v. Washington Department of Ecology, 511 U.S. 700, at 713-715 (1994) (PUD No. 1).] If these requirements are met, then either the Regional Water Quality Control Boards (RWQCB) or the SWRCB may grant Section 401 certification. [Footnote 39: In California, the Regional Water Quality Control Boards are responsible for granting water quality certification, unless the project occurs in two or more regions, in which case the SWRCB is responsible. See SWRCB, "Instructions for Completing the Clean Water Act Section 401 Water Quality Certification Application" (Jan. 2005), available at:www.swrcb.ca.gov/centralcoast/water_issues/programs/401wqcert/docs/instruct_401_wq_cert_app.pdf.] As implementing EPA regulations assert [Footnote 40: The Supreme Court held that the EPA's interpretation is consistent with the CWA in PUD No. 1.], Section 401 certification "shall" include "a statement that there is a reasonable assurance that the activity will be conducted in a manner which will not violate applicable water quality standards." [Footnote 41: 40 CFR [Section] 121.2(a)(3); PUD No. 1 at 712.] In other words, the state cannot grant Section 401 certification to a project if there is no reasonable assurance that it will meet water quality standards. The examination of whether a project violates water quality standards does not include "balancing" factors such as economic considerations -- a project either meets water quality standards, or it does not. [Footnote 42: 40 CFR [Section] 131.11 ("For waters with multiple use designations, the criteria shall support the most sensitive use"); see also 40 CFR [Section] 131.6. As noted by the state Supreme Court, Porter-Cologne "cannot authorize what federal law forbids"; that is, California cannot allow for the "balancing away" of the most sensitive beneficial uses in a reliance on Porter-Cologne rather than the Clean Water Act. City of Burbank v. State Water Resources Control Bd., 35 Cal.4th 613, 626, 108 P.3d 862 (2005).] Furthermore, as	This comment makes numerous statements regarding the Clean Water Act but does not raise any specific issues related to the 2015 RDEIR/SDEIS or the 2013 DEIR/DEIS. Please refer to comment 2372-56.

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		confirmed by the 1994 U.S. Supreme Court decision in PUD No. 1 of Jefferson County v. Washington Department of Ecology (PUD No. 1), CWA Section 401 certification considers the impacts of the entire activity -- not just impacts of any particular discharge that triggers Section 401. [Footnote 43: PUD No. 1, 511 U.S. 700 (1994). PUD No. 1 established that so long as there is a discharge, the state can regulate an activity as a whole under [Section] 401. PUD No. 1 at 711-712.] For the Water Tunnels project to receive Section 401 certification, the entire project must show it can be built and operated so as to meet all water quality standards. This it will not do, as we [Friends of the River] show in this letter and its attachments, because water quality standards cannot be met under the currently-proposed Water Tunnels project flow regimes and related effects on estuarine water quality and beneficial uses.	
2372	64	The CWA [Clean Water Act] states that water quality standards "shall consist of the designated uses of the navigable waters involved and the water quality criteria for such waters based upon such uses." [Footnote 44: 33 U.S.C. 1313(c)(2)(A); PUD No. 1 at 704. In addition to the uses to be protected and the criteria to protect those uses, water quality standards include an antidegradation policy to ensure that the standards are "sufficient to maintain existing beneficial uses of navigable waters, preventing their further degradation." PUD No. 1 at 705; 33 U.S.C. 1313(d)(4)(B); 40 CFR [Section] 131.6. EPA regulations add that "[e]xisting instream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected." 40 CFR [Section] 131.12.] In other words, "a project that does not comply with a designated [i.e., beneficial] use of the water does not comply with the applicable water quality standards." [Footnote 45: PUD No. 1, 511 U.S. at 715. See also 40 CFR [Section] 131.3(b) (U.S. EPA stating that "[w]hen criteria are met, water quality will generally protect the designated use," indicating that numerical criteria do not always by themselves protect a designated use). Recognized beneficial uses in the Bay-Delta Estuary include, but are not limited to, agricultural supply (AGR), groundwater recharge (GWR), Water Contact Recreation (REC-1), Non-Contact Water Recreation (REC-2), Migration of Aquatic Organisms (MIGR), Spawning, Reproduction, and/or Early Development (SPWN), Estuarine Habitat (EST), and Rare, Threatened, or Endangered Species (RARE).] This fundamental CWA mandate does not change when the impact on beneficial uses arises from altered flow. The CWA was established specifically to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters" -- not solely to regulate "pollutants." [Footnote 46: 33 U.S.C. [Section] 1251(a).] The U.S. Supreme Court addressed this issue directly in PUD No. 1, stating that: "Petitioners also assert more generally that the Clean Water Act is only concerned with water 'quality,' and does not allow the regulation of water 'quantity.' This is an artificial distinction." [Footnote 47: PUD No. 1, 511 U.S. at 719. In PUD No. 1, the U.S. Supreme Court took up the question of whether Washington state had properly issued a CWA Section 401 certification imposing a minimum stream flow requirement to protect fish populations. The Supreme Court held that conditioning the certification on minimum stream flows was proper, as the condition was needed to enforce a designated use contained in a state water quality standard. Id. at 723. In reaching this decision, the court noted that the project as proposed did not comply with the designated use of "[s]almonid [and other fish] migration, rearing, spawning, and harvesting," and so did not comply with the applicable water quality standards. Id. at 714.] The Court specifically took note of CWA Sections 101(g) and 510(2), which address state authority over the allocation of water as between users. The Court found that these provisions "do not limit the scope of water pollution controls that may be imposed on users who have obtained, pursuant to state law, a water allocation." [Footnote 48: Id. at	This comment makes numerous statements regarding the clean water Act but does not raise any specific issues related to the 2015 RDEIR/SDEIS or the 2013 DEIR/DEIS. Please refer to comment 2372-56.

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		720.] This conclusion is supported by the "except as expressly provided in this Act" language of Section 510(2), which conditions state water authority; and by the legislative history of Section 101(g), which allows for impacts to individual water rights as a result of state action under the CWA when "prompted by legitimate and necessary water quality considerations." [Footnote 49: Id. "See 3 Legislative History of the Clean Water Act of 1977 (Committee Print compiled for the Committee on Environment and Public Works by the Library of Congress), Ser. No. 95-14, p. 532 (1978) ('The requirements [of the Act] may incidentally affect individual water rights. . . .It is not the purpose of this amendment to prohibit those incidental effects. It is the purpose of this amendment to insure that State allocation systems are not subverted and that effects on individual rights, if any, are prompted by legitimate and necessary water quality considerations')." See also Memorandum from U.S. EPA Water and Waste Management and General Counsel to U.S. EPA Regional Administrators, "State Authority to Allocate Water Quantities -- Section 101(g) of the Clean Water Act" (Nov. 7, 1978), available at: http://water.epa.gov/scitech/swguidance/standards/upload/1999_11_03_standards_waterquantities.pdf.] Accordingly, these CWA provisions are not impediments to California's implementation of its CWA mandate to ensure compliance with water quality standards, including within the context of flows.	
2372	65	In its August 2010 flow criteria report, the Water Board found that "[t]he best available science suggests that current flows are insufficient to protect public trust resources," and that "[r]ecent Delta flows are insufficient to support native Delta fishes for today's habitats." [Footnote 50: SWRCB, 2010 Delta Flow Criteria Report, pp. 2, 5. Accessible at http://www.swrcb.ca.gov/waterrights/water_issues/programs/bay_delta/deltaflow/docs/final_rpt080310.pdf.] However, flow regimes proposed by the current Water Tunnels project rely on water quality (including flow) objectives that have been failing to protect Delta ecosystem and aquatic species beneficial uses for the last 15 years or more. These include: Water Right Decision 1641 (D-1641) [Footnote 51: D-1641 requires the SWP and CVP to meet flow and water quality objectives, including specific outflow requirements, an export/import ratio, spring export reductions, salinity requirements, and, in the absence of other controlling restrictions, a limit to Delta exports of 35 percent total inflow from February through June and 65 percent inflow from July through January.]; the 2006 San Francisco Bay/Sacramento-San Joaquin Delta Estuary Water Quality Control Plan; the 2009 NMFS Biological Opinion (BiOp); and the 2008 USFWS BiOp.	As described in Appendix 3A, Identification of Water Conveyance Alternatives Conservation Measure 1, of the EIR/EIS, one of the potential alternatives considered was based upon the State Water Resources Control Board 2010 Development of Flow Criteria for the Sacramento-San Joaquin Delta Ecosystem, which described providing up to 75 percent of unimpaired flow into the Delta to improve aquatic resources habitat conditions. This potential alternative was not evaluated in detail because the flow recommendations in the 2010 report could not be achieved without adverse impacts to cold water management for fisheries in the Sacramento, Feather, and American rivers without reductions in non-SWP and non-CVP water rights diversions. The purpose and need of this EIR/EIS would not allow changes to non-SWP and non-CVP water rights. However, Alternatives 7 and 8 in the EIR/EIS reflect similar flow criteria in a manner that would only affect SWP and CVP water rights. The project facilities, including water intakes and pumping plants would be operated in accordance with permits issued by the State Water Resources Control Board, U.S. Fish and Wildlife Service, National Marine Fisheries Service, and California Department of Fish and Wildlife. As described in the EIR/EIS, the proposed project will be submitted to numerous state and federal agencies for approval, including to USFWS and NMFS under the Endangered Species Act, State Water Resources Control Board and U.S. Environmental Protection Agency under the Clean Water Act, and Delta Stewardship Council under the Delta Reform Act. The approvals and permits that will be issued by these agencies could result in changes to the proposed project that is presented in the EIR/EIS. Please also refer to responses to comments #2, #8 and #9 of this letter.
2372	66	The Water Tunnels project notably incorporates "bypass flows" that ostensibly establish the minimum amount of water that must flow downstream of the planned north Delta intake. Rather than protecting Delta flow, the Water Tunnels project reduces average annual Sacramento River flow downstream of the North Delta intakes. [Footnote 52: See Attachment 1 [ATT1] in this letter and Public Draft Plan [Section] 5.3.1.1, available at: http://baydeltaconservationplan.com/Libraries/Dynamic_Document_Library/Public_Draft_BDCP_Chapter_5_-_Effects_Analysis.sflb.ashx. See Also BDCP Draft EIR/EIS Chapter 3, Description of Alternatives, Table 3-17, p. 3-186.] Reduced flows downstream of the north Delta intakes extend all the way past Rio Vista as well. [Footnote 53: See RDEIR/SDEIS, 2015, Appendix B, Table B.7-30, pp. B-361 to B-362.] Because it fails to put needed flows	The operational criteria proposed in the preferred alternative, 4A, assume that D-1641 would continue to govern CVP and SWP operations. The operational criteria were developed to minimize and avoid effects on fish, including protecting fish migration pulses through the Sacramento River and past the NDD; reducing entrainment in the south Delta; implementing state of the art screens in the NDD; location the NDD outside the main range of Delta Smelt and longfin smelt, and providing fall and spring outflows to protect Delta Smelt and longfin smelt. Through the SWRCB process to update the Water Quality Control Plan, if new flow criteria are adopted, the CWF would need to comply with them. As part of this process, the SWRCB will take into account all of the beneficial uses of water and all of the water available to protect those uses, a scope much broader than the

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		back into failing waterways, the Water Tunnels project will violate water quality standards by failing to protect sensitive beneficial uses. These include "rare, threatened or endangered species habitat," "estuarine habitat," "spawning, reproduction, and/or early development," and other sensitive beneficial uses. [Footnote 54: State Water Resources Control Board, Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta, December 13, 2006, p. 9.] Chinook salmon, Central Valley steelhead, sturgeon and lamprey all migrate and spawn in this area, with Delta smelt and longfin smelt likely spawning in the lower Sacramento River, or in hydraulically connected adjacent channels. Factoring out climate change effects, juvenile and salmon smolt survival rates through the Delta to Chipps Island decrease for each run of salmon under the flow regimes put forward by proponents of the Water Tunnels project. [Footnote 55: By "factoring out climate change effects," we refer to the Water Tunnels project proponents' preference for environmental impact comparisons between the No Action Alternative and Alternative 4A (either Scenarios H3 or H4). This comparison reflects the future migration prospects of these fish with and without the proposed Water Tunnels Project. Even by their preferred comparison of the Water Tunnels project with the No Action Alternative, juveniles and smolts have lower survival rates through the Delta to Chipps Island.] The Water Tunnels Project will thus fail as a set of flow regimes that could support Section 401 certification for necessary Section 404 permits. Actions that "reasonably protect" [Footnote 56: SWRCB, "Comments on the Second Administrative Draft Environmental Impact Report/Environmental Impact Statement for the Bay Delta Conservation Plan," p. 1 (July 05, 2013), available at: baydeltaconservationplan.com/Libraries/Dynamic_Document_Library/State_Water_Resources_Control_Board_Comments_on_BDCP_EIR-EIS_7-5-2013.sflb.ashx] rather than "protect" the beneficial use are insufficient. If multiple beneficial uses are at stake, adopted flow criteria must protect the most sensitive beneficial use (i.e., they cannot "balance" away uses) and must be based on science. [Footnote 57: EPA regulations state that "criteria must be based on sound scientific rationale and must contain sufficient parameters or constituents to protect the designated use. For waters with multiple use designations, the criteria shall support the most sensitive use." See 40 CFR [Section] 131.11; see also 40 CFR [Section] 131.6.] As the state Supreme Court found, Porter-Cologne balancing provisions [Footnote 58: Calif. Water Code [Section] 13000.] that provide only "reasonable" protection "cannot authorize what federal law forbids." [Footnote 59: City of Burbank v. State Water Resources Control Bd., 35 Cal.4th 613, 626, 108 P.3d 862 (2005) (citing the Supremacy Clause).] The more protective CWA [Clean Water Act] water quality standard requirements take precedence over weaker Porter-Cologne language; ecosystem and species needs cannot -- and must not -- be balanced away.	CWF. Please also refer to response to comment 2372-56.
2372	67	EPA commented last year on the Bay Delta Conservation Plan and its draft EIR/EIS that "[b]ecause the location of X2 [the estuarine habitat water quality objective] is closely tied to freshwater flow through the Delta, the proposed project would have a strong influence on this parameter, yet the Draft EIS does not analyze each alternative's impacts on aquatic life in the context of this relationship." [Footnote 60: USEPA, "Draft Environmental Impact Statement for the Bay Delta Conservation Plan, San Francisco Bay Delta, California (CEQ# 20130365), August 26, 2014, p. 5. Accessible at http://www.friendsoftheriver.org/site/DocServer/8-26-14_EPA_Cmmnt_on_BDCP.pdf?docID=9539.] The Bay-Delta Water Quality Control Plan's estuarine habitat water quality objective will likely be violated by the Water Tunnels Project as well. In the RDEIR/SDEIS and the Draft EIR/EIS there is no modeling of how changes in X2, the Delta's estuarine	The location of X2 for each alternative is described in Chapter 5. The EIR/EIS uses the applicable literature related to X2 and impacts on species, including Feyrer 2011 and Kimmerer 2009. Documented relationships between X2 and species abundance or survival were used for the analysis in the EIR/EIS, including for longfin smelt, striped bass, and bay shrimp. The delta smelt abiotic habitat index was used to assess effects on fall delta smelt habitat. Please also refer to responses to comment 2372-56 and 2372-62.

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		habitat water quality objective may affect a variety of estuarine species. X2, which measures the approximate center of the estuary's low salinity zone relative to the Golden Gate, was shown last year in BDCP modeling to migrate upstream under the Tunnels' influence relative to existing conditions and the No Action Alternative. [Footnote 61: See Figure 7, p., 66 of Environmental Water Caucus comments on Bay Delta Conservation Plan, June 11, 2014; accessible online at http://ewccalifornia.org/reports/bdcpcomments6-11-2014-3.pdf.] The modeled upstream migration of X2 means that critical habitat for estuarine species will shrink, especially relative to the No Action Alternative. Species abundance and X2 are negatively related: when X2 moves further from the Golden Gate, species abundances typically decrease as the size of the Low Salinity Zone decrease (with lower flows), with few exceptions. [Footnote 62: Panel Summary Report on Workshop on Delta Outflows and Related Stressors, May 5, 2014. Accessible online at http://deltacouncil.ca.gov/sites/default/files/documents/files/Delta-Outflows-Report-Final-2014-05-05.pdf. This report identifies "key papers" in which the relationships of X2, Delta outflow, and species abundances are anchored.] This remains true of the RDEIR/SDEIS, in which no new modeling is conducted.	
2372	68	The SWRCB has indicated tentative interest in designating subsistence fishing as a beneficial use statewide, including in the Delta. [Footnote 63: Email from Esther Tracy of State Water Resources Control Board, Office of Public Participation, to Andria Ventura, Clean Water Action, "State Water Resources Control Board Beneficial Uses," May 6, 2014, forwarded to Colin Bailey of Environmental Justice Coalition for Water, thence to Tim Stroshane, Environmental Water Caucus consultant. Tracy's message primarily concerns subsistence fishing by California Indian Tribes.] We [Friends of the River] would certainly welcome such a beneficial use designation in the Delta as elsewhere because protection of the most sensitive ecological and estuarine beneficial uses will also protect subsistence fishing as a beneficial use. Humans are connected to these other beneficial uses, no less so in the Bay-Delta Estuary.	This comment is a statement regarding the potential for the SWRCB to add subsistence fishing to the list of beneficial water uses. No specific issue related to the environmental impact analysis has been raised therefore a more specific responses cannot be provided.
2372	69	The Water Tunnels Project will violate numerous pollutant criteria mentioned above with drastic consequences for public health and vitality of the region's ecosystems and water-dependent economic sectors like tourism, recreation, agriculture, and subsistence fishing. On this score, the Water Tunnels Project will further violate water quality standards, precluding the SWRCB from certifying the project under Clean Water Act Section 401.	The EIR/EIS fully addresses the potential water quality effects of the California WaterFix on beneficial uses upstream of the Delta, in the Delta and downstream of the Delta. Most of the water quality constituent effects would not be significant. Where significant effects are identified impacts are reduce to less than significant levels with mitigation (i.e., electrical conductivity). One impact for the California WaterFix related to mercury levels in tidal restoration areas is considered significant. Please refer to Chapter 8, Water Quality and Master Response 14, which addresses water quality issues. Additional detail related to microcystis (due to longer residence times of water) and mercury and selenium related to subsistence fishing was added to Chapter 28, Environmental Justice, in the RDEIR/SDEIS. As described under each alternative in Chapter 28 for Impact PH-3, the associated increase in human consumption of mercury caused by the action alternatives would depend upon the selection of the fishing location (and associated local fish body burdens), and the relative proportion of different Delta fish consumed. Different fish species would suffer bioaccumulation at different rates associated with the specific species, therefore the specific spectrum of fish consumed by a population would determine the effect of increased mercury body burdens in individual fish species. These confounding factors make demonstration of precise impacts on human populations infeasible. However, because minority populations are known to practice subsistence fishing and consume fish exceeding US EPA reference doses, any increase in the fish body burden of mercury may contribute to an existing adverse effect. Because subsistence fishing is specifically associated with minority populations in the Delta compared to the population at large this effect would be disproportionate on those populations. This effect would be adverse.

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			Please also refer to responses to comments 2372-56 and 2372-62.
2372	70	A cornerstone of the State Water Board and Regional Water Board's regulatory authority is the Antidegradation Policy (Resolution 68-16), which is included in the Basin Plans as an appendix. However, the Water Tunnels project Draft EIR/EIS and RDEIR/SDEIS fail to discuss or analyze constituents which will "degrade" water quality. These documents do not evaluate whether the designated beneficial use is degraded and what it means for CWA [Clean Water Act] compliance. Section 101(a) of the CWA, the basis for the antidegradation policy, states that the objective of the Act is to "restore and maintain the chemical, biological and physical integrity of the nation's waters." Section 303(d)(4) of the CWA carries this further, referring explicitly to the need for states to satisfy the antidegradation regulations at 40 CFR [Section] 131.12 before taking action to lower water quality. These regulations (40 CFR [Section] 131.12(a)) describe the federal antidegradation policy and dictate that states must adopt both a policy at least as stringent as the federal policy and implementing procedures. The CWA requires the full protection of identified beneficial uses. The Federal Antidegradation Policy, as required in 40 CFR 131.12 states, "The antidegradation policy and implementation methods shall, at a minimum, be consistent with the following: (1) Existing instream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected." The Delta is classified as a Tier II, "high quality," waterbody by US EPA and the SWRCB. EPA Region 9's guidance on implementing antidegradation policy states, "All actions that could lower water quality in Tier II waters require a determination that existing uses will be fully maintained and protected." [Footnote 64: EPA, Region 9, Guidance on Implementing the Antidegradation Provisions of 40 CFR 131.12, page 7.]	Please refer to responses comments 2372-56 and 2372-62.
2372	71	California's antidegradation policy is described in the State Antidegradation Guidance, SWRCB Administrative Procedures Update 90-004, 2 July 1990 ("APU 90-004") and EPA Region IX, ("Region IX Guidance"), as well as Water Quality Order 86-17. [Footnote 65: "Guidance on Implementing the Antidegradation Provisions of 40 CFR 131.12" (3 June 1987).] California's Antidegradation Policy (Resolution 68-16) requires that: -Existing high quality water will be maintained until it has been demonstrated that any change will be with the maximum benefit to the people of the State. -The change will not unreasonably affect present and anticipated beneficial uses. -The change will not result in water quality less than prescribed in the policies. -Any activity which produces a waste or increased volume or concentration will be required to meet waste discharge requirements using the best practicable treatment or control of the discharge necessary to assure that neither pollution nor nuisance will occur and the highest water quality with maximum benefit to the people of the state will be maintained. While California's Antidegradation Policy requires that, "[t]he change will not unreasonably affect present and anticipated beneficial uses and the change will not result	Please refer to responses comments 2372-56 and 2372-62.

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		in water quality less than prescribed in the policies," the Federal Antidegradation Policy requires a "determination that existing uses will be fully maintained and protected." [Footnote 66: 66 Draft BDCP EIR/EIS, 2013, page 8-408.]	
2372	72	The Water Tunnels project will reduce flows and result in poorer water quality for a number of constituents, including boron, bromide, chloride, electrical conductivity, nitrate, organic carbon, some pesticides, mercury and selenium. The Delta is currently impaired for many of the constituents that will increase under the proposed alternative. Several water quality constituents are detailed in Attachment 5 [ATT5] where degradation is expected should the Water Tunnels project be constructed and operated. Even if DWR and the Bureau of Reclamation provide an adequate antidegradation analysis of the Water Tunnels project, the point remains that they cannot move forward on a 401 certification from the State Water Resources Control Board if any water quality standards are not met. The antidegradation analysis is supposed to ensure they comply with any and all water quality standards, but there is clear evidence they cannot and will not do so.	Please refer to responses to comments 2372-56 and 2372-62.
2372	73	A large but wholly implicit assumption through the Water Tunnels project and its Draft EIR/EIS is that any one of these alternatives would require wholesale revision to how water quality is regulated in the Bay Delta estuary, in order for the Water Tunnels project to move forward. The setting sections of Chapter 5, 6, 7, and 8 (comprising water supply, surface water, groundwater, and water quality) contain no descriptions of the existing water quality objectives as they apply to flow and operational actions by the state and federal water facilities in the Delta. The Draft EIR/EIS Executive Summary last year only hints at this matter, titling one section "New Rules for North Delta Diversions," but does not address this matter, making no mention of the regulatory regime change that would apparently be required of the SWRCB. [Footnote 67: Bay Delta Conservation Plan, Draft EIR/EIS, November 2013, Executive Summary, Section ES.9.1.4, "New Rules for North Delta Diversions," pp. ES-52 to ES-53.] This year, the RDEIR/SDEIS announces "proposed new flow criteria" for north and south Delta SWP and CVP export facilities, and the proposed new head of Old River operable barrier. [Footnote 68: RDEIR/SDEIS, Section 4.1, pp. 4.1-11 through 4.1-13.] Such changes to Delta flows and hydrodynamics must be evaluated through public review before the SWRCB, the only state body authorized to change water quality standards. We [Friends of the River] are concerned that the Tunnels proponents hope to circumvent the process by making Tunnels operational criteria seem inevitable and necessary; they are neither, and must be the subject of careful and critical review in the Board's Bay-Delta Plan update process, before the Water Tunnels Project receives permit approvals for new diversions. Put simply: water quality policy must come before plumbing decisions are made. What is best for the Bay-Delta Estuary, and the Delta's economy and communities comes first. [Footnote 69: This stance is also consistent with the Delta Protection Act of 1959.]	Existing water quality objectives are presented in Appendix 8A in the EIR/EIS. As described in the EIR/EIS, the proposed project will be submitted to numerous state and federal agencies for approval, including to USFWS and NMFS under the Endangered Species Act, State Water Resources Control Board and U.S. Environmental Protection Agency under the Clean Water Act, and Delta Stewardship Council under the Delta Reform Act. The approvals and permits that will be issued by these agencies could result in changes to the proposed project that is presented in the EIR/EIS. As described in Chapter 6 of the EIR/EIS, the State Water Resources Control Board is conducting a current program to update the Bay-Delta Water Quality Control Plan. Since this program is still under development and the potential outcomes are not known at this time, this program is not included in the analysis. Following completion of the updated Bay-Delta Water Quality Control Plan, SWP and CVP operations would need to be reviewed to determine if the operations continued to comply with the new regulations.
2372	74	Complicating [the Tunnels Project's permits] is the role and regulation by SWRCB of "Real-Time Operations [RTOs]." [Footnote 70: Real-time operational decisions "are expected to be needed during at least some part of the year at the Head of Old River gate and the north and south Delta diversion facilities." RDEIR/SDEIS, p. 4.1-13, lines 17-18. Real-time operations are defined in Conservation Measure 1 of the Bay Delta Conservation Plan, November 2013, Section 3.4.1.4.5, Real-Time Operational	Operation of the SWP/CVP occurs in a dynamic and challenging environment. Among other things, SWP/CVP operations are constantly adjusted to compensate for hydrologic and tidal influences to ensure that SWP/CVP remain in compliance with the flow and water quality standards established by the State Water Board to protect other legal users of water as well as the environment. The new CWF diversion locations will increase the options available to SWP/CVP operators and increase the

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		Decision-Making Process, p. 3.4-26, lines 14-18: "[R]eal-time operational decision-making process (real-time operations [RTOs]) allows for short-term adjustments in operations within the range of CM1 [that is, Water Tunnels operating] criteria . . . in order to maximize water supply for SWP and CVP relative to the [BDCP] Annual Operating Plan and its quarterly updates subject to providing the necessary protections for covered species." The Water Tunnels project's documents expect retention of BDCP's use of RTO teams focused on each Delta facility and coordinating with each other. We note that the RDEIR/SDEIS does not specify that post hoc descriptions of RTOs would be made public through such an Annual Operating Plan.] Water Tunnels proponents acknowledge that RTOs cannot be modeled. [Footnote 71: This is most explicitly noted in BDCP Appendix 5.C, Attachment 5C.A, CALSIM II and DSM2 Modeling Results for the Evaluated Starting Operations Scenarios, pp. 5C.A-157 to 162. Old and Middle River [OMR] flow real-time operations are an example, p. 5C.A-157, lines 31-44. "The magnitude of the export restrictions [relating to Old and Middle River flows] cannot be simulated accurately with CALSIM because the limits will be adaptively specified by the USFWS smelt working group, based on real-time monitoring of fish and turbidity and temperature conditions. The assumed restrictions provide a representative simulation compared to D-1641 conditions without any OMR restrictions." Moreover, real-time operations pose dramatic uncertainties for South Delta export operations with real-time adaptive operations in place. "If the least restrictive OMR flow of -5,000 cfs [cubic feet per second] were allowed for 6 months (January-June), a maximum of 1,800 taf [thousand acre-feet] per year could be pumped (assuming the San Joaquin River diversion to Old River satisfied the 35% of the net Delta depletion that is south of the OMR flow stations. But because of the 1,500 cfs limit on exports in April and May (2009 NMFS BiOp [Biological Opinion]), the maximum exports would be 1,400 taf per year. If the OMR restriction was reduced to -2,500 cfs for the 6 months (with 1,500 cfs in April and May), a total of 780 taf could be pumped from the South Delta. This is a very dramatic reduction for the CVP and SWP exports which historically have exported about half (45%) of the total exports during these months. This uncertainty in the potential south Delta exports is a consequence of the adaptive management framework for the 2008 USFWS BiOp and 2009 NMFS BiOp actions regarding OMR flow." Since BDCP contemplates real-time operations in several other Delta and Yolo Bypass locations, uncertainties will compound for planning operations, exports, and outflows.] Not only can they not be modeled, RTOs themselves will be difficult, if not impossible to regulate and monitor by state authorities when the most sensitive beneficial uses have admittedly uncertain threshold conditions that should not be exceeded. But the Water Tunnels proponents push use of RTOs as "silver bullets" for gaps in mitigation that ought to protect listed fish species but which come up short. This implies that project operators will be given broad discretion over project operations to make "short-term adjustments" -- possibly to the usurpation of established laws and regulations in the name of optimizing or maximizing Delta exports relative to Delta inflows, water quality objectives, and Delta outflow, and potentially contrary to the SWRCB's role as the sole body with authority to change and enforce water quality objectives. For example, real-time operations and modeling were employed in 2014 and 2015 along the upper Sacramento River by the Bureau of Reclamation to manage and control temperature conditions, but failed to prevent large scale losses of winter-run and spring-run Chinook salmon while SWRCB staff and officials could only stand by helplessly.	flexibility to more effectively balance the Bay-Delta system in real-time to protect all beneficial uses of water whether for water supply, water quality, or fishery protection purposes. SWP/CVP operators have had a high degree of success in meeting all operative water quality standards since 1978. Even though rare instances of water quality exceedances have occurred, these instances have been due to factors beyond the SWP/CVP's reasonable control. With the North Delta Diversion, the SWP/CVP still will be required to meet all salinity and flow objectives regardless of which diversion location is being used. Regarding operational criteria please see Master Response 28. Adaptive Management and monitoring is discussed in Master Response 33. The Proposed Project is the result of more than seven years' collaboration and consultation with numerous stakeholders, agencies, public water agencies and environmental organizations. The organizations that have participated in the Steering Committee, public meetings or written letters to provide input on the Plan include: American Rivers, Bay Institute, Defenders of Wildlife, The Endangered Species Coalition, Environmental Defense Fund, The Golden Gate Salmon Association, National Audubon Society, Natural Resources Defense Council, the Nature Conservancy, and Planning and Conservation League. The feedback was used to guide the development and subsequent revisions of the Proposed Project and its associated EIR/EIS to reflect concerns addressed from the various groups. All of the documents, studies, administrative drafts, and meeting materials have been posted online since 2010 in an unprecedented commitment to provide public access and government transparency. Although the RDEIR/SDEIS, EIR/EIS and much of the proposed project has been drafted by scientists working for a private consulting firm (ICF) working for the Lead Agencies, the Agencies' scientists have been intimately involved, and their judgments are reflected throughout the EIR/EIS and the proposed project itself. The State is most interested in putting forth the best project that meets the goals of ecosystem improvement and water supply reliability. To the degree that the current Plan is endorsed by some environmental organizations serves as confirmation that the proposed Plan protects species, habitats and the Delta ecosystem in a way that is compatible with their goals. The website includes correspondence from agencies and NGOs received prior to the start of the formal comment period. Comments received during the comment period are to be included in the Final EIR/EIS. The Lead Agencies acknowledge that uncertainty is inherent in any planning effort of this geographic and temporal scale. However, DWR strived to use the best available science throughout the effects analysis, consistent with the requirements of the ESA. Additionally, the official public review process for the proposed project provides an opportunity for formal public comment on the proposed project and project alternatives. Public and agency comments on the public draft have led to further refinement of the proposed project, as evidenced in the RDEIR/SDEIS.

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		Real-time operations can create situations in which project operators can behave as they see fit, and apologize later. That is unacceptable now that listed fish species are so close to extinction. We doubt that real-time operations will have sufficient margins of error to prevent catastrophe. Instead, adjustments to water quality flow objectives should err on the side of precaution. Designated beneficial uses should be protected as required under the CWA [Clean Water Act] and its implementing regulations. The most sensitive of them will be endangered further by Water Tunnels project operating criteria that reduce and reverse Sacramento River flows, and bring more polluted San Joaquin River water to Delta channels. The precautionary principle must come to the fore in state and federal fisheries and water project operations management. [Footnote 72: Peter Montague, accessed online 11 September 2015 at http://www.precaution.org/lib/pp_def.htm.] Sound policy preventing extinction and restoring and enhancing the integrity of Bay-Delta Estuary waters must come before new plumbing and south of Delta export deliveries. This is an appeal to state and federal officials that they realistically assess how to protect fully all beneficial uses under the CWA before reasonable quantities of Delta exports can be determined and permitted. The Water Tunnels project as proposed would put plumbing and exports first, which is not an acceptable, lawful or reasonable prioritization.	
2372	75	The Tunnels Project also fails to meet another Section 404 requirement, "[t]he requirement [under CWA [Clean Water Act] [Section] 404(b)(1) . . . that the project proponent must demonstrate that the project is the [Least Environmentally Damaging Practicable Alternative] LEDPA." [Footnote 73: USEPA, Preliminary Administrative Draft Comments for the Bay Delta Conservation Plan DEIR/S p. 2, April 26, 2012.] "A proposed action is not the LEDPA simply because a federal agency is a partner and chooses that proposed action as its preferred alternative." [Footnote 74: EPA, BDCP DEIS Corrections and Additional Editorial Recommendations, p. 1, August 27, 2014.] The Tunnels Project appears to be the most environmentally damaging alternative possible. It most definitely is not the least damaging, and therefore, it is not the LEDPA.	Please refer to responses to comment 2372-56 and 2372-62.
2372	76	Over two years ago, EPA pointed out that "Chapter 8 of the [Administrative Draft EIS] ADEIS indicates that, as proposed, all project alternatives of the BDCP would result in adverse effects to one or more beneficial uses within the affected water bodies." [Footnote 75: EPA's Comments on BDCP ADEIS, p. 3, July 3, 2013.] EPA also explained that "The DEIS should sharply distinguish between alternatives and evaluate their comparative merits, consistent with 40 CFR 1502.14(b)." [Footnote 76: Id. p. 2.] Over one year ago, EPA explained to state agencies that: "Other reasonable alternatives could be developed by incorporating a suite of measures, including water conservation, levee maintenance, and decreased reliance on the Delta. Such alternatives would be consistent with the purpose and need for the project, as well as with the California Bay-Delta Memorandum of Understanding among Federal Agencies and the Delta Reform Act of 2009." [Footnote 77: EPA Detailed Comments on the Draft Environmental Impact Statement for the Bay Delta Conservation Plan; August 26, 2014, p. 13.] The "alternatives" of the Water Tunnels project presented in the Draft EIR/EIS and the RDEIR/SDEIS are nothing more than peas out of the same pod. As we [Friends of the River] explained in our joint letter of July 22, 2015, there has been a complete failure on	To review responses to comments submitted by EPA during the 2013 comment period, please refer to the index of commenters to find the appropriate letter number(s). Please refer to response to comment 2372-2 regarding the range of alternatives analyzed in the EIR/EIS.

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		the part of the Water Tunnels proponents to develop and consider a reasonable range of alternatives. That failure also includes refusal to consider and develop the Environmental Water Caucus Responsible Exports Plan, updated to A Sustainable Water Plan for California, that the Caucus provided to Water Tunnels proponents on a silver platter almost 3 years ago -- as well as failure to consider and develop "The 'Portfolio Approach' developed by a diverse set of stakeholders . . . one attempt to place Delta water management into the larger context of facilities investments and integrated operations." [Footnote 78: Id.]	
2372	77	As we [Friends of the River] explained in our joint letter of September 9, 2015 (pp. 9-10), there has been a complete failure on the part of Water Tunnels proponents to obtain and present the Reasonable and Prudent Alternatives (RPA) required under the Endangered Species Act. Under the NEPA Regulations, "This [alternatives] section is the heart of the environmental impact statement." The alternatives section should "sharply" define issues and provide a clear basis for choice among options by the decision-maker and the public. 40 C.F.R. [Section] 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." [Footnote 79: 40 C.F.R. [section] 1502.9(a).]	Please refer to comment 2372-2 regarding the range of alternatives analyzed in the EIR/EIS. Please refer to comment 2372-21 regarding the Section 7 process and the timing of the Biological Opinion which may or may not include Reasonable and Prudent Alternatives.
2372	78	Operation of the Water Tunnels would have enormous adverse environmental impacts causing and worsening violations of water quality standards. We understand that the exporters and their supporters wish to take enormous quantities of water away from the Delta upstream. But we have a government of laws, not of persons. It is time either to drop this horrendously damaging and expensive project or follow the law whether certain interests want to do so or not. If the project is not dropped, it is time to prepare a new Draft EIR/EIS for public and decision-maker review that presents some actual alternatives that would not include the Water Tunnels and that would finally began to increase flows through the Delta. The range of reasonable alternatives required by NEPA in the new Draft EIR/EIS must include the Reasonable and Prudent Alternatives (RPA) produced pursuant to the ESA and the Least Environmentally Damaging Practicable Alternative (LEDPA) pursuant to the CWA [Clean Water Act].	Please refer to responses to comments 2372-2, 2372-8, 2372-9 regarding the range of alternatives, public trust resources and operations. Please also refer to response to comment 2372-12 regarding alternatives. Please refer to responses to comments 2372-56 and 2372-62 regarding water quality and the Clean Water Act.
2372	79	The long-term decline of the San Francisco Bay-Delta Estuary is a story of our lost connection with nature. Once a pristine ecosystem and the West Coast's largest estuary -- a rich, biodiverse habitat of unspoiled grasslands, riparian forests, willow thickets, and other features, with an abundance of native fish species such as salmon -- the Delta has suffered tremendously from the misguided belief that nature can be endlessly exploited and degraded. As a first step towards recovery, we must enhance flow, which is essential for aquatic species populations, the larger health of the Delta, and Delta communities.	This is a general statement about the condition of the Delta. This comment does not raise any issue related to the adequacy of the 2015 RDEIR/SDEIS or the 2013 DEIR/DEIS.
2372	80	The Delta Water Tunnels would divert enormous quantities of freshwater that presently flow through the Sacramento River, sloughs, and the Delta before being diverted for export from the South Delta. Due to the new points of diversion north of the Delta, freshwater that presently contributes to water quality, water quantity, fish, fish habitat, and public health by flowing through the Delta would instead flow through massive Tunnels, no longer providing benefits within the lower river, sloughs, and the Delta. This is obvious. But the RDEIR/SDEIS actually claims there would be no adverse impacts under NEPA or	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. The lead agencies have not intentionally left out information, obfuscated facts or denied impacts as the commenter alleges.

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		CEQA from the Delta losing all that freshwater flow on water supply or water quality (with almost no exceptions), or on fish and aquatic resources. (RDEIR/SDEIS Table ES-9, pp. ES-41-60; Appendix A, Ch. 31, Table 31-1, pp. 31-3 through 31-8). The BDCP/WaterFix Drafts are supposed to be "environmental full disclosure documents." Whether from project-consultant bias or orders from above, it is arbitrary and unreasonable to falsely claim that taking significant quantities of freshwater flows away from the Delta does not have significant adverse environmental impacts on Delta water supply, water quality, fish, and fish habitat. The freshwater is the water supply for the Delta and is the habitat for the endangered and threatened species of salmon and other fish. The sole exceptions to the blanket denial of numerous and obvious adverse environmental impacts on water quality from the operation of the preferred Alternative 4A Water Tunnels are WQ-11 "effects on electrical conductivity concentrations resulting from facilities operations and maintenance," and WQ-32 "effects on Microcystis Bloom Formation Resulting from Facilities Operations and Maintenance." (RDEIR/SDEIS Appendix A, Ch. 31, Table 31-1, pp. 31-3, 31-4). However, in the Executive Summary, even these two water quality impacts are not admitted to be adverse. (RDEIR/SDEIS Table ES-9, pp. ES-44, 45). Two tiny bits of truth survived in the Appendix but were eliminated from the Executive Summary. In any event, the Draft EIR/EIS and RDEIR/SDEIS are completely worthless in terms of providing accurate information and analyses for informed public and decision-maker review. To be blunt, denial of the adverse impacts of taking freshwater flows away from the Delta for the Water Tunnels is even more absurd than denial of human-caused climate change. Fish need water.	Please refer to Master Response 14.
2372	81	An interested person or organization, or decision-maker has been furnished 48,000 pages of documents with central features being the false, arbitrary, and unreasonable denial instead of honest admission of obvious environmental impacts resulting from Water Tunnels operations on Delta water quality, water quantity, fish, and fish habitat.	Please refer to Master Response 38 regarding the length of the document and Master Response 41 regarding the transparent and open manner in which this project and the environmental review have been developed. This comment does not raise any specific environmental issues, therefore a more specific response cannot be provided.
2372	82	CEQA defines "significant effect on the environment" to mean "a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water . . . flora, fauna . . . and objects of historic or aesthetic significance." CEQA Guidelines, 14 Cal. Code Regs. [Section] 15382. To anyone but a self-interested project booster or one following orders from above, taking away substantial freshwater flows from a Delta already in crisis is an adverse change in the physical conditions within the area affected by the project.	This comment is an opinion about potential adverse changes in freshwater flows related to project water diversions. The proposed project was developed to meet the rigorous standards of the federal and state Endangered Species Acts, as such the proposed project is intended to be environmentally beneficial. By establishing a point of water diversion in the north Delta and new operating criteria to improve water operations, the proposed project is designed to improve native fish migratory patterns and allow for greater operational flexibility.
2372	83	Under CEQA, "substantial evidence" does not include: "Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate . . ." 14 Cal. Code Regs. [Section] 15384. In addition to the false RDEIR/SDEIS findings being obviously argument and clearly inaccurate, there have also been such findings as the EPA expert determination that the Water Tunnels "would not protect beneficial uses for aquatic life, thereby violating the Clean Water Act. Total freshwater flows will likely diminish in the years ahead as a result of drought and climate change. Continued exports at today's prevailing levels would, therefore, result in even lower flows through the Delta in a likely future with less available water." (EPA Review of Draft BDCP EIS at p. 2, August 26, 2014). There is only argument, narrative, and clearly inaccurate statements in the RDEIR/SDEIS about these impacts. There is not the supporting substantial evidence	The lead agencies respectfully disagree with the commenter's statement that the EIR/EIS does not provide substantial evidence as required by CEQA and NEPA. The lead agencies believe that the 2013 Draft EIR/EIS and 2015 RDEIR/SDEIS are complete in their evaluation of impacts, direct and cumulative, and satisfy the requirements of NEPA and CEQA and provide more than sufficient evidence to support the document's findings.

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		required by law.	
2372	84	Under CEQA, "Decision-makers must, under the law, be presented with sufficient facts to 'evaluate the pros and cons of supplying the amount of water that the [project] will need.'" Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova, 40 Cal.4th 412, 432 (2007). Here, in violation of law, the decision-makers and also the public have been provided with claimed pros but virtually none of the cons involved in supplying the enormous amounts of water that would be diverted away from the Sacramento River and Delta into the Water Tunnels.	The lead agencies believe that the 2013 Draft EIR/EIS and 2015 RDEIR/SDEIS are complete in their evaluation of impacts, direct and cumulative, that project description is complete and satisfies the requirements of NEPA, that the project objectives are also precise and complete and satisfy the requirements of CEQA and that sufficient documentation and evidence has been provided to support the conclusions contained in the document. The lead agencies agree that the 2013 Public Draft EIR/EIS and 2015 RDEIR/SDEIS provided the public and decision-makers with sufficient information on which to make an informed decision. For more information regarding purpose and need please see Master Response 3.
2372	85	The NEPA Regulations also provide help in determining whether an impact "significantly" affects the environment. "Significantly as used in NEPA requires considerations of both context and intensity . . ." 40 C.F.R. [Section] 1508.27. Considerations of context include "the affected region, the affected interests, and the locality." [Section] 1508.27(a). The Delta is recognized already as being threatened by reductions in freshwater flows through the Delta and the Delta includes at least five listed endangered or threatened fish species and designated critical habitats for each of these crashing fish populations. Considerations of intensity refer to the "severity of impact." [Section] 1508.27(b). Each of the ten subsections in [Section] 1508.27(b) cry out that the impacts falsely denied by the lead agencies are significant, severe, and adverse. These ten subsections are addressed as follows: "Impacts that may be both beneficial and adverse . . ." Section] 1508.27(b)(1). The claim that developing the new northern conveyance would reduce adverse impacts from the existing southern pumps on fish furnishes no excuse to evade disclosing the significant adverse impacts of the new conveyance on water quality, water quantity, fish, and fish habitat. "The degree to which the proposed action affects public health or safety." [Section] 1508.27(b) (2). As shown above in the Clean Water Act [CWA]/water quality portion of these comments, the worsening of CWA violations would adversely affect public health and safety. "Unique characteristics of the geographic area such as proximity to . . . prime farmlands, wetlands . . . or ecologically critical areas." [Section] 1508.27(b) (3). The taking away of significant quantities of freshwater flows upstream from the Delta would pull in greater salinity from San Francisco Bay adversely impacting the prime farmlands of the Delta. The Delta has already been declared to be an ecologically critical area and, again, consist of designated critical habitats for no fewer than five endangered and threatened fish species. California has determined by law in the Delta Reform Act that the Delta is "in crisis and existing Delta policies are not sustainable." Water Code, [Section] 85001(a). "The degree to which the effects on the quality of the human environment are likely to be highly controversial." [Section] 1508.27(b)(4). The Water Fix Delta Water Tunnels are the most controversial public works project in the history of the state of California. This project in its previous form as the "peripheral canal" was voted down by a statewide referendum in June 1982. One reason the environmental documents falsely deny obvious adverse environmental impacts, hide alternatives increasing flows by reducing exports, and refuse to post contrary information and views from the public and other public	Again, 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. The lead agencies have not intentionally left out information, obfuscated facts or denied impacts as the commenter alleges. The purpose of the EIR/EIS is to disclose incremental changes under the proposed project and other action alternatives as compared to conditions under the Existing Conditions and No Action Alternative, including changes in water quality (Chapter 8), water flows and deliveries (Chapters 5 and 6 and Appendix 5A, Section C), and fisheries and aquatic resources (Chapter 11). Although the model results should be considered in a comparative manner and not used to identify absolute values, changes that would result in trends as compared to regulatory criteria (e.g., Clean Water Act implementation in California) are presented in Chapter 8 of the EIR/EIS. The EIR/EIS appropriately identifies potential impacts to water quality, water supply and aquatic species in Chapters 8, 5 and 11. Text from the Recirculated DEIR/Supplemental DEIS referred to in this comment has been modified in the Final EIR/EIS to reflect the results presented in the Final EIR/EIS. Please refer to comment 2372-56 regarding water quality impacts and the Clean Water Act. As described in the EIR/EIS, the proposed project will be submitted to numerous state and federal agencies for approval, including to USFWS and NMFS under the Endangered Species Act, State Water Resources Control Board and U.S. Environmental Protection Agency under the Clean Water Act, and Delta Stewardship Council under the Delta Reform Act. The approvals and permits that will be issued by these agencies could result in changes to the proposed project that is presented in the EIR/EIS. However, implementation of the proposed project in accordance with these approvals and permits would be consistent with the related legislation referred to in this comment. Please refer to Master Response 36 regarding how the proposed project is different from the Peripheral Canal proposal. Please refer to the index of commenters to locate the ISB comment letter and the Lead Agencies' responses. For responses to comments related to the Delta Independent Science Board's letters, please refer to comment letters BDCP 1448 and/or RECIRC 2546. Please refer to response to comment 2372-51 regarding cumulative impacts. The remaining issues raised by the commenter addresses the merits of the project and do not raise any

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		agencies is because this project is so controversial. "The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks." [Section] 1508.27(b)(5). The experts, for example, of the Delta Independent Science Board have commented extensively on the degree of uncertainty in the environmental documents. "The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration." [Section] 1508.27(b) (6). Whether the Delta Tunnels are approved will in significant part determine future CVP and SWP operations and also represents a decision in principle that flows through the Delta will not be increased by reducing exports. Billions of dollars would not be spent to build the massive Water Tunnels unless the intent is to use them for the purpose for which they are intended. "Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided determining an action temporary or by breaking it down into small component parts." [Section] 1508.27(b) (7). In other words, the impacts resulting from the Water Tunnels must be considered together with impacts resulting from future CVP and SWP operations. "The degree to which the action . . . may cause loss or destruction of significant scientific . . . resources." [Section] 1508.27(b)(8). Endangered species are addressed in the next paragraph. One does not know ahead of time what species may contain a cure for cancer or dementia. "The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973." [Section] 1508.27(b)(9). In Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova, 40 Cal. 412, 449 (2007), the California Supreme Court determined that "We do not consider this response [similar to the denials of the obvious here] substantial evidence that the loss of stream flows would have no substantial effect on salmon migration. Especially given the sensitivity and listed status of the resident salmon species, the County's failure to address loss of Cosumnes River stream flows in the Draft EIR 'deprived the public . . . of meaningful participation [citation omitted] in the CEQA discussion." [Footnote 80: The Court noted that a "potential substantial impact on endangered, rare or threatened species is per se significant." 40 Cal.4th at 449 citing Guidelines section 14 Cal. Code Regs [Section]15065(a).] The Court required recirculation of the Draft EIR. We have summarized above in the ESA and CWA/water quality portions of these comments some of the impacts Water Tunnels operations would have on at least five endangered or threatened fish species and their designated critical habitats. Of course these impacts are significant adverse impacts. Yet the Executive Summary falsely concludes in all cases that they are not. (RDEIR/SDEIS Table ES-9, pp. ES-47 through 60, Aqua-NAA-1 through 16, Aqua-1 through 217). [Footnote 81: CEQA requires that a lead agency of a project "should reduce paperwork by emphasizing the portions of the environmental impact report that are useful to decision-makers and the public and reducing emphasis on background material." 14 C.C.R. [Section] 15006(s) (1983). The BDCP/Cal WaterFix is in excess of 48,000 pages and the entire report fails to explain the inconsistencies between the information provided in	specific issues with the environmental analysis provided in the 2015 RDEIR/SDEIS or the 2013 DEIR/DEIS.

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		the detail explanatory sections (i.e., Section 4.3.3) and the information produced on the information tables (i.e., Table ES-9).] Until about April 2015, the claim being made in the Draft EIR/EIS had been that while there would be adverse impacts of Water Tunnels operations on the fish and their habitat, much of that would be mitigated by the provision of wetland restoration. Now however, the "65,000 acres of tidal wetland restoration" has been eviscerated down to "59 acres." (RDEIR/SDEIS p. ES-17). Yet impacts previously either determined to be adverse or undetermined are now determined to not be significant or adverse. What has happened is that with NMFS and USFWS no longer being co-lead agencies, Reclamation and DWR have not been restrained from turning out environmental documents reeking with false denials of numerous significant adverse environmental impacts. "Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment." [Section] 1508.27(b)(10). As shown above, the action threatens violation of several laws imposed for protection of the environment including the ESA, CWA, and the Delta Reform Act.	
2372	86	We understand that the exporters want to take the water away from the Delta and that their captive agencies, Reclamation and DWR, want to give them the water. But these desires afford no license to churn out Draft environmental documents under NEPA and CEQA that arbitrarily, unreasonably, and falsely deny the numerous, severe, adverse impacts that diversion of water for the Water Tunnels would have on Delta water quality, water quantity, endangered and threatened fish species, designated critical habitat, water quality violations, and public health. The NEPA Regulations require that: "The draft statement must fulfill and satisfy to the fullest extent possible the requirements established for final statements in section 102(2)(C) of the Act. 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." 40 C.F.R. [Section] 1502.9(a). The Draft EIR/EIS and RDEIR/SDEIS with their arbitrary, unreasonable, and false denials of numerous, severe adverse environmental impacts resulting from Water Tunnels operations on the Delta are so inadequate as to preclude meaningful analysis. To comply with NEPA the lead agencies must either drop the Water Tunnels project or prepare and circulate a revised draft of the impacts analysis portions of the documents as well as the alternatives portions. The CEQA guidelines require that: "'Significant new information' requiring recirculation include, for example, a disclosure showing that: (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented. (2) . . .	This is an opinion on the merits of the project and the adequacy of the analyses presented in the EIR/EIS. All of the potential effects on water quality, water supply, fish and aquatic resources, and public health among all of the analyses required under CEQA and NEPA are disclosed in the EIR/EIS. When impacts are determined to be adverse under NEPA or significant under CEQA, mitigation measures are recommended to reduce these impacts. The EIR/EIS also presents environmental commitments and avoidance and minimization measures to reduce environmental effects of the project and alternatives. Please refer to Chapters 8, 5, 11 and 25 regarding the resource topics mentioned in the comments. Additionally, please see Master Response 22.

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		(3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it. (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded." 14 Code Cal. Regs. [Section] 15088.5(a)(1), (3), and (4). As is the case with NEPA, CEQA requires that unless the Water Tunnels project is dropped, a new Draft EIR/EIS sufficient to provide for meaningful public review and comment must be prepared and circulated.	
2372	87	CEQA states that "the lead agency must consider the whole of an action, not simply its constituent parts, when determining whether it will have a significant environmental effect." 14 C.C.R. [Section] 15003(h). The information pertaining to the effects of changes in SWP and CVP deliveries is pertinent for assessing the environmental impacts associated with all ecosystems along and in the Sacramento River and Delta Watershed. According to the BDCP table labeled "ES-9 Summary of BDCP/California WaterFix RDEIR/SDEIS Impacts and Mitigation Measures," the effects of water transfers on water supply are unknown. BDCP/California WaterFix RDEIR/SDEIS ES-41(2015). The previous version of the project, specifically the project issued in November 2013, contained information indicating that the impacts after mitigation would be "no impact" under CEQA and "no effect" under NEPA. Bay Delta Conservation Plan DEIR/DEIS ES-61 (2013). However, both the CEQA and NEPA impact analyses are now deemed to be "not applicable" and the reasoning supporting that finding was that the "findings were not made for these due to the approach in this analysis." Bay Delta Conservation Plan/California WaterFix RDEIR/SDEIS ES-41(2015).	Please refer to Master Response 8 for information on how the Lead Agencies have analyzed the project as a whole. Section 4 of the RDEIR/SDEIS provides the full text of the CEQA and NEPA conclusions. In both the RDEIR/SDEIS Section 4 and the final EIR/EIS Chapter 5, the text explains that there would be impacts of Alternative 4A relative to the No Action Alternative and existing conditions. However, no determination has been made regarding the significance of the effects of the project on cross delta water transfers. The summary table of impacts in the Executive Summary has been updated to most closely align with the conclusions in the text. Indirect effects of changes in Delta exports of water deliveries are addressed in Chapter 30 and other chapters addressing specific resources.
2372	88	There is no evidentiary support to uphold sections WS-2 and WS-3; the sections dedicated to describing the effects of water supply. WS-1 through WS-3 are absent in section 5.2.2.1 of the RDEIR/SDEIS 2015 BDCP and consequently a reference is only made to water supply beginning at test WS-4 (which continues to WS-6), sections that were not referenced whatsoever in the executive summary Table ES-9, but are present in the BDCP's water supply section (starting on section5 page 5-43). Bay Delta Conservation Plan/California WaterFix RDEIR/SDEIS Section 5.2.2.1 5-43 -5-46 (2015). The only information referencing section WS-2 and WS-3 are in sections 4.3.1, 4.4.1, and 4.5.1 (one section for each of the new alternatives); however, these sections are broad and not very descriptive and are written nearly identically to one another. Reference to the data for section 4.3.1, 4.4.1, and 4.5.1 is located in Appendix 5A, BDCP EIR/S Modeling Technical Appendix of the Draft EIR/EIS. The original draft BDCP would not cover plans 4A, 2D, or 5A since those specific plans were not in existence at the time of the draft EIR/EIS.	Section 5 in the Recirculated DEIR/Supplemental DEIS only presents differences in text, tables, and figures as compared to information presented in the Draft EIR/EIS. A complete set of changes to all text, tables, and figures is presented in the Final EIR/EIS. Specific CALSIM II model runs were not conducted for the analyses presented in the RDEIR/SDEIS. The 2013 Draft Bay Delta Conservation Plan was used in development of the Draft EIR/EIS and included analyses of conditions in the Recirculated DEIR/Supplemental DEIS for Existing Conditions, No Action Alternative, and Alternative 1 with climate change and sea level rise at Early Long-Term and Late Long-Term periods to be illustrative of potential changes that would occur under Early Long-Term conditions. The Final EIR/EIS includes model results for Alternatives 2D, 4A, and 5A as compared to the No Action Alternative and Existing Conditions in Appendix 5A, Section C, in addition to the model results previously provided in the Draft EIR/EIS. The comparative results between Alternatives 2D, 4A, and 5A and the No Action Alternative and the Existing Conditions are generally consistent with the impact analysis results presented in the RDEIR/SDEIS.
2372	89	CEQA requires projects to "identify ways that environmental damage can be avoided or significantly reduced" and assists "to prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible." (Cal. Code Regs., tit. 14, [Section] 15002(a)(2)-(3) (LexisNexis, Lexis Advance through Reg. 2015). Within the RDEIR/SDEIS, CEQA requires each public agency to ". . .indicate the manner in which those significant effects can be mitigated or avoided." Cal. Pub. Res. Code [Section] 21002.1(a) (LexisNexis, Lexis Advance through Chapter 807 of the 2015	As noted in Section ES.4.1.3 on pages ES36 and ES37 of the RDEIR/EIS, mitigation measures are recommended when the project design, environmental commitments, AMMs (avoidance and minimization measures) and CMs (conservation measures) are not sufficient to reduce impacts or when these project measures are not relevant to a particular impact. Please also see Master Response 22.

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		Legis. Sess.). The RDEIR/SDEIS Executive Summary provides all of the mitigation measures proposed, and lack thereof. The RDEIR/SDEIS violates this requirement because they do not provide mitigation measures for every "significant" avoidable damage to the environment that they have identified. For instance, the Executive Summary Table ES-9 Summary of BDCP/California WaterFix RDEIR/SDEIS Impacts and Mitigation Measures lists potential significant impacts not having a proposed mitigation measure: three significant impacts do not have proposed mitigation (page ES-42), two significant impacts (ES-47), one significant impact (ES-48), one significant impact (page ES-51), one significant impact (page ES-59), nine significant impacts (page ES-61 - ES-63), 10 significant impacts (page ES-64), nine significant impacts (page ES-65), nine significant impacts (page ES-66), 10 significant impacts (page ES-67), to name a few. Although many significant effects have a mitigation proposal, CEQA requires the agency to "indicate the manner in which those significant effects can be mitigated or avoided." Cal. Pub. Res. Code [Section] 21002.1(a) (LexisNexis, Lexis Advance through Chapter 807 of the 2015 Legis. Sess.). Although it does not explicitly say "all" significant effects, the word "those" would have the same effect. In common usage, we would read that to the effect of every subject. Thus, the agency has not identified a mitigation measure for every significant environmental effect.	
2372	90	[ATT1: BDCP/WaterFix charts of river flow estimates.]	This comment describes an attachment to the comment letter that provided charts of river flow estimates pulled from the RDEIR/SDEIS. 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.
2372	91	[ATT2: BDCP/WaterFix charts of water residence times.]	This comment describes an attachment to the comment letter that provided charts of water residence times and “fingerprint” modeling pulled from the Draft EIR/EIS and RDEIR/SDEIS. 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.
2372	92	Reducing flows in the Sacramento River is not a "waterfix," certainly not for the Bay-Delta Estuary. This will increase residence time of water in the Bay-Delta Estuary relative to current conditions and to a future without the Tunnels; salinity violations will increase with the Water Tunnels Project as well. [Footnote 82: RDEIR/SDEIS, Section 4.3.4, p. 4.3.4-67, lines 4-12.] (See Attachments 2 and 3 [ATT2, ATT3].) DWR and its partners opted not to model residence time behavior for Alternative 4A and the other "California WaterFix" alternatives (2D and 5A). However, the water source "fingerprinting" analyses in both last year’s and this year’s modeling appendices show replacement of good quality Sacramento River water with lower-flow and poorer quality San Joaquin River water, so it is reasonable, in the absence of more definitive modeling, that relative to existing conditions residence times will increase with the Tunnels project under both Alternatives 4 and 4A. This is borne out in our analysis of criteria pollutants in Attachment 5 [ATT5]. The lower-flowing and more polluted San Joaquin River will make up greater fractions of water flowing into the western Delta, Franks Tract, and at Contra Costa Water District’s Rock Slough intakes. [Footnote 83: This reasoning is confirmed by source-water fingerprint modeling provided in both the 2013 Draft EIR/EIS and the 2015 RDEIR/SDEIS. The source water fingerprint modeling results are found in Bay Delta Conservation Plan, Draft EIR/EIS/ November 2013, Appendix 3D, pp. 147-168, 8D-171 to 8D-192; and in Bay	Specific CALSIM II model runs were not conducted for the analyses presented in the RDEIR/SDEIS. Results for specific CALSIM II model runs for the proposed project, Alternative 4A, and action alternatives, Alternatives 2D and 5A, are presented in the Final EIR/EIS. The Final EIR/EIS addressed how residence time could increase at some locations in the Delta (based on residence time estimates modeled using the DSM2 PTM and reported in the Biological Assessment prepared for the project) for Alternative 4A H3+. The modeled increases in residence time were assessed in terms of how they could affect the frequency and magnitude of Microcystis blooms within the Delta, relative to the NAA. Please refer to Master Response 14. The Chapter 8 water quality analysis assessed the water quality effects of increasing the San Joaquin proportion of the flow and decreasing the Sacramento River portion at various Delta locations. A quantitative assessment was performed for boron, bromide, chloride, EC, mercury, nitrate, organic carbon, and selenium, and a qualitative assessment performed for other constituents.

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		Delta Conservation Plan, Recirculated Draft EIR/Supplemental Draft EIS, Appendix B, pp. B-191 to B-256.] Meanwhile, better quality Sacramento River water diverted into the Tunnels will improve state and federal export water quality, making Delta water quality elsewhere the poorer. [Footnote 84: Bay Delta Conservation Plan Draft EIR/EIS, November 2013, Appendix 8D (figures for Alternative 4, Scenarios H3 and H4), 2013; BDCP/California WaterFix, Recirculated Draft EIR/Supplemental Draft EIS, Appendix B, Section B.4.2 (figures for No Action Alternative, Alternative 4A, Scenarios H3 and H4), 2015; analyzed by Restore the Delta.]	
2372	93	[ATT3: BDCP/WaterFix charts of projected salinity.]	This comment describes an attachment to the comment letter that provided charts of projected salinity pulled from the Draft EIR/EIS. 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.
2372	94	[ATT4: BDCP/WaterFix charts of salmon survival rates.]	This comment describes an attachment to the comment letter that provided charts of salmon survival rates pulled from the RDEIR/SDEIS. 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.
2372	95	[ATT5:] Boron: Although period average concentrations decrease with Tunnels operations (except for Sacramento River at Emmaton and Contra Costa Water District's Pumping Plant No. 1), agricultural (that is, crop sensitivity) threshold of 500 micrograms per liter (µg/L) would see exceedances a substantial percentage of the time at San Joaquin River at Antioch and Sacramento River at Mallard Island. [Footnote 85: RDEIR/SDEIS, Appendix B, Table Bo-3, p. B-71.] The Tunnels Project will increase boron concentrations throughout the year at the south fork of the Mokelumne River, as well as at Franks Tract and Old River at Rock Slough, relative to both existing conditions and No Action Alternative. [Footnote 86: RDEIR/SDEIS, Appendix B, Table Bo-4 and Bo-5, pp. B-73 and B-74.] In the western Delta, boron concentrations increase with Tunnels operation relative to existing conditions and No Action Alternative between February and September, most months of the year. Finally, boron concentrations increase at the Contra Costa Water District's Pumping Plant No. 1, while boron concentrations decrease the North Bay Aqueduct intakes at Barker Slough and at Banks and Jones pumping plants of the state and federal water projects.	As noted by the comment letter Attachment 5, modeling results show that the only two assessed Delta locations that show exceedances of the 500 µg/L threshold used to evaluate effects to agricultural uses are the San Joaquin River at Antioch and the Sacramento River at Mallard Island. These locations show exceedances under Existing Conditions. With Alternative 4A, the frequency of exceedance of the threshold would decline at both locations relative to Existing Conditions. Further, the 500 µg/L threshold is a literature value from which agricultural effects were evaluated, but it is not a federal or state adopted water quality criterion/objective. There would be no exceedance of the 2,000 µ/L human health threshold utilized for the assessment. Thus, for the reasons described in Chapter 8, Water Quality, Impact WQ-3, Alternative 4A (and 2D, and 5A) would have less than significant impacts to boron.
2372	96	[ATT5:] Bromide: For both human health and aquatic life criteria, the Tunnels project would increase the frequency of criteria violations in the interior and western Delta, but would decrease bromide violations 25 to 305 percent of the time at Banks and Jones pumping plants. Western Delta bromide concentrations are a problem for Antioch diversions as well. One method of evaluating the Tunnels Project's bromide concentrations suggests that wet years may see increases rather than decreases. [Footnote 87: RDEIR/SDEIS, Appendix B, Table Br-1 and Table Br-2, pp. B-84, and Tables Br-5 and Br-6, p. B-87.]	As described in the Bromide subsection of Section 8.3.1.7, Constituent-Specific Considerations Used in the Assessment, in Chapter 8, Water Quality, there are no federal or state regulatory criteria/objectives for the bromide for surface waters. This section states that source water with bromide between 100 µg/L and 300 µg/L is believed sufficient to meet currently established drinking water criteria for disinfection byproducts, depending on the amount of Giardia inactivation required. This section also acknowledges the CALFED Drinking Water Program goal of 50 µg/L. The finding of less than significant impacts of Alternative 4A for bromide in Impact WQ-5 is based on the quantified small changes in bromide concentration identified in the modeling relative to these thresholds. Please see Master Response 14.
2372	97	[ATT5:] Chloride: The Mokelumne River south fork at Staten Island sees significant increases in chloride concentrations all year, every year. This is closely influenced by reduced flow through Georgiana Slough downstream of the north Delta intakes. Other interior and	While the modeling shows that Mokelumne River chloride concentrations at Staten Island would increase, Tables Cl-2 and Cl-3 in Appendix B of the RDEIR/SDEIS show that those concentrations would be relatively small and long-term average concentrations would be 20 mg/L, well below the 250 mg/L drinking water MCL. Regarding the Sacramento River at Emmaton, San Joaquin River at Antioch, and Sacramento River at

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		western Delta areas will see increased chloride concentrations relative to both existing conditions and No Action Alternative by the Tunnels during March through June (for interior locations) and March through August for Sacramento River at Emmaton, San Joaquin River at Antioch and Sacramento River at Mallard Island. [Footnote 88: RDEIR/SDEIS, Appendix B, Tables Cl-6 through Cl-9 for two estimation methods and the two operational scenarios (H3 and H4), pp. B-93 and B-96.]	Mallard Island, changing chloride concentrations is just one component of the chloride assessment to make impact determinations. As described in Impact WQ-7 in Chapter 8, Water Quality, the combined considerations of changes in chloride concentrations, frequency of exceedance of applicable water quality objectives, and degradation relative to the No Action Alternative condition (the comparison of which isolates the effects of the alternative from those due to climate change), relative to beneficial uses lead to the less than significant impact conclusion. Please also see Master Response 14.
2372	98	[ATT5:] Salinity: The "California WaterFix" Tunnels will more than triple the number of spikes in excess of salinity objectives along the Sacramento River downstream of the Tunnels, and along the San Joaquin River at Prisoners Point. Outright violations of salinity objectives are expected to more than double with the Tunnels in place. [Footnote 89: RDEIR/SDEIS, Appendix B, Table EC-1, p. B-129. "Spikes" here means daily exceedances of a salinity objective, while compliance with objectives is determined by comparing multi-day running averages with an objective. When the running average is exceeded, a violation is then deemed to occur by regulators.] These violations will degrade water quality for Delta agriculture and for fish and wildlife beneficial uses. This means that the State Water Resources Control Board cannot issue a 401 certification regardless of whether it has adequately assessed the project's propensity to degrade water quality. Along the lower Sacramento River, salinity violations will more than double, and will occur about a quarter of the time that salinity objectives are in effect, up from about 11 percent of the time now and with the "California WaterFix" Tunnels in place. These conditions will worsen relative to current and future conditions between May and September, especially in drought years (which are expected to increase in frequency). Interior Delta salinity will also worsen between March and September (such as along the South Mokelumne River and at San Andreas Landing on the San Joaquin), as well as between February and June at Prisoners Point along the San Joaquin. [Footnote 90: RDEIR/SDEIS, Appendix B, Tables EC-8A and EC-8B, pp. B-134 to B-135.] The Tunnels will be the opposite of a "WaterFix" for Suisun Marsh. "California WaterFix" modeling results show that every month's average salinity will increase about 56 percent over present conditions and about 60 percent over future conditions in the Beldon Landing area, 28 percent over present conditions and 27 percent over future conditions near Sunrise Duck Club, and 27 percent over present conditions and 26 percent over future conditions along Suisun Slough near Volanti Slough. [Footnote 91: RDEIR/SDEIS, Appendix B, Tables EC-5, EC-6, and EC-7, pp. B-131 to B-132.] This altered salinity regime will result in less habitat for fish and other aquatic species native to the Bay-Delta Estuary, as well as affect agricultural soils and vegetation in Suisun Marsh.	Impacts to electrical conductivity in the Sacramento River at Emmaton and San Joaquin River at Prisoners Point due to Alternative 4A have been acknowledged and identified as significant in Chapter 8, Water Quality, Impact WQ-11. Mitigation has been proposed that would reduce this impact to less than significant. EC changes at other Delta locations would not result in objective exceedances or degradation that would result in adverse effects to beneficial uses, as described further in Impact WQ-11. Regarding Suisun Marsh, the modeling results provided in the RDEIR/SDEIS and cited in the comment are based on modeling that assumed no operation of the Montezuma Slough Salinity Control Gates. As explained in the RDEIR/SDEIS, Appendix A, Chapter 8, Water Quality, Impact WQ-11, the project description includes continued operation of the gates and modeling conducted for the Final EIR/EIS included the gate operation. The modeling results for EC in the Final EIR/EIS in Chapter 8, Water Quality, Impact WQ-11 show that EC levels in Suisun Marsh would not be substantially different from Existing Conditions or the No Action Alternative. For additional information regarding water quality, please see Master Response 14.
2372	99	[ATT5:] Nitrates: Tunnels Project modeling results indicate increases of nitrates relative to the No Action Alternative of 19 to 34 percent for interior Delta locations in all years (except for San Joaquin River at Buckley Cove near Stockton). Similar modeling results are shown for the western Delta as well, 16 to 30 percent increases in salinity. And Contra Costa Water District's Pumping Plant No. 1 is projected to see a 25 percent increase in nitrates. This would likely result in significant increases in water treatment costs for the District. In all of these locations the monthly period average changes were almost all increases in the	This comment identifies how nitrate is projected to increase at certain Delta locations, but the resulting long-term average concentrations and degradation relative to applicable water quality objectives must be considered, along with the non-conservative nature of nitrate in ambient surface waters. As explained in Chapter 8, Water Quality, Impact WQ-15, long-term average nitrate concentrations would change little on an absolute concentration basis, and would remain well below adopted state water quality objectives at all Delta assessment locations. For additional information regarding water quality, please see Master Response 14.

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		range of 10 to 30 percent. As with other pollutants, nitrate concentrations are expected in Tunnels modeling results to decrease significantly at Barker Slough, Jones and Banks. [Footnote 92: RDEIR/SDEIS, Appendix B, Tables N-4 and N-5, pp. B-162 and B-163.]	
2372	100	[ATT5:] Harmful Algal Blooms: Algae occur naturally in all fresh and marine water environments. Most species are harmless under normal circumstances, but some "cyanobacteria" (also known as "blue-green algae") which use photosynthesis can "bloom" or undergo a rapid population boom during periods of slack flow, nutrient pollution conditions (such as from nitrates, nitrogen and phosphorus), and rising temperatures. Their sheer biomass can cause, according to the US EPA, a dramatic reduction or complete consumption of all dissolved oxygen in the water, suffocating oxygen-respiring organisms like fish, and can produce "cyanotoxins" that pose a significant potential threat to human and ecological health and affect taste, odor and safety of drinking water. They can degrade waterways used for recreation and as drinking water supplies. [Footnote 93: USEPA Region 9, Frequently Asked Question and Resources for Harmful Algal Blooms and Cyanobacterial Toxins, Version 1, July 2015. Accessible at http://www2.epa.gov/sites/production/files/2015-07/documents/habs_faqs-and-resources_v1-july2015.pdf.] When these conditions combine, harmful algal blooms can result. These conditions are ripest in August and September in the Estuary, but drought can increase harmful algal bloom activity. The most common blue-green algae species in the Bay-Delta Estuary is called Microcystis. In 2014, Microcystis algal blooms lasted beyond October into December due to low flows and warm temperatures -- water residence time was that long. [Footnote 94: Peggy Lehman, Staff Environmental Scientist, California Department of Water Resources, presentation to IEP 2015 Workshop, Folsom, California, "Response of Microcystis to Drought," , March 20, 2015.] Its toxin is deadly to wildlife, dogs, and human beings, and exposure can cause liver cancer in humans. It is a dangerous ecological and public health threat. The Tunnels are likely to increase residence times and slow flows in the western and central Delta. The recirculated Draft EIR/S this year acknowledges that "it is possible that increases in the frequency, magnitude, and geographic extent of Microcystis blooms in the Delta would occur relative to Existing Conditions" [Footnote 95: RDEIR/SDEIS, Section 4.3, p. 4.3.4-67.] as well as compared with the "no action alternative" (or the future condition of the Delta without "California WaterFix" Tunnels).	The comment is correct in that Impact WQ-32 for Alternatives 4A, 2D, and 5A identifies increased Microcysis bloom formation potential relative to Existing Conditions, but that is due to the effects of increased temperatures and lower residence times due to climate change. Compared to the No Action Alternative, which isolates the effects of the project alternatives separate from climate change, Impact WQ-32 for Alternatives 4A, 2D, and 5A concludes that no expected to result in adverse effects on Microcystis. For additional information regarding water quality, please also see Master Response 14.
2372	101	[ATT5:] Pesticides: The San Joaquin River is an impaired water body for chlorpyrifos, diazinon, diuron, DDT, and Group A pesticides (human carcinogens) under the Clean Water Act. [Footnote 96: US EPA, 2010 California 303(d) List of Water Quality Limited Segments. Accessible online at http://gispublic.waterboards.ca.gov/pub/303d/2010_USEPA_approv_303d_List_Final_122311wsrcs.xls.] Increasing that river's fraction of water contributed to the Delta will result in more concentrated pesticides reaching central and western Delta water ways from the San Joaquin, and with longer residence times, its pesticide burdens stay longer. The Bay-Delta Estuary will be left with a worsening pesticide "cocktail" supplied by the San Joaquin River's agricultural effluent.	The changing source water fractions were a consideration in the determination that Alternative 4A would have a less than significant impact to pesticides at the Delta assessment locations, as described in Chapter 8, Water Quality, Impact WQ-21.

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2372	102	[ATT5: ATT1: BDCP/WaterFix chart of mercury concentrations in largemouth bass.]	This comment describes an attachment to the comment letter that provided charts of mercury concentrations in largemouth bass. Calculations are based on portions of the RDEIR/SDEIS materials. 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.
2372	103	[ATT5:] Mercury: As shown in the table of charts above [ATT5: ATT1], the ratio of mercury concentrations in largemouth bass tissue was for Alternative 4 Tunnels scenarios well over 1.5 to twice or more the toxicity threshold. [Footnote 97: Environmental Water Caucus, Comment Letter on Bay Delta Conservation Plan and Draft Environmental Impact Report/Statement, June 11, 2014, Figure 9, pp. 85-86. Accessible online at http://ewccalifornia.org/reports/bdcpcomments6-11-2014-3.pdf.] (DWR and its partners try to divert attention from the toxicity threshold by comparing these levels to continuation of the status quo No Action Alternative [Footnote 98: Bay Delta Conservation Plan/California WaterFix, Recirculated Draft EIR/Supplemental EIS, 2015, Section 4.3.4, p. 4.3.4-33, lines 15-45], but the important comparison is to the toxicity threshold for ecological and public health protection.) Alternative 4A modeling in 2015 shows that the Tunnels project despite having less habitat restoration and no Yolo Bypass improvements would have only slightly less effect on fish tissue concentrations of mercury. Moreover, fish tissue concentrations at several Estuary locations would still be more than 1.5 to 2 times the US EPA's mercury guidance concentration. This analysis, however does not reflect "California EcoRestore's" habitat restoration efforts, which cumulatively can be expected to have impacts similar to the Tunnels and the Bay Conservation Plan last year. [Footnote 99: Based on Equation 1 calculations according to Appendix 8I of the Bay Delta Conservation Plan Draft EIR/EIS in 2013-2014 and Appendix B (Tables Hg-5 and Hg-7) and Appendix 8I of the Recirculated Draft EIR/Supplemental EIS in 2015. See also Environmental Water Caucus, Comment Letter, June 11, 2014, above.] The Bay Delta Conservation Plan states that "at this time . . . there is no proven method to mitigate methylation and mobilization of mercury into the aquatic system resulting from inundation of restoration areas. The mitigation measures . . . are meant to provide a list of current research that has indicated potential to mitigate mercury methylation." [Footnote 100: Charles N. Alpers, et al, Sacramento-San Joaquin Delta Regional Ecosystem Restoration Implementation Plan, Ecosystem Conceptual Model: Mercury, prepared January 24, 2008, pp. 12-13. Accessible online at https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=6413. "The net formation of . . . (MeHg) in sediment and/or water is the result of competing microbiological and abiotic reactions. . . ."] The Water Tunnels project provides no mitigation method at all, just a list of "adaptive management" research issues to be handled later. [Footnote 101: These research approaches include: Characterize soil mercury concentrations and loads on a project-by-project basis; sequester MeHg using low-intensity chemical dosing techniques using metal-based coagulants like ferric sulfide or poly-aluminum chloride. These floculants bind with dissolved organic carbon and MeHg to flocculate and deposit mercury out of solution; minimize microbial methylation activity in restored wetlands; design restored wetland habitat to enhance photodegradation of MeHg; remediate	The CEQA and NEPA impact determinations for mercury (and all other constituents) are made by comparison conditions with the project alternatives to conditions relative to Existing Conditions (for CEQA) and the No Action Alternative (NEPA). This is the fundamental framework for the assessment. Thus, while mercury concentrations are compared to thresholds, the conditions with the alternatives relative to the baselines are the basis for determining whether the alternative would result in a significant/adverse condition. For mercury, it was determined through these comparisons that the water conveyance facility operation and maintenance for the preferred alternative would not result in an adverse impact (Impact WQ-13); however, the proposed small amount of tidal habitat could have an adverse effect. Environmental Commitment 12 is provided to lessen the effects, however, because of the uncertainty regarding the effectiveness of this commitment, the impact determination remained significant/adverse. For additional information regarding water quality, please see Master Response 14.

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		sulfur-rich sediments with iron to prevent the biogeochemical reactions that methylate mercury; cap mercury-laden sediments (essentially entomb and bury them permanently to keep from mobilizing and methylating mercury). The research "measures" that BDCP proposes do not include basic toxicological research into mercury's effects on these and other fish and aquatic species found in the Delta.] Calling the Tunnels project "California WaterFix" plus DWR's premature application to the Corps of Engineers are not real adaptive management, but political prejudging of scientific outcomes. For both tunnels construction and habitat restoration work in and around the Bay-Delta Estuary, DWR and its partners would have to handle MeHg on a case-by-case basis. [Footnote 102: Bay Delta Conservation Plan Environmental Impact Report/Environmental Impact Statement, Chapter 8, Water Quality, p. 8-260, lines 30-35; p. 8-446, lines 39-42, and p. 8-447, lines 1-2. "Because of the uncertainties associated with site-specific estimates of methylmercury concentrations and the uncertainties in source modeling and tissue modeling, the effectiveness of methylmercury management . . . would need to be evaluated separately for each restoration effort, as part of design and implementation. Because of this uncertainty and the known potential for methylmercury creation in the Delta this potential effect . . . is considered adverse."]	
2372	104	[ATT5:] Selenium: Selenium concentrations in water are expected to change only slightly under the Tunnels Project's flow regimes; annual average selenium concentrations in whole-body sturgeon are expected to increase substantially, according to Tunnels Project modeling results in the RDEIR/SDEIS. In addition, the RDEIR/SDEIS reports that protective toxicity thresholds recommended by Presser and Luoma will be exceeded under Tunnels Project flow regimes relative to No Action Alternative conditions. In particular, their "low" threshold of 5 mg/kg, dry weight would see an exceedance quotient of 1.1 for both operational scenarios of the Tunnel Project, relative to the No Action Alternative condition of 0.95 for the San Joaquin River at Antioch. Under the higher protective threshold they recommend, the exceedance quotient would not rise above 1.0, but would nonetheless increase from 0.59 to about 0.7. For Sacramento River at Mallard Island, average annual exceedance quotients under Tunnels Project flow conditions would increase over the No Action Alternative from 0.88 to 0.99, very close to exceedance. Modeling results do not report the error rate for the modeling here performed, so these results could represent exceedance, since they are so close to 1.0. [Footnote 103: RDEIR/SDEIS, Appendix B, Table Se-7, p. B-186.] Retirement of the drainage impaired lands of the western San Joaquin Valley has been found time and again to be the most cost-effective solution to the problem of selenium-tainted irrigation drainage. [Footnote 104: Presser, T.S. and S.E. Schwarzbach. 2008. Technical Analysis of In Valley Drainage Management Strategies for the Western San Joaquin Valley, US Geological Survey Open File Report 2008-1210. Accessible online at http://pubs.usgs.gov/of/2008/1210/.] Land retirement is the best and cheapest option for slowing the rate at which selenium loads and concentrations reach the Delta, and for sequestering selenium in its source rock and soils longer into the future. The natural reservoir of selenium has been documented to hold up to at least another 300 years' worth of tainted drainage at current rates. [Footnote 105: T.S. Presser and S.N. Luoma, 2006. Forecasting Selenium Discharges to the San Francisco Bay-Delta Estuary: Ecological	Please refer to Master Response 14 regarding selenium.

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		Effects of a Proposed San Luis Drain Extension, United States Geological Survey Professional Paper 1646, cited in: T. Stroshane, Testimony on Recent Salinity and Selenium Science and Modeling for the Bay-Delta Estuary, plus appendices, prepared for the California Water Impact Network, August 17, 2012, for Workshop #1, Ecosystem Changes and the Low Salinity Zone, before the State Water Resources Control Board.] The National Research Council's 2012 report on Bay-Delta sustainable water management cited this selenium reservoir as well, stating in part: "Irrigation drainage, contaminated by selenium from those soils, is also accumulating in western San Joaquin Valley groundwaters. The problem is exacerbated by the recycling of the San Joaquin River when water is exported from the Delta. While control of selenium releases has improved, how long those controls will be effective is not clear because of the selenium reservoir in groundwater. . . . Other aspects of water management also could affect selenium contamination. For example, infrastructure changes in the Delta such as construction of an isolated facility could result in the export of more Sacramento River water to the south, which would allow more selenium-rich San Joaquin River water to enter the Bay. The solutions to selenium contamination must be found within the Central Valley and the risks from selenium to the Bay are an important consideration in any infrastructure changes that affect how San Joaquin River water gets to the Bay." [Footnote 106: National Research Council, Committee on Sustainable Water and Environmental management in the California Bay-Delta, Sustainable Water and Environmental Management in the California Bay-Delta, Washington, DC: The National Academies Press, 2012, p. 94. Accessible online 8 May 2014, at http://www.nap.edu/catalog.php?record_id=13394.] Of course, ending application of Delta waters to irrigate western San Joaquin Valley drainage impaired lands could reduce the need for deliveries to the San Luis Unit of the Central Valley Project by up to a million acre-feet per year. This reduction could provide by itself dramatically improved reliability for all other CVP contractors' allocations, without the investment of billions for the Tunnels project and "California WaterFix."	
2373	1	I am in total opposition to this project. Governor Brown wants a legacy project to his name before he leaves office and this is it. Circumventing water around the Delta will destroy the largest estuary in the country only to benefit the large agriculture companies in the south. Everyone knows that Resnick is behind the push for the tunnels and that makes Mr. Brown his puppet. What a shameful way to do the state's business. Stop the tunnels before the entire state's water system is ruined.	Since 2006, the proposed has been developed based on sound science, data gathered from various agencies and experts over many years, input from agencies, stakeholders and independent scientists, and more than 600 public meetings, working group meetings and stakeholder briefings. DWR's fundamental purpose of the proposed project is to make physical and operational improvements to the SWP system in the Delta necessary to restore and protect ecosystem health, water supplies of the SWP and CVP south of the Delta, and water quality within a stable regulatory framework, consistent with statutory and contractual obligations. By establishing a point of water diversion in the north Delta and new operating criteria to improve water volume, timing, and salinity, the proposed project is designed to improve native fish migratory patterns and allow for greater operational flexibility. Please see Master Response 3 for additional information regarding the purpose and need behind the proposed project.
2374	1	The tunnels will devastate wild species, entire ecosystems and agriculture near the Bay Delta. We need improved water management, not ridiculously expensive and ridiculously destructive engineering.	This comment letter is in part a form letter that has been submitted by many commenters. To locate the response to the form letter portion of the comment, please refer to the index of commenters in Chapter 4 of Volume II of the Final EIR/EIS, and cross reference the Form Master letter number shown there with the index of Form Masters also provided in Chapter 4 of Volume II of the Final EIR/EIS. The text below responds to the specific substantive portions of the comment letter that were submitted by the commenter. It is important to note, as an initial matter, that the proposed project is not intended to serve as a state-wide solution to all of California's water problems and it is not an attempt to address directly the need for

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			continued investment by the State and other public agencies in conservation, recycling, desalination, treatment of contaminated aquifers, or other measures to expand supply and storage. Nor is the proposed project intended to solve all environmental challenges facing the Delta. Please see Master Response 6 (Demand Management) for further information regarding how many of the suggested components have merit from a state-wide water policy standpoint, and some are being implemented or considered independently throughout the state, but are beyond the scope of the proposed project. DWR's fundamental purpose of the proposed project is to make physical and operational improvements to the SWP system in the Delta necessary to restore and protect ecosystem health, water supplies of the SWP and CVP south of the Delta, and water quality within a stable regulatory framework, consistent with statutory and contractual obligations. Please see Master Response 3 for additional information regarding the purpose and need behind the proposed project.
2375	1	Have they lost their minds with this proposal? Saltwater intrusion is already a serious issue. Rising sea levels will only make intrusion significantly worse with diversion. Just follow the money on this proposal. . . it's the worst form of water greed. The Owens River/Valley was nothing compared to this environmental disaster proposal. We are not working to reverse San Francisco Bay habitat damage and now these damn tunnels surface. This just a peripheral canal proposal of 40+ years ago revisited. Stop Brown and his cronies with this arrogant and environmentally disastrous proposal.	This comment letter is in part a form letter that has been submitted by many commenters. To locate the response to the form letter portion of the comment, please refer to the index of commenters in Chapter 4 of Volume II of the Final EIR/EIS, and cross reference the Form Master letter number shown there with the index of Form Masters also provided in Chapter 4 of Volume II of the Final EIR/EIS. The text below responds to the specific substantive portions of the comment letter that were submitted by the commenter. The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis provided in the EIR/S.
2376	1	California's Water won't be Fixed until we fallow the toxic, desert farmland that never should have been irrigated in the first place and re-orient our entire agricultural industry to farm only the land that makes the most sense to farm -- the land that gives the greatest "crop per drop" return on investment.	This comment letter is in part a form letter that has been submitted by many commenters. To locate the response to the form letter portion of the comment, please refer to the index of commenters in Chapter 4 of Volume II of the Final EIR/EIS, and cross reference the Form Master letter number shown there with the index of Form Masters also provided in Chapter 4 of Volume II of the Final EIR/EIS. The text below responds to the specific substantive portions of the comment letter that were submitted by the commenter. No issues related to the adequacy of the environmental impact analysis in the EIR/S were raised. The proposed project is just one element of the state's long-range strategy to meet anticipated future water needs of Californians in the face of expanding population and the expected effects of climate change. The proposed project is not a comprehensive, statewide water plan, but is instead aimed at addressing many complex and long-standing issues related to the operations of the SWP and CVP in the Delta, including reliability of exported supplies, and the recovery and conservation of threatened and endangered species that depend on the Delta. The State Water Resources Control Board, not DWR, is responsible for decisions relating to water rights and beneficial use of water. See Master Response 34 (Beneficial Use of Water).
2377	1	I am opposed to the building of water tunnels for transfer to Southern California. It would radically change the area being voided [of] water.	DWR's fundamental purpose of the proposed project is to make physical and operational improvements to the SWP system in the Delta necessary to restore and protect ecosystem health, water supplies of the SWP and CVP south of the Delta, and water quality within a stable regulatory framework, consistent with statutory and contractual obligations. Please refer to Master Response 3 regarding the purpose and need of the proposed project. It is projected that water deliveries from the federal and state water projects under a fully-implemented California WaterFix project would be about the same as the average annual amount diverted in the last 20 years. Please also refer to Master Response 26 (Changes in Delta Exports/Area of Origin/Water Rights) and Master

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			Response 35 (MWD Water Supply).
2378	1	Water is the life's blood of the Delta and it needs more fresh water from the rivers, not less.	This comment letter is in part a form letter that has been submitted by many commenters. To locate the response to the form letter portion of the comment, please refer to the index of commenters in Chapter 4 of Volume II of the Final EIR/EIS, and cross reference the Form Master letter number shown there with the index of Form Masters also provided in Chapter 4 of Volume II of the Final EIR/EIS. The text below responds to the specific substantive portions of the comment letter that were submitted by the commenter. The comment does not raise any environmental issue related to the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS.
2378	2	I have boated and fished on the Delta for the last 30 years and know it is a priceless resource that generations of Californians have enjoyed and will enjoy unless it is destroyed by corrupt officials and the greed of shortsighted commercial interests.	No issues related to the adequacy of the environmental impact analysis in the EIR/S were raised.
2378	3	Once again I would like to say no to the Delta tunnels.	No issues related to the adequacy of the environmental impact analysis in the EIR/S were raised.
2379	1	More facts are needed on Delta estuary, San Joaquin County (not Central Valley) growers. Have you seen the recent bulletin of the San Joaquin County Farm Bureau? sjfb.org. At least three quotes were informative.	No issues related to the adequacy of the environmental impact analysis in the EIR/S were raised.
2379	2	It seems like Delta river concerns [are] by name redistribution. Recently, an email alert from Maven's Notebook referred to a map of water agencies, with no reference to elected county governments.	No issues related to the adequacy of the environmental impact analysis in the CEQA and NEPA documents were raised.
2379	3	80% non-compliance of levee repair/maintenance (done by USACE/Army Corps [of Engineers], Sacramento): A levee engineer in Walnut Grove said they could restore the levees in business job development. (It is much less than the 14 billion to 65 billion unknown fix-it costs for little water, not even 3 to 10 to 15 years of destruction.)	Please see Chapter 2, FEIR/EIS, for the BDCP/CWF purpose and need, and Appendix 6A Sections 6A.2 and 6A.3 for discussion on existing levee improvement programs and funding mechanisms, which would not be affected by the BDCP/CWF. Levees are an important public safety resource and the proposed project would not change levee policy or replace ongoing programs and grant projects aimed at facilitating and supporting levee improvements in or outside the Delta. It recognized that levee maintenance and safety in the Delta is an important issue for the residents of the Delta and for statewide interests.
2380	1	This is a bad deal for Northern California. We need to keep our water. Southern California has been receiving more rain this year than us northerners.	DWR's fundamental purpose of the proposed project is to make physical and operational improvements to the SWP system in the Delta necessary to restore and protect ecosystem health, water supplies of the SWP and CVP south of the Delta, and water quality within a stable regulatory framework, consistent with statutory and contractual obligations. Please refer to Master Response 3 regarding the purpose and need of the proposed project. It is projected that water deliveries from the federal and state water projects under a fully-implemented California WaterFix project would be about the same as the average annual amount diverted in the last 20 years. Please also refer to Master Response 26 (Changes in Delta Exports/Area of Origin/Water Rights) and Master Response 35 (MWD Water Supply).
2381	1	We wish to express our strong opposition to the Twin Tunnels project, which is prohibitively expensive, but more important, an impending ecological disaster. Conservation and altered patterns of agriculture are the only solution for the water needs of the southern Central Valley, and the solutions lie in the hands of the farmers and other citizens of that region. Already, too much of the Sacramento River's precious water fails to reach the Bay, and current diversions are already creating huge ecological problems, not only for fish and animals, but for the water tables and geography of the river. Do not duplicate the mistakes of the Owens Valley catastrophe. Focus on solving water issues,	No issues related to the adequacy of the environmental impact analysis in the EIR/S were raised. The proposed project was developed to meet the rigorous standards of the federal and state Endangered Species Acts, as such it is intended to be environmentally beneficial, not detrimental. By establishing a point of water diversion in the north Delta and new operating criteria to improve water volume, timing, and salinity, the proposed project is designed to improve native fish migratory patterns and allow for greater operational flexibility. See Master Response 34 (Beneficial Use of Water). The State Water Resources Control Board, not DWR, is responsible for decisions relating to water rights and beneficial use of water. See Master

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		not exacerbating them.	Response 34 (Beneficial Use of Water), Master Response 5 (Costs and Funding).
2382	1	Upon examination, some grand ideas are not so grand. Please stop the promotion of the twin tunnels. They are a concept that needs further study.	The comment does not raise any environmental issue related to the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS.
2383	1	Stop the tunnels! Stop the water grab!	No issues related to the adequacy of the environmental impact analysis in the EIR/S were raised.
2384	1	I am concerned that vast removal of fresh water by the tunnels will cause an increase of salt water inundating the estuary, ruining the fishing industry and causing great ecological damage. Please reconsider this costly mistake.	All of the alternatives evaluated in the EIR/EIS would only divert water under existing water rights which were issued to DWR and Reclamation by the State Water Board with consideration for senior water rights and Area of Origin laws and requirements. The amount of water that DWR and Reclamation can pump from the new north Delta facilities is set by Federal regulating agencies, ESA compliance and project design, and not by the water contractors. Operations for the Proposed Project would still be consistent with the criteria set by the U.S. Fish and Wildlife Service and National Marine Fisheries Service biological opinions and State Water Resources Control Board Water Right Decision 1641 (D-1641), subject to adjustments made pursuant to the project and the adaptive management process, as described in Chapter 5, Water Supply of the EIR/S. In addition, the EIR/EIS modeling results for the No Action Alternative indicate that, with or without the project, rising sea levels will bring saline tidal water further into the Delta than occurs under Existing Conditions.
2385	1	I live in the Sacramento River watershed and strongly oppose the California WaterFix, the Governor's latest plan to drain the vitality from the north state. Our homes, businesses, farms, and wildlands depend on healthy groundwater, creeks, and streams. I will fight this water grab in every way I can to prevent turning the Sacramento Valley into an echo of the Owens and San Joaquin Valleys. No Twin Tunnels!	No issues related to the adequacy of the environmental impact analysis in the EIR/S were raised. DWR's fundamental purpose of the proposed project is to make physical and operational improvements to the SWP system in the Delta necessary to restore and protect ecosystem health, water supplies of the SWP and CVP south of the Delta, and water quality within a stable regulatory framework, consistent with statutory and contractual obligations. By establishing a point of water diversion in the north Delta and new operating criteria to improve water volume, timing, and salinity, the proposed project is designed to improve native fish migratory patterns and allow for greater operational flexibility. Please see Master Response 3 for additional information regarding the purpose and need behind the proposed project.
2386	1	Present low water flow in the Sacramento River means that the incoming tidal flow causes the river to flow backwards for a while! Salinity is increasing in the water more and more. The monstrous tunnels would no doubt increase the salinity problem by drawing down the amount of water flowing against the incoming tidal pressure.	Impacts to electrical conductivity in the Sacramento River at Emmaton and San Joaquin River at Prisoners Point due to Alternative 4A have been acknowledged and identified as significant in Chapter 8, Water Quality, Impact WQ-11. Mitigation has been proposed that would reduce this impact to less than significant. EC changes at other Delta locations would not result in objective exceedances or degradation that would result in adverse effects to beneficial uses, as described further in Impact WQ-11. The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis provided in the EIR/EIS.
2387	1	Because of increased Delta salinity, the health of the San Francisco Bay and its inhabitants, and the destruction of fish, most notably salmon, I was against this idea in 1982 and remain so. No new information has been presented to convince one that these dangers do not remain real. Anyone considering this concept, most especially Governor Brown, should read or reread the book Cadillac Desert.	No issues related to the adequacy of the environmental impact analysis in the EIR/S were raised. The proposed project was developed to meet the rigorous standards of the federal and state Endangered Species Acts, as such it is intended to be environmentally beneficial, not detrimental. By establishing a point of water diversion in the north Delta and new operating criteria to improve water volume, timing, and salinity, the proposed project is designed to improve native fish migratory patterns and allow for greater operational flexibility.
2388	1	We are absolutely opposed to this proposition and the diversion of water to the south. . . The idea was opposed by the public in the 80s. . . Not then, not now and maybe never.	No issues related to the adequacy of the environmental impact analysis in the EIR/S were raised.

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2389	1	This is to inform you that I live in Butte County, located in the Sacramento watershed, and am opposed to the Twin Tunnels. This project would have detrimental long-term ecological and economic impact on the Delta and other parts of the Sacramento watershed.	No issues related to the adequacy of the environmental impact analysis in the EIR/S were raised. The proposed project was developed to meet the rigorous standards of the federal and state Endangered Species Acts, as such it is intended to be environmentally beneficial, not detrimental. By establishing a point of water diversion in the north Delta and new operating criteria to improve water volume, timing, and salinity, the proposed project is designed to improve native fish migratory patterns and allow for greater operational flexibility. See Master Response 3 (Purpose and Need).
2390	1	I am writing today to convey opposition to the proposed Delta Tunnels and their cost to taxpayers. Many lives and livelihoods depend upon the waters of the Delta. Diverting the waters would cause harm to the many residents and businesses who depend upon these waters. It is my belief that the end cost of the proposed tunnels will be far more than estimated, possibly double, and an already strapped economy could crush entire communities, not only by loss of revenue, but also by the increased taxes to pay for the tunnels that they have veraciously opposed.	Please refer to Master Response 3 regarding the purpose and need for the project and Master Response 5 regarding implementation and costs. As described in Impact ECON-4 under Alternative 4A of Chapter 16, Socioeconomics, property tax and assessment revenue generated by lands that would be transferred from private is estimated to total $6.7 million over the construction period. Typically, decreases in revenue could potentially result in the loss of a substantial share of some agencies' tax bases and particularly for smaller districts affected by a project. However, California Water Code (Section 85089 subdivision 9b) specifies that the entities constructing and operating a new Delta conveyance facility will fully mitigate for the loss of property tax revenues or assessments levied by local governments or special districts. This Water Code requirement will ensure that tax revenues forgone as a result of transferring land from private to public ownership will be fully offset. In addition, as discussed under Impact ECON-1, construction of the water conveyance facilities would be anticipated to result in a net temporary increase of income and employment in the Delta region. This would also create an indirect beneficial effect through increased sales tax revenue for local government entities that rely on sales taxes. For more information regarding funding sources please see Master Response 5.
2390	2	With rising salt content in the Delta waters, ground pools would be rendered unnecessarily useless to one community for the sole purpose enriching another community. Does this make sense? No.	The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis provided in the EIR/EIS.
2390	3	Many other ideas which could resolve the water problems of Southern California have been presented and rejected with very little evidence that they would not work. Or even very little interest in finding out if they could work! Governor Brown is doing his best to fulfill his father's dream of building that canal and he doesn't care who it hurts. Please say no to the Delta Tunnels.	Since 2006, the proposed has been developed based on sound science, data gathered from various agencies and experts over many years, input from agencies, stakeholders and independent scientists, and more than 600 public meetings, working group meetings and stakeholder briefings. DWR's fundamental purpose of the proposed project is to make physical and operational improvements to the SWP system in the Delta necessary to restore and protect ecosystem health, water supplies of the SWP and CVP south of the Delta, and water quality within a stable regulatory framework, consistent with statutory and contractual obligations. By establishing a point of water diversion in the north Delta and new operating criteria to improve water volume, timing, and salinity, the proposed project is designed to improve native fish migratory patterns and allow for greater operational flexibility. Please see Master Response 3 for additional information regarding the purpose and need behind the proposed project, Master Response 4 regarding the selection of alternatives analyzed, Master Response 7 regarding desalination, Master Response 6 regarding demand management and Master Response 37 regarding water storage.
2391	1	The proposed tunnels are a bad idea and I oppose them. The bay salt is encroaching on the farmland due to freshwater extraction already so I think this proposal will exacerbate the problem and be hugely expensive.	The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis provided in the EIR/EIS.
2392	1	I live in the Sacramento River watershed and strongly oppose the California WaterFix, the Governor's latest plan to send water from the north state south to provide water to farms in the Central Valley that never should have been established. I live on a small farm just south of Chico. Our well water level has dropped by over 30 feet during this drought and we are facing the possibility of running out of water. This drought makes it clear that	The preferred alternative, Alternative 4A, proposes to stabilize water supplies, and exports could only increase under certain circumstances in which hydrological conditions result in availability of sufficient water and ecological objectives are fully satisfied. It is projected that water deliveries from the federal and state water projects under the preferred alternative would be about the same as the average annual amount of water that would be diverted under the No Action Alternative (i.e. 2025 conditions without the preferred

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		Northern California needs all the water that comes through our region, or we will be facing the desertification that has occurred in the Owens and San Joaquin valleys as a result of past mismanagement of their waters. Our homes, businesses, farms, and wild lands depend on healthy groundwater, creeks, and streams. I will fight to protect Northern California groundwater in every way I can. No Twin Tunnels!	alternative). It is projected that Delta exports from the federal and state water projects would either remain similar or increase in wetter years and decrease in drier years under Alternative 4A as compared to exports under No Action Alternative (ELT) depending on the capability to divert water at the north Delta intakes during winter and spring months. The estimated changes in deliveries for 4A are provided in the Section 4.3.1 and Appendix A Chapter 5 Water Supply. Although exports under the preferred alternative would be similar to the amount water exported in recent history, it would make the deliveries more predictable and reliable, while reducing other stressors on the ecological functions of the Delta.
2393	1	Oh. . . I had a vote in 1982 (peripheral canals) and it was defeated. Water should be controlled locally. . . we know best our area. Please no on destroying the ecosystem!	No issues related to the adequacy of the environmental impact analysis in the EIR/S were raised.
2394	1	As a 45-year resident of California, who grew up in the Sacramento Valley, I have watched in horror as we have continued to divert, dam, and waste the natural resources of our state. The impressive salmon, steelhead, shad, striped bass, and other anadromous fish runs of my youth -- in the rivers and streams around Chico -- have all but vanished, the victim of our wasteful and expanding water usage. The cool-clear streams I used to paddle and fish have become increasingly stagnant, tepid, and lifeless.	No issues related to the adequacy of the environmental impact analysis in the EIR/S were raised.
2394	2	The Delta's ecosystem is already on the brink of collapse -- some might consider it too late to save it. But it can ill afford more water diversions in the name of wasteful agricultural practices, sprinkled landscaping, and other excesses of our continuing expansion into the southern deserts. If we must grow as a state, so be it, but it has to be done responsibly, and mitigated through real conservation, not as an inevitable death knell to our native fish and fowl, and their once-healthy ecosystems.	No issues related to the adequacy of the environmental impact analysis in the EIR/S were raised. The proposed project was developed to meet the rigorous standards of the federal and state Endangered Species Acts, as such it is intended to be environmentally beneficial, not detrimental. By establishing a point of water diversion in the north Delta and new operating criteria to improve water volume, timing, and salinity, the proposed project is designed to improve native fish migratory patterns and allow for greater operational flexibility. See Master Response 3 (Purpose and Need) and Master Response 34 (Beneficial Use of Water).
2395	1	I'm against the twin tunnels. It [will ruin] the Delta.	No issues related to the adequacy of the environmental impact analysis in the EIR/S were raised. The proposed project was developed to meet the rigorous standards of the federal and state Endangered Species Acts, as such it is intended to be environmentally beneficial, not detrimental. By establishing a point of water diversion in the north Delta and new operating criteria to improve water volume, timing, and salinity, the proposed project is designed to improve native fish migratory patterns and allow for greater operational flexibility.
2396	1	There are many other solutions to providing water for Southern California. These tunnels will cause the demise of wildlife, fish, wetlands and other valuable habitat, as well as increase the salt content of the water that flows into and out of the Delta. Southern California has to implement other ways to have a water supply, other than getting all of its water from the Sacramento and San Joaquin Rivers!	All of the alternatives evaluated in the EIR/EIS would only divert water under existing water rights which were issued to DWR and Reclamation by the State Water Board with consideration for senior water rights and Area of Origin laws and requirements. The amount of water that DWR and Reclamation can pump from the new north Delta facilities is set by Federal regulating agencies, ESA compliance and project design, and not by the water contractors. Operations for the Proposed Project would still be consistent with the criteria set by the U.S. Fish and Wildlife Service and National Marine Fisheries Service biological opinions and State Water Resources Control Board Water Right Decision 1641 (D-1641), subject to adjustments made pursuant to the project and the adaptive management process, as described in Chapter 5, Water Supply of the EIR/EIS. The Proposed Project is not intended to serve as a state-wide solution to all of California's water problems, and it is not an attempt to address directly the need for continued investment by the State and other public agencies in agricultural and municipal/industrial water conservation, recycling, desalination, treatment of contaminated aquifers, or other measures to expand supply and storage (as described in Section 1.C.3 of

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			Appendix 1C, Water Demand Management).
2397	1	The Delta Tunnels EIR/EIS describes a project that is not economically or financially feasible due to its minimal water yields. Specifically, the EIR/EIS describes water exports with the $16 billion tunnels will only average about 250,000 acre-feet more each year than under No Action.	DWR acknowledges your opposition to the project. Please see Master Response 5 regarding cost and funding for the project.
2397	2	The Delta Water Tunnels would destroy endangered and threatened fish species. The Tunnels would divert for the Central Valley and State Water Projects vast quantities of freshwater from the Sacramento River near Clarksburg that would no longer flow through the lower Sacramento River, sloughs, and Delta. This would jeopardize the continued existence of endangered and threatened species of fish and adversely modify their designated critical habitat by taking away freshwater flows for winter-run Chinook salmon, spring-run Chinook salmon, Central Valley steelhead, green sturgeon, and Delta smelt.	Please refer to the discussion/analysis of potential fish effects in the RDEIR/SEIS Chapter 4, Sections 4.3.7, 4.4.7, and 4.5.7, as well as Appendix A (Chapter 11); in addition, Chapter 11 in the DEIR/EIS discusses potential fish effects. Please note that the preferred alternative is now Alternative 4A and no longer includes an HCP. Alternative 4A, also known as California WaterFix, has been developed in response to public and agency input and is the new CEQA Preferred Alternative. Alternative 4A is also the NEPA Preferred Alternative, a designation that was not attached to any of the alternatives presented in the 2013 Public Draft BDCP Draft EIR/EIS. Alternative 4 (AKA BDCP) remains a potentially viable alternative and is being carried forward in this RDEIR/SDEIS because it represents the original habitat conservation plan/natural community conservation plan (HCP/NCCP) alternative approach, and because it provides an important reference point from which the Alternative 4A, 2D, and 5A descriptions and analyses were developed. If the Lead Agencies ultimately choose the alternative implementation strategy and select an alternative presented in the RDEIR/SDEIS after completing the CEQA and NEPA processes, elements of the conservation plan contained in the alternatives in the 2013 BDCP Draft EIR/EIS may be utilized by other programs for implementation of the long term conservation efforts. Please note that the preferred alternative (4A, or California WaterFix) will be subject to consultation under section 7 of the ESA.
2397	3	Harmful algal blooms are expected to increase due to the Tunnels, consuming most or all dissolved oxygen in the water, and suffocating oxygen-respiring organisms like fish. Blue-green algae, such as one species called Microcystis, can also produce "cyanotoxins" that pose a significant potential threat to wildlife, dogs, and human beings, and exposure can cause liver cancer in humans. Tunnels' reports acknowledge that "increases in the frequency, magnitude, and geographic extent of Microcystis blooms in the Delta would occur relative to Existing Conditions," increasing a dangerous ecological and public health threat.	The comment is correct in that Impact WQ-32 for Alternatives 4A, 2D, and 5A identifies increased Microcysis bloom formation potential relative to Existing Conditions, but that is due to the effects of increased temperatures and lower residence times due to climate change. Compared to the No Action Alternative, which isolates the effects of the project alternatives separate from climate change, Impact WQ-32 for Alternatives 4A, 2D, and 5A concludes that no expected to result in adverse effects on Microcystis. Please refer to Master Response 14.
2397	4	The tunnels will be an ecological [and] economic disaster for the Delta [and] all of California. I ask you to end this project now.	No issues related to the adequacy of the environmental impact analysis in the EIR/S were raised. DWR's fundamental purpose of the proposed project is to make physical and operational improvements to the SWP system in the Delta necessary to restore and protect ecosystem health, water supplies of the SWP and CVP south of the Delta, and water quality within a stable regulatory framework, consistent with statutory and contractual obligations. By establishing a point of water diversion in the north Delta and new operating criteria to improve water volume, timing, and salinity, the proposed project is designed to improve native fish migratory patterns and allow for greater operational flexibility. Please see Master Response 3 for additional information regarding the purpose and need behind the proposed project.
2398	1	I am speaking out on behalf of not sending water southward. Keep our habitats safe!	No issues related to the adequacy of the environmental impact analysis in the EIR/S were raised.
2399	1	I must strongly oppose the construction on the proposed Delta tunnels. They would completely destroy the Delta and the fragile ecosystem [it] consists of. As a long-time visitor to the Delta, over 25 years each summer for at least four months' time I have come to appreciate the beauty and necessity of this system. All who use the	No issues related to the adequacy of the environmental impact analysis in the EIR/S were raised. The proposed project was developed to meet the rigorous standards of the federal and state Endangered Species Acts, as such it is intended to be environmentally beneficial, not detrimental. By establishing a point of water diversion in the north Delta and new operating criteria to improve water volume, timing, and salinity, the proposed project is designed to improve native fish migratory patterns and allow for greater

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		Delta not only include farmers, business people but boaters and fishermen who contribute to the economy.	operational flexibility.
2399	2	The tunnels would allow vast intrusion of seawater into the area which would foul the freshwater drawn by adjacent communities for their water supply.	The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis provided in the EIR/EIS.
2399	3	I feel that the California voters have been short-changed in this affair. I used to like Jerry Brown, but he is off base with these tunnels. I vote "no tunnels."	The comment does not raise any environmental issue related to the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS.