

RECIRC Ltr#	Cmt#	Comment	Response
2800	1	It is completely arrogant for you to consider changing the whole ecology of the only West Coast estuary in existence. The Sacramento River is an extremely important factor in its viability. To change this ecology to make the desert bloom is unthinkable.	Since the late 1800s, the Bay-Delta ecosystem has been substantially altered. Changes in key environmental attributes of the Bay-Delta have contributed to the current degraded state of the ecosystem and appear to be proximate causes of declines in desired fishes and increases in non-native species. California WaterFix is not intended to address all the factors that have contributed to the Delta's decline and briefly summarizes a few but not all of those factors. Many factors that have contributed to the decline of the Delta's ecosystem including the conversion of tidal marsh and floodplains to farmland, construction of levees and altering of tide flows, in-Delta and upstream water diversions, contaminant discharges, ammonia and nutrient discharges and changes to the food web, increases in water temperatures, and introduction of non-native and invasive species. The Delta will remain in a highly altered state for the foreseeable future and the project is not intended to address all the past harms or restore the Delta to a pre-altered state. By establishing a point of water diversion in the north Delta and new operating criteria with the goal of improving water volume, timing, and salinity, the proposed project is designed to establish a more natural east-west flow for migratory fish, improve habitat conditions, allow for greater operational flexibility and reduce the effects of other stressors on the Delta ecosystem. The project would also help to address the resilience and adaptability of the Delta to climate change. Please refer to Master Response 4 (Alternatives) and Master Response 3 (Purpose and Need).
2802	1	With regards the Bay Delta Conservation Plan/California WaterFix (BDCP/WaterFix), we [Burbank Chamber of Commerce] wish to state our support for Alternative 4A whose objective is to enhance the ability to capture water for drought cycles and protect the supply from natural disasters. We feel this is the proper approach in dealing with the decades-old water systems in the Delta which can no longer perform reliably, and which are subject to ongoing outages from seismic activity which could lead to levee collapses.	This comment is consistent with information presented in Chapter 1, Introduction, and Chapter 2, Project Objectives and Purpose and Need, in the EIR/S. No issues related to the adequacy of the environmental impact analysis in the EIR/S were raised.
2802	2	Water needs for Southern California water require conservation means that will deal effectively with unreliable climate patterns to ensure reliable and adequate supplies of water from the State Water. We [Burbank Chamber of Commerce] believe it is vital to adopt a final plan by next year, and hope your Water/Fix Plan will be implemented in order to ensure proper amounts of stored water will occur for future needs associated with drought cycles.	One of the fundamental purposes of the proposed project is to make physical and operational improvements to the SWP and CVP system in the Delta to provide water supplies of the SWP and CVP for users located south of the Delta and Delta water quality consistent with statutory and contractual obligations of the SWP and CVP, as described in Section 2.3 of Chapter 2, Project Objectives and Purpose and Need, of the EIR/S.
2808	1	Please find another way to preserve the farms of the Central Valley and the golf courses of Southern Californian than by destroying the Delta system.	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.
2808	2	At least in 1982 we had the opportunity to vote against the Peripheral Canal -- this time we the people who will experience the results of the ill-conceived plan have no say!	The comment does not raise any environmental issue related to the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS. Please refer to Master Response 36 for information on how the proposed project differs from the peripheral canal.
2808	3	The waterfowl are having a difficult time during the current drought [and] our fish are struggling to survive this time. Our fish industry is very important not just to California, but to the world, so let's not destroy it.	Chapter 11 of the Final EIR/EIS addresses the potential for project alternatives to affect fish. Chapter 12 of the Final EIR/EIS addresses the potential for project alternatives to affect birds and other animals. Both chapters describe the impacts, both negative and positive, and discuss the mitigation measures and avoidance and minimization measures proposed to avoid, minimize, and compensate for any significant impacts.

RECIRC Ltr#	Cmt#	Comment	Response
2808	4	Could you at least postpone this decision and allow us to vote for our future?	No state or federal law requires an election regarding the proposed project. The planning and review process has been open to public scrutiny and comment. Before construction of the proposed project may begin, the Lead Agencies must certify the Final EIR/EIS and obtain necessary permits, all in a process open to public review.
2809	1	Please reject this plan which obviously will destroy San Francisco Bay fisheries, change the null line allowing much more salt water incursion up the Delta.	The preferred alternative, 4A, was evaluated in this EIR/EIS and the evaluation does not show that the Delta fisheries would be destroyed. Impacts to listed species and their habitats will be avoided, minimized, or mitigated. Additionally, the EFH assessment and consultation will occur concurrent with the ESA Section 7 consultation and based on the evaluation in the Biological Assessment, impacts to commercial fisheries is not expected. Effects on salinity from the preferred alternative, 4A, were analyzed in the RDEIR/SEIS and found not to be significant (see Impacts WQ-7 and WQ-8 in Chapter 4).
2809	2	To provide more water to industrial farming planting water thirsty plants is so very objectionable.	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 issue of crops and water use is beyond the scope of the proposed project. For more information please refer to the updated draft 2013 California Water Plan's strategy for agricultural water use efficiency, which describes the use and application of scientific processes to control agricultural water delivery and use. Also, refer to Master Response 6 and Appendix 1C for further information on demand management measures, including increasing agricultural water use efficiency and conservation. With regards to beneficial use of water, please see Master Response 34.
2809	3	The Westland district selenium poisoning of soils is an ongoing water pollution problem ultimately threatening the Bay.	The comment does not raise any environmental issue related to the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS.
2810	1	Now, it is the Peripheral Tunnels that must be stopped. It is a disaster in the making, both economically and environmentally. The salmon population is already at a critical level because of a lack of cold water flow. The State has shown a lack of regard for a comprehensive water program and only recently has recognized the unrestricted extraction of our aquifer reserve. The proposals for peripheral pipes and new dams are viewed as unnecessary building projects that will, as all government sponsored projects go over budget and saddle future tax payers with a burden they can ill afford.	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; 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. Refer to Master Response 5 (Cost and Funding).
2810	2	If the objective is to get more water to the Central Valley, why no repurpose the San Luis Reservoir? Now, the Central Valley water is pumped up to the reservoir as a reserve supply. Instead, if a capital-intensive project is desired, build a water refining plant in Gilroy to process San Francisco Bay wastewater. Build a holding pond at Pacheco Pass (perhaps when routing the California High-Speed Rail). Pump water up to the holding pond during times of low cost power, and drop the water to reservoir during times of high cost power, recovering energy by the existing power plant. Final natural polishing can occur in the O'Neil Forebay before release to the valley. Net water gain at minimal new pumping costs.	Please see Master Response 37 regarding why an alternative focused on creating additional storage, either in the Delta or elsewhere, was not included in the BDCP/California WaterFix or FEIR/EIS. For more information regarding purpose and need please see Master Response 3.
2810	3	Other alternatives to water conservation are obvious to the conscious engineer. A client has proposed floating thin-film solar sheets on the north/south aqueduct. Generate power (apparently 10% of California power goes to pumping) with solar collectors and reduce evaporation losses (apparently 10 feet of the initial 40 foot flow)	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 1C, Demand Management Measures, EIR/EIS, describes conservation, water use efficiency, and other sources of water

RECIRC Ltr#	Cmt#	Comment	Response
		by the sheets.	supply. Please see Master Response 4 regarding the selection of alternatives analyzed and Master Response 6 regarding demand management. New energy generation facilities are outside the scope of the proposed project; however, nothing in the project would prevent other entities from pursuing innovative approaches to water conservation or energy production.
2810	4	We do not need to spend money just to spend money. There are many educated and smart people in California that do not feel they have any say, until an engineering fiasco occurs, like the Brown Bay Bridge.	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.
2811	1	Why ruin land that produces 1.5 times the national average without irrigation and send it south to an area that was desert, is sinking as much as 15 feet, contains selenium, has a hardpan near the surface and already has had to take 100,000's of acres of land out of production?	No issues related to the adequacy of the environmental impact analysis in the EIR/EIS were raised.
2811	2	Why ruin the largest West Coast freshwater estuary and doom salmon and sturgeon?	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.
2811	3	Why should 1.5 million people have our whole ecology changed for a few because of their greed and go on until the land is useless?	No issues related to the adequacy of the environmental impact analysis in the EIR/S were raised.
2811	4	It started with Tule Lake (the largest lake west of the Mississippi River) going dry because of irrigation, taking Northern California water to the south and wanting to take more water until we cannot farm or have enough for our own residences. Please do not let this happen.	The comment does not raise any environmental issue related to the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS.
2812	1	During the EIR process, I have noticed that Department of Water Resources and BDCP administrators and consultants have listened to the concerns initially expressed by these effected by the BDCP, and have made adaptations, added extra hearings, and even given tours of the Delta, which are all appreciated. Changes in the current documents reflect some of the suggestions and concerns expressed in the last go around of comments on the DEIR.	Throughout the 9-year process of preparing the EIR/EIS, the Lead Agencies have taken into consideration input from members of the public, organizations, and agencies.
2812	2	Although required by the 2009 Delta Reform Act and Delta Plan, this proposed plan fails to adequately address the co-equal goals of improving statewide water reliability and protecting and restoring a healthy Delta ecosystem while preserving and enhancing the agricultural, cultural and recreational characteristics of the 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

RECIRC Ltr#	Cmt#	Comment	Response
			<p>the SWP system in the Delta necessary to restore and protect ecosystem health, water supplies of the SWP and CVP south of the Delta, and water quality within a stable regulatory framework, consistent with statutory and contractual obligations. By establishing a point of water diversion in the north Delta and new operating criteria with the goal of improving water volume, timing, and salinity, the proposed project is designed to establish a more natural east-west flow for migratory fish, improve habitat conditions, and allow for greater operational flexibility. Please see Master Response 3 for additional information regarding the purpose and need behind the proposed project.</p> <p>For more information regarding the proposed project's compliance with the Delta Reform Act please see Master Response 31.</p>
2812	3	The RDEIR/SDEIS is not consistent with the requirements of the National Environmental Policy Act and the California Environmental Quality Act.	The Lead Agencies have gone to great lengths to ensure the EIR/EIS complies with CEQA and NEPA.
2812	4	The BDCP/California Water Fix conflicts with, the Environmental Protection Act, the Clean Water Act, and the Delta Protection Act.	This comment is an opinion that California WaterFix conflicts with the stated acts. No specific issues related to the adequacy of the EIR/EIS were raised.
2812	5	The BDCP does not reduce reliance on the Delta as a water source as mandated by state law and the California Water Action Plan.	Please refer to Appendix 3I, BDCP Compliance with the 2009 Delta Reform Act, for information on compliance of California Water Fix with the Delta Reform Act. Also, please refer to Appendix 3J, Alternative 4A (Proposed Project) Compliance with the 2009 Delta Reform Act, for information about how, because the proposed project is no longer part of a Habitat Conservation Plan, there is no need to comply with the Delta Plan. More information about compliance with the Delta Reform Act can also be found in Master Response 31.
2812	6	According to the Natural Resource Defense Council analysis of the DEIR/SDEIS, there are multiple instances where the document misleads the public.	This is a general opinion with no specific support for the opinion. Please refer to responses to comments for letter numbers 663 and 1723 on the Draft EIR/EIS, letters from the NRDC.
2812	7	For example, the plan uses illegal baselines for determining freshwater flows before installation of the project as well as after construction is complete. When determining freshwater flows through the Delta to meet standards, the document indicates that the flow will be measured above the tunnel outtake, not down stream from the tunnels where the actual flow will occur. If the public and decision makers are to trust data provided by the project, then that data should be accurate and appropriately gathered.	The commenter is correct in that the Export/Inflow ratio requirements used in most of the action alternatives in the EIR/EIS were defined as in the State Water Resources Control Board Decision 1641 (developed without the concept of the north Delta intakes) with the Exports defined at the south Delta intakes, and the inflows defined at a location downstream of the proposed north Delta intakes. Alternative 4H4 modified the Export/Inflow definition to include the north Delta and south Delta intakes in the Export value, and moved the Inflow location upstream of the north Delta intakes. The likely operational changes from the different computation approaches of the Export/Inflow ratio are presented through a sensitivity analysis in the Appendix 5A Section D.10.1 of the EIR/EIS.
2812	8	The BDCP will affect thousands of acres of water and wetlands habitat as well as the water quality of millions of people relying on the Delta. Yet, the Draft Plan does not include adequate analysis of its effects on those downstream from the West Delta. While the new document does include some data analysis about the Bay, it is limited. The likely environmental impacts on the Carquinez Straits, San Pablo Bay, and San Francisco Bay are not adequately reported. The San Francisco-Delta Estuary is the largest estuary in the Western hemisphere and environmental impacts happening in one area will likely affect portions of it. The DEIR/SDEIS should include a full accounting of the environmental effects on the entire Estuary.	The discussion of potential effects downstream of the Delta was conducted with the best available science. The analysis looks at potential effects of all the major potential impacts: Delta outflow, water temperature, dissolved oxygen, sediment inputs, biological production, and fish biomass. For more information, please see Ch. 11, Impact AQUA-218.
2812	9	According to the Delta Independent Science Board's analysis of the DEIR/SDEIS, the document falls short of the "good enough" scientific standards, particularly in the neglect of the possible impacts to downstream areas. For example, there is analysis of the effects of reduced freshwater flows on aquatic species in the San Francisco Bay like	The RDEIR/SDEIS included a quantitative analysis of the effects of each alternative on the areas downstream of the Delta, including sediment loading, contaminants, and effects of flows, where such relationships have been investigated and documented (e.g., Kimmerer et al. 2009 did not find a relationship for northern anchovy or Pacific herring, but did find a relationship for bay shrimp, which is analyzed in Impact AQUA-203

RECIRC Ltr#	Cmt#	Comment	Response
		Dungeness crab, Pacific herring, northern anchovy, and Bay shrimp which provide livelihood for fishermen as well as food for resident and migratory birds.	in Chapter 11). Please also see analysis in Impact AQUA-218. For responses to comments related to the Delta Independent Science Board's letters, please refer to comment letters BDCP 1448 and/or RECIRC 2546.
2812	10	Although charged with developing a plan that improves Delta flow over current conditions, this plan fails to do so. In the previous plan, extensive habitat restoration would have replaced the need for increased freshwater flow to benefit listed species. Without those mitigations, more Delta flow is needed. Without the mitigations of the previous BDCP, the current plan is likely to contribute to significant declines and potential extinction of salmon and other fishes due to lack of freshwater flows, reverse flows and entrainment. This could seriously affect the fishing industry within the Bay-Delta Estuary as well as the entire Pacific Coast of Northern California.	The incremental changes in Delta outflow under Alternative 4A compared to baseline conditions are a function of both the facility and operations assumptions, including north Delta intakes capacity of 9,000 cfs, OMR flow requirements, Fall X2 requirements, and the reduction in water supply availability due to increased north of Delta urban demands, sea level rise, and climate change (the last three assumptions, plus Fall X2 requirements, are included in both the No Action Alternative (ELT) and Alternative 4A, but not in Existing Conditions). Results for the range of changes in Delta outflow under Alternative 4A are presented in more detail in Appendix 5A, BDCP/California WaterFix EIR/S Modeling Technical Appendix. Changes in long-term average Delta outflow under Alternative 4A (ELT) as compared to the No Action Alternative (ELT) and Existing Conditions are shown in Figures 5-37 through 5-39 and Tables 5-10 through 5-12 in Chapter 5. The originally proposed habitat restoration measures and related Conservation Measures (CMs) (i.e., CM2 through CM21) would not be included as part of the Proposed Action, except to the extent required to mitigate significant environmental effects under CEQA and meet the regulatory standards of ESA Section 7 and California Endangered Species Act (CESA) Section 2081(b). However, restoration actions that are independent of Proposed Action will continue to be pursued as part of existing projects and programs. Examples of these include the 2008 and 2009 USFWS and NMFS BiOps (e.g., Yolo Bypass improvements and habitat enhancements, 8,000 acres of tidal habitat restoration), (2) California EcoRestore, and (3) the 2014 California Water Action Plan.
2812	11	With reduced water flows created by BDCP/California Water Fix there will be a reduction on suspended sediment delivery which will likely have a negative impact on certain fish as well as on the growth of plants in developing wetlands. These wetlands are becoming more essential in mitigating sea level rise due to climate change, but the sediment necessary for them to develop will not be available. The documents do not address the importance of this or include and analysis of how proposed operations might affect sediment delivery downstream.	Analysis of potential changes in downstream sediment delivery are provided in Impact AQUA-218 and Impact AQUA-220. The potential negative impact to turbidity/water clarity and sediment supply is acknowledged in the FEIR/S by inclusion of an environmental commitment to reintroduce the sediment to the water column in order to maintain Delta water quality (specifically, turbidity, as a component of delta smelt critical habitat). DWR will collaborate with USFWS and CDFW to develop and implement a sediment reintroduction plan that provides the desired beneficial habitat effects of maintained turbidity while addressing related permitting concerns (the proposed sediment reintroduction is expected to require permits from the Central Valley Regional Water Quality Control Board and USACE). USFWS and NMFS will have approval authority for this plan and for monitoring measures, to be specified in the plan, to assess its effectiveness. This is described in Appendix 3.G of the FEIR/EIS.
2812	12	The BDCP/California Water Fix plan has negative effects from construction and operation of the tunnels project on multiple listed species within the Delta including salmon, smelt, sturgeon, shorebirds, nesting and migrating water fowl, Clapper rails and the salt harvest mouse. No mitigation for these impacts is included in the current document.	The commenter states that no mitigation is included in the RDEIR/SDEIS for multiple listed species. Sections 4.3.7 Fish and Aquatic Resources and 4.3.8, Terrestrial Biological Resources in Chapter 4 of the RDEIR/SDEIS included environmental commitments, avoidance and minimization measures, and specific mitigation measures for listed and non-listed species and other biological resources, all developed to avoid, minimize, and compensate for effects on these resources. Under the California WaterFix, some species, such as clapper rail and salt marsh harvest mouse, that would be affected by BDCP are no longer affected under the California WaterFix alternatives (4A, 2D, and 5A) because these alternatives do not propose habitat restoration in Suisun Marsh, which is where previous impacts to these particular species were limited to. BDCP Alternative 4, which was presented in the RDEIR/SDEIS did address affects to this species from tidal restoration activities in Suisun Marsh.
2812	13	While California Water Fix includes moving the tunnel construction so there is less disruption to private agriculture, there will be increased negative effects on nesting sand hill cranes that winter on Staten Island. Significant mitigation for this is not	The commenter states that "significant mitigation" for impacts on sand hill cranes that winter on Staten Island is not described in the document. Impacts BIO-69 through BIO-72 address impacts on greater sandhill crane and in those impacts discussions under Alternative 4A in Chapter 12 of the EIR/EIS, the author notes

RECIRC Ltr#	Cmt#	Comment	Response
		described in the document.	that AMM20 Greater Sandhill Crane, Resource Restoration and Performance Principles GSC1-4, and the protection of 4,484 acres of high to very high-value foraging habitat would be available to reduce impacts to less than significant. The author describes all measures that would be used to offset these effects, which would also address avoiding, minimizing, and mitigating impacts on Staten Island.
2812	14	Although the current Draft Plan data shows reductions in electrical conductivity, chloride, selenium and bromide as a result of the amended project. The complexity of the determining the X2 salinity line is made more difficult when adding in the predicted effects of sea level rise due to climate change over the next 15 years. The Plan should take this into account when modeling the needs for freshwater flows through the Delta and into the Bay.	The EIR/EIS surface water and water quality modeling results for the No Action Alternative and all of the action alternatives include the effects of sea level rise and climate change, as explained in Appendix 5A, Section B, of the EIR/EIS. These effects plus the effects of implementing any of the action alternatives can be determined by comparing conditions under the alternative with conditions under Existing Conditions. The location of the X2 line during specific regulatory periods is presented in Appendix 5A, Section C.
2812	15	As mentioned above, the amount of freshwater flow through the Delta is important to habitat and agriculture alike. Freshwater flows vary by tidal effects, season and demand for water and will be reduced by the use of the tunnels, all of which calls for adaptive management. This type of administration requires fast, current and accurate data. Modeling of flows presented in the Draft Plan has been inaccurate and in current situations has caused Department of Water Resources to erroneously release water for irrigation that it did not really have. The Draft Plan needs assurances that accurate modeling and correct data can be provided.	For purposes of analysis in the EIR/EIS, modeling is used to compare one scenario to another to determine the differences, and to determine CEQA and NEPA effects. The Adaptive Management Program is a long-term process that will be used to assess actual conditions, conduct research, and adjust operations over time accordingly. The actual operations of the SWP do not rely on planning models, the type of which was used for the EIR/EIS. These planning models attempt to simulate actual operations and operational decisions for the water projects over a long period of time. The project operators use current year hydrologic forecasts and annual operations models to formulate annual water budgets and to inform decisions on real-time releases for various purposes. This process supports the appropriate allocation of supplies for any given purpose.
2812	16	The water delivery system proposed in the new Draft Plan will deliver less water than the original plan. The water project facility is 40% smaller. Only excess flows can be taken and in a drought year like this one that would mean no water could be taken. According to analysis by the Kern County Water Agency, there is concern that the operational criteria currently set forth in RDEIR/SDEIS result in a project that is not economically viable for Public Works Administrations because of water supply issues.	Under the range of alternatives considered in the EIR/S full contract amounts are not delivered in the majority of times to the SWP and CVP water contractors, as presented in Appendix 5A, Section C, CALSIM II and DSM2 Model Results, of the EIR/EIS. Over the long-term, the proposed project would decrease total exports of SWP and CVP water as compared to Existing Conditions and No Action Alternative in the summer and early fall months, especially in drier years; and increase exports in the wet winter months especially in wetter years when the river flows are high. The water would be stored at locations south of the Delta during the high flow periods to allow reductions in deliveries to SWP and CVP water users in drier periods. These conditions could result in less long-term water deliveries for SWP or CVP water users that do not have access to adequate storage capacity, as shown for CVP agricultural water users located south of the Delta in Appendix 5A, Section C.
2812	17	The Draft Plan fails to insure funding for the 15,000 acres of mitigation and of habitat restoration delineated as part of the new California Water Fix. Commitments for Habitat Conservation Plans and Natural Community Conservation Plans must ensure that adequate funding is provided to carry out the conservation actions identified in the plan, including the sufficiency of mechanisms for long-term funding of all components of the plan and contingencies. Funding is not ensured for habitat restoration actions for the lifetime of the permit.	The proposed action (Alternative 4A) no longer includes an HCP or NCCP. The mitigation for the proposed construction and operation of the water conveyance facility is included in the overall cost of the project that would be paid for by the participating state and federal water contractors.
2812	18	In order for the project to ultimately be successful, it must be implemented in a transparent, neutral and science-driven manner. It is particularly important for the Collaborative Science and Adaptive Management Program (CSAMP) to advance both the state of the science and the level of agreement on the conclusions reached based on that science. As noted by the Kern County Water Agency, the funding sources for	Please see Chapter 3 in the FEIR/EIS for an updated discussion on the Collaborative Science and Adaptive Management Program (CSAMP) under the proposed project.

RECIRC Ltr#	Cmt#	Comment	Response
		Collaborative Science and Adaptive Management Program are unclear.	
2812	19	Because water rights have been oversubscribed throughout the state, it is likely the State and/or Federal government will need to purchase water to keep the CWP and SWP flowing through the tunnels and south if the project is to be effective for water agencies. There is no mention of funding sources for such actions in the Draft Plan.	Funding for additional water rights are not included in the project or the Proposed Action because the Proposed Action relies on existing flows and water rights.
2812	20	No thorough economic cost/benefit analysis has been completed. The public, elected and other decision makers have no economic data on which to judge the effectiveness of California Water Fix or to determine if the project should be built at all.	The EIR/EIS (and RDEIR/SDEIS) is not required to provide a financial or economic analysis of a proposed action, only the effects on the human environment of that proposed action. DWR is preparing an updated economic analysis of the proposed project (Alternative 4A), including a comparison of the project's economic costs and benefits.
2812	21	The reader if the RDEIR/SDEIS is left with more questions than answers. There are no clear statements about water yields, costs or assurances that the California Water Fix would work the way it is proposed. Californians are left wondering just exactly what is going to happen to our primary water source, our agribusiness, our environment and our fishing industry. The document delineates a plan that is illegal, unscientific, environmentally, unsound, ineffective in its purpose and not well funded. Because of obfuscation and the vast amounts on unclear or incomplete data within the document, we are left "muddled in the mud."	This comment is on the adequacy of the RDEIR/SDEIS. Estimated water supply effects of the Alternatives are presented in the water supply discussion of Section 4. Costs of the alternatives are only discussed in an EIR/EIS if they would lead to physical effects on the environment. The potential effects of operating California WaterFix are fully disclosed in the EIR/EIS in Chapter 5, Water Supply, Chapter 6, Surface Water, Chapter 7, Groundwater, Chapter 8, Water Quality, Chapter 11, Fish and Aquatic Resources, Chapter 14, Agricultural Resources and Chapter 25, Public Health. No specific deficiencies of the EIR/EIS analysis are presented in this comment so no additional response is necessary.
2813	1	The Delta Fly Fishers, an organization of over 100 members, is unalterably opposed to the California WaterFix RDEIR/SDEIS concept. Since the inception of the State Water Project and the Central Valley Project, we have watched the San Joaquin-Sacramento Delta fisheries diminish to the point of near extinction. We have read both the Environmental Protection Agency's and the Army Corps of Engineers scathing assessments of the BDCP. The BDCP would guarantee the loss of the Delta and its fisheries. The California Water Fix has removed the BDCP's environmental protections. We find this lack of concern for the Delta, the four million people living in or near the Delta, the Delta's environment and economy totally repugnant.	The proposed project was developed to meet the standards of the federal and state Endangered Species Acts. By establishing a point of water diversion in the north Delta and new operating criteria the proposed project is designed to improve native fish migratory patterns and allow for greater operational flexibility. See Master Response 3 for information on the purpose and need for the proposed project, Master Response 22 for information on the mitigation measures and environmental commitments, and Master Response 24 for information on the Delta as a place.
2813	2	The current status of the fisheries in the Delta and in the state is intolerable. The continuing mismanagement of our water resources exacerbates the ongoing decline of the fish populations. The most recent water trawl studies by the CDFW were unable to discover any of the endangered Delta smelt. They are probably now extinct. We have lost over 95% of all their studied species. California's proposed water fix will annihilate the Delta fisheries.	See Response to Comment 2813-1. See also Master Response 17 for information on biological resources.
2813	3	The health of the Delta is crucial to the states' salmon population. Now, however, much of the salmon population also faces extinction. The Delta salmon generate \$1.5 billion dollars. The states' commercial fishing industry is dependent on the health of the Delta for its survival. Also, many people living in or near the Delta depend on Delta fish for sustenance. They are continuing to lose a source of their food supply. If the state adopts the California Water Fix, it will be an execution warrant for our fisheries.	See Final EIR/EIS Chapter 15, Recreation, and Section 4 of the RDEIR/SDEIS for information regarding potential impacts on fishing and on-water recreation and proposed mitigation. See Chapter 16, Socioeconomics, of the Final EIR/EIS for information regarding economic impacts and proposed mitigation. For more information regarding Environmental Commitments and Mitigation Measures please see Appendix 3B of the Final EIR/EIS and Master Response 22.
2813	4	Since the 1960s, the Delta has lost millions of fish due to entrainment at the Clifton Court Forebay near Tracy. The three to five intakes of the proposed tunnels will be another potential source of entrainment of the fish. At this time, the tunnels have not been planned to prevent this situation. In reality, less than 15% of the Twin Tunnels	Information about how the proposed project could potentially impact fish and aquatic resources, as well as proposed mitigation measures is provided in Section 4 of the 2014 RDEIR/SDEIS and Chapter 11 of the Final EIR/EIS. The proposed project includes state-of-the-art fish screens at each intake location to prevent fish entrainment. Appendix 3F of the RDEIR/SDEIS provides details on the development of intakes and fish

RECIRC Ltr#	Cmt#	Comment	Response
		have actually been planned. Verifiable answers to these questions do not exist. The states' Legislative Analyst has been prevented from studying the California Water Fix. This "fix" leaves us without any verifiable answers.	screening technology, as well as the Conceptual Engineering Reports (CERs). It is proposed that monitoring and research would be conducted to inform the fish screen design, construction, and operation in order to maximize their effectiveness. Dual operations provides for flexibility that will better protect the fish based on real time data.
2813	5	There are an overwhelming number of reasons why the California Water Fix should never be built. The Delta Fly Fishers have expressed some of our concerns regarding the Delta's fisheries. Additional reasons the California Water Fix should not be attempted are economic, environmental, and scientific. If this project is built, the Delta will be lost forever and what will we gain? Nothing! The project will not create any new sources of water. We will only continue to maintain unsustainable, highly subsidized corporate farms in the arid south San Joaquin Valley.	See Response to Comment 2813-1.
2813	6	Members of the National Academy of Science found the BDCP poorly planned and indefensible from a scientific standpoint. More recently, the Delta Independent Science Board again objected to the Twin Tunnels Plan as both incomplete and opaque. For three years they have asked questions regarding this plan. They have received no response from the state. They have concluded that the state's environmental documentation have not provided what benefit the tunnels would achieve nor the impacts they will have. It should be noted that nowhere on earth has an estuary, like our Delta, been restored by removing water! Governor Brown, the State Water Board, the Department of Water Resources and the Bureau of Reclamation, need to realize we live in the 21st century. The proposed California Water Fix is just a 20th century answer to the state's and Delta's water crisis and will only exacerbate our problems.	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. See also Response to Comment 2813-1 and responses to comment letters 1448 and 2546 for a comprehensive response to comments from the Independent Scientific Review Panel. Please refer to the comment/response index to locate the response to comments for those letters identified the comment.
2815	1	I am a second generation Californian and have lived all 57 years within San Joaquin County. My family has always farmed in the area and I have witnessed just how fragile our eco-system is. Having observed the negative changes, which have occurred over the past 20-30 years, I am opposed to the current Water Fix plan. The California Water Fix Plan does not meet the restoration goals of the Delta Reform Act, nor does it address the environmental, public health or economic impacts of the proposed Delta tunnels project. Salinity intrusion is already impacting the western Delta farmers and removing fresh water from this taxed system will only make matters worse. Further, the proposed Delta Tunnels will not provide more water, but will adversely impact both municipal water and wells for millions of rural and urban residents living in five Delta counties.	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. Habitat restoration is still part of the larger California Water Action Plan under California EcoRestore. For more information about the California Water Action Plan, please see: http://resources.ca.gov/docs/california_water_action_plan/Final_California_Water_Action_Plan.pdf For information about California EcoRestore, please see: http://resources.ca.gov/ecorestore/ For information on how the project could affect salinity (electric conductance), please see Chapter 8 Water Quality. For information on how the project could affect groundwater, please see Chapter 7, Groundwater.
2815	2	California can do better than this. We can come up with a plan that protects our waterways and the environment for future generations, using sensible conservation and recycling technologies. Funding water recycling and groundwater recharging	The commenter does not raise a specific issue related to the adequacy of the EIR/EIS and rather offers an opinion about the merits of other general alternatives to the proposed project. The project proposes to stabilize water supplies, and exports could only increase under certain

RECIRC Ltr#	Cmt#	Comment	Response
		<p>projects would save billions of dollars and move both rural and urban communities towards water sustainability. Retiring thousands of acres of impaired and/or pollution generating farmland in the southern San Joaquin Valley is a viable option. Improving Delta levees to address potential earthquakes, flooding and future sea level rise is far less expensive than the conveyance projects that are currently under consideration.</p> <p>Admittedly we have water problems that must be addressed, but the California Water Fix Tunnels Plan isn't the answer. This project will not produce more water, will not provide a more reliable supply, nor will it improve the environmental conditions plaguing the Delta. I would encourage you to seek other alternatives that will reduce water exports and increase the Delta flow in order to comply with the Delta Reform Act and enable the Delta eco-system to flourish.</p>	<p>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.</p>
2817	1	<p>The plan inherently goes against the federal Clean Water Act (CWA) which was implemented in the United States in order to protect the integrity of water in the country. The objective of the legislation is to prevent pollution of water and the environment while supporting public facets of purifying wastewater. This was the first piece of legislation heavily supported by the Environmental Protection Agency (EPA).</p> <p>In addition, the Delta Reform Act of 2009 was that implemented for California for preserving the environmental, cultural, biological, and economic values of California is being violated by the idea of building the Delta Tunnels in the Sacramento and San Joaquin Delta Area.</p> <p>Third, the California Water Fix ignores a significant part of the Endangered Species Act because if implemented it will negatively affect the environment and lives of endangered species through the abuse of habitat of said species.</p> <p>The California Water Fix does not meet goals inherent in the Delta Reform Act, the Clean Water Act, or the Endangered Species Act. In fact, the tunnels will go against the grain of these acts by draining water from the San Francisco Bay-Delta estuary. In this way, water will not be provided to those that need it most.</p>	<p>This comment is an opinion that the proposed project would violate or be contrary to the Clean Water Act, Endangered Species Act and Delta Reform Act. Please refer to Final EIR/EIS Chapter 12, Terrestrial Biological Resources for a discussion of wetland effects and mitigation measures. Both Chapter 11, Fish and Aquatic Resources and Chapter 12, Terrestrial Biological Resources address potential effects on listed species. In addition, CWA Section 404 permitting under the jurisdiction of the U.S. Army Corps of Engineers is proceeding as is the ESA and CESA compliance. Please see Master Response 29 regarding ESA. Please refer to Master Response 31 and Final EIR/EIS Appendices 3I and 3J for a discussion of compliance with the Delta Reform Act.</p>
2817	2	<p>The environment, economy, and health of the people living in the San Joaquin Delta area will be hugely compromised if the California Water Fix is carried out. Taxpayers will have to pay for a project that will not assist their needs in any way. The project will take jobs from those who depend on the San Joaquin Delta Estuary and the water sources they depend on.</p>	<p>Refer to Chapter 16 (Socioeconomics), Master Response 3 regarding the purpose and need, and Master Response 5 for information on costs and funding. For more information regarding Environmental Commitments and Mitigation Measures, please see Appendix 3B of the Final EIR/EIS and Master Response 22.</p>
2817	3	<p>The tunnels plan fails to model for potential increases of carcinogens and other formation of byproducts that would cause cancer and other serious health effects. The communities that live in the area will face threats to their food supply due to contaminants such as mercury in fish and other forms of wildlife.</p>	<p>Final EIR/EIS Chapter 25, Public Health, discusses bioaccumulation of toxicants (e.g., methylmercury) in fish and aquatic organisms consumed by humans, and pathogens and Microcystis in recreational waters. See also Master Response 14 for information on Microcystis. Chapter 28, Environmental Justice, describes fish consumption rates in minority populations and concerns that these populations in the Delta have about potential mercury and pesticide contamination in the fish they consume. Chapter 8, Water Quality, describes the potential changes in water quality and beneficial uses of water in the study area as a result of implementing an action alternative. Further, bioaccumulation models that link the concentration of methylmercury in the water to resultant concentrations in fish tissues for methylmercury are also presented in Chapter 8. Further, this chapter presents an analysis of the potential for increased exposure to vector-borne diseases; exposure to pesticides, trace metals and disinfection byproduct precursors in drinking water; exposure of recreationists' to pathogens; exposure to cytotoxins (i.e., microcystin); and</p>

RECIRC Ltr#	Cmt#	Comment	Response
			<p>exposure to electromagnetic fields.</p> <p>A Health Risk Assessment, Appendix 22C, was done to evaluate the human health risks resulting from construction emissions produced by each of the 15 water conveyance alternatives. This health risk assessment covers chronic and carcinogenic health risk resulting from implementing the action and no action alternatives.</p> <p>This Final EIR/EIS includes a comparison of alternatives' effects in the Executive Summary and in each resource chapter.</p>
2817	4	<p>The economy supported by San Francisco Bay will most probably be affected. These industries depend on Delta freshwater flows for their crab and salmon fisheries, wildlife sighting, boating, and their restaurant economy, which attracts tourism and recreation from all around the world. Not only does such industry showcase the culture of San Francisco but is worth billions annually. If freshwater from the Delta is gradually redirected to water-intensive crops instead of the Bay Area, there is no doubt that important industries supporting millions of people will be affected.</p>	<p>As described in Final EIR/EIS Chapter 6, Surface Water, Section 6.3, in San Francisco Bay, Central Coast, South Coast, Tulare Lake, South Lahontan, and Colorado River hydrologic basins, SWP/CVP water supplies are conveyed in pipelines and canals and do not directly affect surface waters. Construction of facilities under the alternatives all would occur in the Delta of the Sacramento River and San Joaquin River basins. Therefore, the environmental consequences are focused on changes in surface water resources in the Sacramento River and San Joaquin River basins and the Delta. Impacts are not expected in the San Francisco Bay.</p> <p>As described in Impact ECON-5 under Alternative 4A in Final EIR/EIS Chapter 16, Socioeconomics, construction of water conveyance structures would be anticipated to result in a lower-quality recreational experience in a number of localized areas throughout the Delta, despite the implementation of environmental commitments. With a decrease in recreational quality, particularly for boating and fishing (two of the most popular activities in the Delta), the number of visits would be anticipated to decline, at least in areas close to construction activities. Under this alternative, recreational uses in the Delta at Clifton Court Forebay and in small areas of the Cosumnes River Preserve on Staten Island would be directly affected by construction activities. Six other recreational sites or areas would experience periods of construction-related effects, including noise, access, visual disturbances, or a combination of these effects. As described under Impact REC-2 in Chapter 15, Recreation, these include Clarksburg Boat Launch (fishing access), Stone Lakes NWR, Wimpy's Marina, Delta Meadows River Park, Bullfrog Landing Marina, and Lazy M Marina. Overall, the multi-year schedule and geographic scale of construction activities and the anticipated decline in recreational spending would be considered an adverse effect. The commitments and mitigation measures cited above would contribute to the reduction of this effect.</p> <p>An assessment of water quality effects resulting from changing Delta water quality and outflows on San Francisco Bay water quality is provided in Impact WQ-34 in Chapter 8, Water Quality, for all alternatives. The water quality assessment considered potential changes in constituent levels for all constituents of concern assessed in detail in Impacts WQ-1 through WQ-30, including changes in salinity, mercury, nutrients, and selenium. The assessment concluded that Alternative 4A would have a less than significant impact to San Francisco Bay water quality. See also Master Response 14 for information on water quality.</p>
2817	5	<p>The Reduced Exports Plan formulated by the Environmental Water Caucus could potentially preserve the state of freshwater pertaining to the San Joaquin Delta Estuary if implemented. It will place a stringent limits on water exported from the Estuary and help preserve natural species and ecosystems by supporting more inflow and outflow of freshwater. The plan will be a cause for decreasing the demand for water and at the same time send water south of California which will definitely mediate the water shortage crisis. By providing more sustainable and efficient systems south of the Delta, those who need water in these areas will be self-sustainable through localizing the control and movement of water resources in the area. This reliability will come from strengthening levees beyond current efforts. By doing so and more this plan would be</p>	<p>Please see Master Response 4 regarding alternatives development. The alternatives included in the Draft EIR/EIS represent a legally adequate reasonable range of alternatives and the scope of the analysis of alternatives fully complies with both CEQA and NEPA. The specific proposals that were considered but ultimately rejected by the Lead Agencies are discussed in Final EIR/EIS Appendix 3A, Identification of Water Conveyance Alternatives, Conservation Measure 1. Appendix 3A thoroughly explains why various proposals were not analyzed in the EIR/EIS, including the NRDC Portfolio-Based Proposal, Congressman Garamendi's Water Plan, and other similar concepts that would require actions that are beyond the scope of the proposed project.</p> <p>The proposed project is one component, among many, of the California Water Action Plan. The California</p>

RECIRC Ltr#	Cmt#	Comment	Response
		in line with legislation pertaining to Estuary preservation and an extremely cheaper alternative than plans implemented by the Water Fix Initiative.	<p>Water Plan evaluates different combinations of regional and statewide resources management strategies to reduce water demand, increase water supply, reduce flood risk, improve water quality, and enhance environmental and resource stewardship. Follow the California Water Plan here: http://www.waterplan.water.ca.gov/.</p> <p>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.</p>
2817	6	There is the possibility of building the Benicia Salinity Control Gates which would an extremely efficient alternative to the building of the Delta Tunnels. These gates would be extremely sustainable in that they would not manifest or cause any environmental issues due to the fact that paths of water directed by such a plan would not be blocked nor constricted. These gates would assist the passage of fresh water to be sent south of California. In this way, the gates could literally end the state's water shortage right after its construction. In addition, these control gates will be extremely easy to build--it will require months instead of years to finish. Lastly, the project will only cost 30 million dollars instead of the billions of dollars that would be required to execute the twin tunnels. The Benicia Control Gates would be amazing at controlling the salinity of water around the Delta Estuary, while allowing a natural like flow system to remain in place. The gates will keep fresh water effectively separated from salt water from the Bay Area, and maintain the flow of fresh water so that salinity would not get out of hand within the San Joaquin Delta.	<p>Please see Master Response 4 regarding the range of alternatives selected.</p> <p>The alternatives included in the Draft EIR/EIS represent a legally adequate reasonable range of alternatives and the scope of the analysis of alternatives fully complies with both CEQA and NEPA. The Lead Agencies carefully considered all potential alternatives that were proposed during the scoping process and during time of preparation of the Draft EIR/EIS and RDEIR/SDEIS. In response to public input, several new alternatives were studied in the RDEIR/SDEIS and a new Preferred Alternative (4A) was identified.</p>
2817	7	The flow of freshwater through the Delta is an extremely important force of nature that needs to be maintained and preserved in order to reduce pollutants so that ecosystems and wildlife can be maintained. The increasing of such fresh water is important so that endangered species reliant on water from within the Delta Estuary can be restored.	<p>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 of the Final EIR/EIS. A detailed discussion of the specific Delta outflows under a range of seasons and water year types is contained in Appendix 5A of the Final EIR/EIS.</p> <p>See also Master Response 14 for information on water quality.</p>
2818	1	El Dorado Irrigation District is mindful of the project proponents' request that the current round of public comments focus on the RDEIR/SDEIS, rather than on sections of the Draft EIR/EIS that were not recirculated. The difficulty with that request is that EID's 2014 comment letter identified numerous deficiencies in the Draft EIS/EIS, and it does not appear that any of those deficiencies have been corrected - or in most cases, even addressed - in the RDEIS/SDEIS.	<p>As explained in the Executive Summary of the RDEIR/SDEIS, all of the comments received during the Draft EIR/EIS public review period were considered in the development of the RDEIR/SDEIS. The RDEIR/SDEIS does not include responses to comments on the Draft EIR/EIS, though some revisions have been made in response to comments received on the Draft EIR/EIS. 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.</p>
2818	2	In 2014 and now, El Dorado Irrigation District has been monitoring and assessing the BDCP/California WaterFix and its accompanying environmental documentation for their conformance to the core principles of regional self-reliance, the protection of senior and area-of-origin water rights, avoidance of redirected impacts upstream of	<p>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.</p>

RECIRC Ltr#	Cmt#	Comment	Response
		<p>the Delta, and promotion of the co-equal goals. In 2014, we concluded that as then formulated, the then-BDCP and Draft EIR/EIS either did not conform to these core principles, or failed to provide sufficient information by which to judge their conformance. EID called on the project proponents and coordinating agencies to address specified fundamental flaws and omissions in the documents, and to recirculate them for public comment, before proceeding further toward implementing this massive and enduring undertaking. Unfortunately, the RDEIR/SDEIS does not address the flaws and omissions EID identified in 2014.</p>	
2818	3	<p>El Dorado Irrigation District 's foremost concern was that the operational and hydrologic modeling in the Draft EIR/EIS was fundamentally flawed, for several reasons. First, it did not employ the most current and correct methodologies. Second, it assumed that CVP operations would not adapt to climate change-driven changes in future hydrological conditions. Third, the modeling's projections of future water demands in the American River basin were inconsistent with both state-generated population projections and local water supply plans. Fourth, the in-Delta operations actually modeled differed from the narrative descriptions of those operations in the Draft EIR/EIS. Our 2014 letter explained that because this modeling served as the cornerstone of the Draft EIR/EIS 's analyses of surface water, socioeconomic, and in-Delta aquatic impacts, those impact analyses could not meet the standards of the California Environmental Quality Act and the National Environmental Policy Act unless the modeling was corrected.</p> <p>Unfortunately, although the RDEIR/SDEIS does include additional information about and apparently some modifications to modeling methodologies (See Appendix A, sections 8.3.1.1 and 8.3.1.3), all of these revisions are focused on water quality analyses downstream of Folsom Reservoir. None of the four flaws El Dorado Irrigation District identified in 2014 has been addressed. The only reference EID could find to the disconnect between modeling and actual CVP operations is the unsubstantiated assertion that because operational decisions are made and adjusted in real time based on various factors, "the best available models cannot simulate" them. (Appendix A, section 8.3.1, p. 8-52:2-5.) Based on our own recent experience with retained consultants running the CALSIM II model, EID believes this statement to be false.</p>	<p>Modeling for the Draft EIR/EIS was based on the Existing Conditions, No Action Alternative, and Alternative 1 models developed in April – May of 2010 (2010 models), which were the state-of-the-art at the time, and formed the basis for universal assumptions in the other action alternatives in the Draft EIR/EIS. However, in August 2011 several model improvements were identified by the water agencies, fishery agencies, and the modeling community. The identified improvements were compiled, and the Existing Conditions, No Action Alternative, and Alternative 1 models were updated in coordination with DWR, Reclamation and USFWS. This update was performed to verify if the compiled model improvements altered the incremental changes between the BDCP Alternative 1 and the Existing Conditions and the No Action Alternative relative to the 2010 models. The findings from the 2011 update showed that the incremental differences between Alternative 1 and the Existing Conditions and the No Action Alternative remained consistent with the 2010 modeling. Therefore, the action alternatives modeled since 2011 continued to rely on the 2010 modeling, allowing consistency and comparability throughout the EIR/EIS. Similarly, when Alternative 4A was modeled using the 2013 baseline, the incremental changes in the operational results for Alternative 4A as compared to the No Action Alternative were similar to the prior incremental results between the 2010 modeling for the No Action Alternative and Alternative 4A. It should be noted that the modeling used in the EIR/EIS must be used in a comparative manner and not to define absolute values. See also Master Response 30 for a discussion of the modeling methodologies.</p> <p>The comparison between the conditions under the action alternatives and the No Action Alternative indicate the changes caused by the proposed project, and not by changes in climate change, sea level rise, and population growth that would have occurred with or without the Project. As described in Chapter 5, Water Supply, the analyses assume continued implementation of reservoir operations criteria due to climate change or other reasons, in accordance with the requirements under the CEQA definition of Existing Conditions and under the NEPA definition of the No Action Alternative. It would be speculative to consider future changes to reservoir operations in the No Action Alternative and Cumulative Impact Analysis. Such changes are not included in Alternatives 1 through 9 because they would not support the Proposed Project Objectives or Purpose and Need statement. Changes in reservoir operations criteria would only occur following detailed analyses, including project-specific CEQA and NEPA analyses, if appropriate. Following adoption of changes to reservoir operations criteria, DWR and Reclamation would need to determine if changes in the SWP and CVP would be necessary. If such changes were included in the assumptions for the action alternatives and the No Action Alternative, the incremental differences due to implementation of the action alternatives would be similar to the incremental differences presented in the EIR/EIS.</p> <p>The assumptions for the No Action Alternative were established for information that was available as of 2009 when the Notice of Preparation and Notice of Intent were published, including Urban Water Management Plans submitted to DWR in 2005. The No Action Alternative includes an additional 177,000 acre-feet/year of water rights diversions upstream of Folsom Lake for senior water rights holders, as presented in Table 5A B.19 in Appendix 5A, Section B, CALSIM II and DSM2 Modeling Simulations and Assumptions. These future water demands in the American River watershed are consistent with water demand projections in the recent Urban Water Management Plans submitted to DWR by 2012 which include</p>

RECIRC Ltr#	Cmt#	Comment	Response
			<p>approaches to meet the 20 percent per capita urban water use by 2020.</p> <p>The EIR/EIS evaluates long-term operation of the SWP and CVP over an 82-year long hydrologic period with extended wet periods and dry/critical dry periods. The evaluation is a comparative analysis to determine the incremental differences between conditions under the Alternatives 1 through 9 and conditions under the Existing Conditions and the No Action Alternative. The analyses were not conducted to identify specific values or to respond to short-term emergency situations, such as the recent drought. Separate engineering and environmental studies have been and will continue to be prepared when water quality criteria and other regulations are modified in emergencies.</p> <p>The last part of this comment appears to refer to page 8-53 (not page 8-52) and the text that discusses the differences between model results and real-time operations. As described in Appendix 5A of the EIR/EIS, the numerical models cannot be used in a predictive manner to define absolute values. Rather, they must be used in a comparative manner to indicate overall changes between alternatives as compared to the Existing Conditions and the No Action Alternative. The use of comparative models for and EIR/EIS is appropriate because the model results are used to inform the decision of selection of the proposed project from the range of alternatives considered in the EIR/EIS. As described in Chapter 3 of the EIR/EIS, the overall proposed project will include implementation of a collaborative science and adaptive management program that will allow operation of the SWP and CVP in response to observed conditions, and the results probably will not be identical to the projected model results presented in this EIR/EIS.</p>
2818	4	<p>In 2014, El Dorado Irrigation District also noted that the failure to model BDCP operations both with and without sea level and climate change assumptions compounded the inadequacy of the project's impacts analysis (and therefore, its mitigation measures), because it made it impossible to differentiate between impacts caused by the project, and impacts caused by climate change. Although the RDEIR/SDEIS now includes a No Action Alternative (Early Long Term) (RDEIR/SDEIS at section 4.2), this alternative still assumes the same effects of sea level rise and climate change as the original No Action Alternative - despite the change in timeline from 2060 to 2025. Not only is it unreasonable to assume that sea level and climate changes in just the next decade would be the same as they would through 2060, the continued failure to model operations without sea level and climate change impacts still obscures the extent to which impacts are caused by the project, rather than changes in the surrounding environment.</p>	<p>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.</p> <p>The comparison between the No Action Alternative and Existing Conditions represents the changes that would occur with or without the project due to climate change, sea level rise, and population growth. The analysis of the action alternatives with climate change and sea level rise as compared to the No Action Alternative with climate change and sea level rise is appropriate because operations of the proposed project would not be implemented until 2030. Please see also Master Response 30 for discussion of modeling assumptions.</p>
2818	5	<p>The RDEIR/SDEIS does not do anything to narrow the virtually unbounded agency discretion and lack of defined performance standards in the BDCP's plan for adaptive management that El Dorado Irrigation District highlighted in 2014. As we stated then, although adaptive management is a beneficial concept, the continued over-reliance on future adaptations improperly "assumes away" reasonably foreseeable project impacts, and the failure to define adequately the "triggers," performance standards, and "bookends" of future adaptations improperly defers the formulation of feasible and effective mitigation measures for those impacts.</p>	<p>The RDEIR/SDEIS describes the potential impacts of the Proposed Action and provides mitigation measures to reduce impacts to a level below significance. These mitigation measures are design to be effective now and many have performance standards embedded in them. No mitigation measure relies on the adaptive management and monitoring program to achieve their success. Instead, the adaptive management and monitoring program is designed to improve the effectiveness and efficiency of key mitigation measures for biological resources. Please see Master Response 33 for further discussion of the adaptive management and monitoring program.</p>
2818	6	<p>El Dorado Irrigation District remains greatly troubled by the prospect of redirected impacts, and particularly impacts on its senior, upstream, area-of-origin water rights. In 2014, we noted that the Draft EIR/EIS did not even attempt to assess the BDCP's socioeconomic impacts outside of the statutory Delta, and suggested that this voluntary donning of analytical blinders did not bode well for a plan that is supposed to</p>	<p>Socioeconomic effects of the various alternatives are described and assessed in Chapter 16, Socioeconomics, of the 2013 Public Draft EIR/EIS. A Draft Statewide Economic Impact Report has also been published, which indicates that the proposed project would result in a substantial economic net benefit to the State of California.</p> <p>For information on BDCP funding see Master Response 5. For information on water exports see Master</p>

RECIRC Ltr#	Cmt#	Comment	Response
		<p>avoid redirected impacts. Nothing has changed in this regard in the RDEIR/SDEIS.</p> <p>Aside from inserting an anodyne, unsupported statement that "[t]he alternatives would not modify water deliveries to non-SWP and non-CVP water rights holders" (see, e.g., Appendix A at p. 5-1) and affirming that the CALSIM II modeling did not modify water rights deliveries to non-SWP and non-CVP water rights holders (Id. at 5-2), the RDEIR/SDEIS does nothing to allay our concern that, inevitably, El Dorado Irrigation District and other upstream interests will be called upon to bear a share of the proposed project's burdens, in the form of water foregone, CVP contract charges, or both.</p>	<p>Response 26. For additional information on upstream effects see Master Response 25.</p>
2818	7	<p>El Dorado Irrigation District (EID) fully recognizes the need for a comprehensive, fair, and lasting solution to the myriad problems associated with the Delta. EID is committed to the co-equal goals. EID can and will support a program that advances those goals, and that supports regional self-reliance, protects senior and area-of-origin water rights, and avoids redirecting impacts to third parties. However, the revised BDCP/California WaterFix and the accompanying environmental document, as revised and supplemented by the RDEIR/SDEISAs currently formulated, the BDCP and the Draft EIR/EIS still is not that program - and would not be even if the documents were not marred by numerous and fatal analytical flaws. EID therefore repeats its 2014 call upon the project proponents to step back, reconsider, redraft, and recirculate for public review a plan and environmental documentation that can earn the support of upstream, area-of-origin interests.</p>	<p>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/.</p> <p>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 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.</p> <p>The Federal and State Lead Agencies have done their best to make the EIR/EIS for the proposed project as fair, objective, and complete as possible. The Lead Agencies are following the appropriate legal process and are complying with CEQA and NEPA in preparing the EIR/EIS for the proposed project. These agencies readily acknowledge, however, that the document addresses a number of topics for which some scientific uncertainty exists. Such uncertainty can give rise to differing opinions as to what conclusions may be reached. The documentation generated by this proposed project has undergone extensive public and scientific input, discussion, and 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 see Master Response 40 for further discussion of the public outreach process.</p> <p>As stated in the very first chapter of the BDCP/California WaterFix FEIR/FEIS and Chapter 5 of the FEIR/FEIS, Water Supply, Section 5.3.1, the Proposed Project relies upon obtaining authorization from the State Water Resources Control Board (State Water Board) for new SWP points of diversion in the north Delta. The changes being sought do not include any changes to increase existing water rights or pursuing application for new water rights. Please refer to Master Response 26 regarding water rights. Additionally, Master Response 25 addresses how Alternative 4A does not propose any changes to upstream operational criteria.</p>
2819	1	<p>To properly correct the deficiencies alleged therein, and in other comments by the CDWA and others, a large amount of "significant new information" within the meaning</p>	<p>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</p>

RECIRC Ltr#	Cmt#	Comment	Response
		<p>.of CEQA Guidelines section 15088.5, subdivision (a), must necessarily be added to the DEIR/DEIS. Accordingly, the DEIR/EIS will have to be recirculated yet again, and much more comprehensively so, to afford all interested persons and agencies the opportunity to meaningfully review and comment on that new information.</p>	<p>scientific information, and the thorough analyses needed to develop and conduct an environmental review of a project as massively critical as the proposed BDCP.</p> <p>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 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.</p> <p>The lead agencies believe that the EIR/EIS is complete in the 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 that have been considered and incorporated into the Final EIR/EIS. No significant new information has, or needs to be added, such that recirculation for public review is required under CEQA or NEPA.</p> <p>Please refer to Master Response 46, Recirculation and Scoping processing and considerations.</p>
2819	2	<p>It is truly mind-boggling that anyone, much less our governmental officials who have been entrusted with the responsibility to protect the Delta estuary, could in good faith and with any semblance of a straight face come to the conclusion that constructing a massive physical facility, such as the proposed facility, that is physically capable of depriving the Delta estuary more often than not of virtually its entire source of fresh water, and putting that facility into the hands of folks who could not care less about the "unique cultural, recreational, natural resource, and agricultural values of the Delta" estuary, and whose own values, in fact, are directly contrary to those Delta values, will by any stretch of the imagination further the fundamental and mandatory state goal to "protect[] and enhance[]" those Delta values. (Wat. Code, § 85054.)</p>	<p>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.</p> <p>DWR's fundamental purpose of the proposed project is to make physical and operational improvements to the SWP system in the Delta necessary to restore and protect ecosystem health, water supplies of the SWP and CVP south of the Delta, and water quality within a stable regulatory framework, consistent with statutory and contractual obligations. By establishing a point of water diversion in the north Delta and new operating criteria with the goal of improving water volume, timing, and salinity, the proposed project is designed to establish a more natural east-west flow for migratory fish, improve habitat conditions, and allow for greater operational flexibility. Please see Master Response 3 for additional information regarding the purpose and need behind the proposed project.</p> <p>For more information regarding the proposed project's compliance with the Delta Reform Act please see Master Response 31, Delta Reform Act/Delta as a Place.</p>
2819	3	<p>It is difficult to conceive of a massive physical facility that could do more short and long term harm to the Delta estuary and all but guarantee its ultimate and complete destruction than the instant facility. To successfully kill an estuary, i.e., a very special place where fresh water meets and mixes with the sea, one must seize control of, and substantially restrict or cut off, the fresh water entering into the estuary. To successfully kill the Delta estuary one must seize control of, and substantially restrict or cut off, the fresh water entering into it from its main artery, the Sacramento River. The instant project from the ground up was designed specifically to seize control of the fresh water entering into the Delta from the Sacramento River and to substantially restrict or cut off that flow. The inevitable, and for many, intended, result will be the destruction of the Delta estuary by converting it into a salty, inland sea. Destroying one area of the state, especially an area of such immense local, state and national importance as the Delta estuary, to benefit another area of the state is unacceptable public policy. No local, state or national governmental official should advocate for the creation of a project that will set the stage for, much less one that is arguably</p>	<p>Please note that the proposed project has been initiated and carried forward by two Governors acting on a mandate from the voters of the state as a whole.</p> <p>Since the late 1800s, the Bay-Delta ecosystem has been substantially altered. Changes in key environmental attributes of the Bay-Delta have contributed to the current degraded state of the ecosystem and appear to be proximate causes of declines in desired fishes and increases in non-native species. California WaterFix is not intended to address all the factors that have contributed to the Delta's decline and briefly summarizes a few but not all of those factors. Many factors that have contributed to the decline of the Delta's ecosystem, including the conversion of tidal marsh and floodplains to farmland, construction of levees and altering of tide flows, in-Delta and upstream water diversions, contaminant discharges, ammonia and nutrient discharges and changes to the food web, increases in water temperatures, and introduction of non-native and invasive species. The Delta will remain in a highly altered state for the foreseeable future and the project is not intended to address all the past harms or restore the Delta to a pre-altered state.</p> <p>DWR's fundamental purpose of the proposed project is to make physical and operational improvements to</p>

RECIRC Ltr#	Cmt#	Comment	Response
		specifically designed to bring about, the destruction of the Delta estuary for the benefit of those who would obtain more water for their unsatiable needs if that estuary were destroyed.	<p>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 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.</p> <p>By establishing a point of water diversion in the north Delta and new operating criteria with the goal of improving water volume, timing, and salinity, the proposed project is designed to establish a more natural east-west flow for migratory fish, improve habitat conditions, and allow for greater operational flexibility.</p> <p>Please refer to Master Response 3 (Purpose and Need), Master Response 4 (Alternatives Development), Master Response 26 (Area of Origin)/Master Response 32 for information on water rights effects), and Master Response 31 (Compliance with Delta Reform Act).</p>
2819	4	It is respectfully requested and urged that the project be entirely rejected. We as a state are obligated to fulfill the state policy "to reduce reliance on the Delta." (Wat. Code, § 85021.) Entirely rejecting this ill-conceived project that is precisely and unashamedly designed to increase, rather than reduce, that reliance, and using the billions of dollars that would otherwise be wasted on this misdirected project to help "each region that depends on water from the Delta watershed [to] improve its regional self-reliance for water through investment in water use efficiency, water recycling, advanced water technologies, local and regional water supply projects, and improved regional coordination of local and regional water supply efforts," is not only the right thing to do, it is our duty under the law. (Wat. Code, § 85021.)	<p>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 that is more protective of fish. However, the project proponents have no authority to designate what water is used for.</p> <p>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.</p> <p>For more information regarding the proposed project's compliance with the Delta Reform Act please see Master Response 31.</p>
2819	5	<p>We in the Delta are counting on our governmental officials that are in charge of overseeing and reviewing this project to protect us and the Delta. It is respectfully requested and urged that those officials use their leadership and common sense to reject this project and help guide the state towards increased regional self-reliance and less dependence on the overly-taxed and beleaguered Delta. The robbing Peter to pay Paul approach to water policy that is epitomized by, and at the foundation of, this project must end, and end now with the wholesale rejection of this project. The movement towards regional self-reliance for those that are</p> <p>currently over-reliant upon the Delta's scarce water supplies is inevitable. The question presented is whether to vigorously embark upon that movement now, before the Delta estuary is destroyed,</p> <p>or to construct this project, wait for the Delta estuary to be destroyed, and then embark upon that movement. The choice is obvious to anyone who even remotely cares about the Delta estuary and its innumerable and irreplaceable values.</p>	<p>Improved regional and local water supply efforts are beyond the scope of the proposed project. It is important to note that the proposed project is not intended to serve as a statewide solution to all of California's water problems and it is not an attempt to address directly the need for continued investment by the state and other public agencies in conservation, 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 for further information regarding how many of the suggested components have merit from a statewide water policy standpoint, and how some are being implemented or considered independently throughout the state, but are beyond the scope of the proposed project.</p> <p>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.</p> <p>Please also refer to the above response to comment 3 of this letter.</p>
2819	6	[ATT1:BDCP1786]	The comment describes an attachment to the comment letter. The attachment does not raise any additional

RECIRC Ltr#	Cmt#	Comment	Response
			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.
2820	1	RDEIR/SDEIS does not appear to contact an Environmentally Preferred Alternative that is required under CEQA Guidelines 15126.6(e)(2) and NEPA. The tribe would like to be allowed to microsite or get other design features incorporated to reduce the potential for direct cultural impacts.	On Page ES-21, the DEIR/EIS identified the Alternative 4 as the Environmentally Preferred Alternative. In the RDEIR/SEIS. Additional refinements were made to Alternative 4 (further reducing adverse effects to the Environmentally Preferred Alternative) intended to reduce adverse effects and that analysis is included in the RDEIR/SEIS.
2820	2	United Auburn Indian Colony left out of RDEIR/SDEIS analysis as Tribe, government or partner. There is no discussion of the Tribe/tribal values in areas of controversy, construction timing, project and alternatives screening criteria (i.e., a tribal burial mound avoidance alternative), environmental commitments for cultural resources, social effects, environmental justice or identified as a viewer group for visual impacts. The United Auburn Indian Colony requests to be allowed to participate in the RDEIR/SDEIS analysis.	DWR has hosted meetings with the tribal community throughout the Plan Area. An informational meeting was held in Sacramento in December 2013. This meeting was followed by regional consultation meetings held in Corning in April 2014, in Sacramento in June 2014, and in Clovis in June 2014. Consultation is on-going. In July of 2015, DWR continued outreach to the Tribes to assess interest and provide updates on the proposed project changes. DWR has also held an informational meeting on August 12, 2015. DWR has solicited input from Tribes on the consultation process, including the potential development of a Tribal Advisory Working Group for the proposed project.
2820	3	On Alternatives, it appears that very little consideration was given to any others. The rationale for rejecting other design features and preservation in place falls short of what the Tribe considers a minimum level of effort. The Tribe requests a complete and full analysis of such preservation in place and avoidance alternatives as alternative siting locations for the intake tanks. The fact that the project is being approved with not adequately identifying all known resources and a finding of no adverse effect is of concern to the United Auburn Indian Colony.	Cultural resources within the proposed project area are discussed in Chapter 18 of the Draft EIR/EIS, RDEIR/SDEIS, and Final EIR/EIS. The discussion identifies known resources to the extent feasible and provides that preservation in place, where feasible, is the preferred treatment of cultural resources, in compliance with CEQA. For additional information regarding cultural resources, please see Master Response 20. For additional information regarding the formulation and selection of alternatives for evaluation in the EIR/EIS, please see Master Response 4.
2820	4	If the U.S. Army Corps of Engineers materially revises any section of the RDEIR/SDEIS then the document should be recirculated. U.S. Army Corps of Engineers shall evaluate, determine effects, and develop treatment before the project construction activities begin. The tribe does not consider data recovery, curation and testing/analysis appropriate which is in fact a negative effect and direct impact to the cultural resources. The RDEIR/SDEIS addresses solely scientific archeology, there is zero discussion regarding tribal cultural values, sanctified cemeteries, or cultural landscapes. Include a section on why preservation in place is a feasible alternative. RDEIR/SDEIS does not admit that human remains could be impacted and that state law would be followed.	The comment addresses adequacy of analysis and consideration of Tribal perspectives on mitigation. Cultural resources within the proposed project area are discussed in Chapter 18 of the Draft EIR/EIS, RDEIR/SDEIS, and Final EIR/EIS. The discussion identifies known resources and provides that preservation in place, where feasible, is the preferred treatment of cultural resources, in compliance with CEQA. For additional information regarding the adequacy of the cultural resources impact analysis, please see Master Response 20 and Master Response 21.
2820	5	The RDEIR/SDEIS also will any new sections on Pacific Gas & Electric utility relocation be in the RDEIR/SDEIS? Especially of this work includes use of cranes, land leveling, poll removal and relocation, tree replanting and vegetation removal - all activities that could have significant impacts on cultural resources.	Final powerline relocation will be determined during the design phase. During relocation of the utilities Mitigation Measures CUL-1, CUL-2, CUL-3, CUL-4, CUL-5, CUL-6, and CUL-7 will be utilized to minimize impacts on cultural resources.
2820	6	The cumulative impact section is wholly deficient and also contains improper analysis such as cultural resources are typically not subject to cumulative effects which is unsupported in CEQA/NEPA. Yet RDEIR/SDEIS then admits impacts are cumulatively significant but then offers no mitigation for that impact. Again, there is no mention of tribes or cultural landscapes, the latter is especially relevant when dealing with cumulative effects or effects across several phases or projects over wide geography.	For information regarding cumulative impacts and requirements for their assessment under CEQA and NEPA, please see Master Response 9. For information regarding the adequacy of the cultural resources impact analysis, please see Master Response 20.
2820	7	Specific borrow and staging sites were not identified in the RDEIR/SDEIS, it is not appropriate to recommend cultural resource areas for these types of activities;	Section 18.2.1.3 provides information on Section 106 consultation and development of a Programmatic Agreement as part of a phased approach to identifying cultural resources. Sensitivity assessments also

RECIRC Ltr#	Cmt#	Comment	Response
			<p>address impacts to unknown (or unevaluated) cultural resources.</p> <p>Please see Master Response 20 regarding the adequacy of the analysis for cultural resources.</p>
2820	8	Will there be a section on Wetland delineation?	A wetland delineation was completed in early 2015 and verified by USACE. Chapter 12 of the Final EIR/EIS presents and discusses impacts on wetlands. Mitigation Measure BIO-176: Compensatory Mitigation for Fill of Waters of the U.S. provides mitigation to compensate for those impacts.
2820	9	Will the project be avoiding Federal Emergency Management Agency land use restrictions and are barges included in the project - use of barges could help to reduce impacts on cultural resources?	<p>Please refer to Chapter 6, Surface Water, Impacts SW-2, 4, 5, 7, 8, and 9 regarding flood conditions. All impacts would be less than significant with mitigation incorporated.</p> <p>Barges would be used in the proposed project. Temporary barge unloading facilities would be built on the following waterways: Snodgrass Slough, Potato Slough, San Joaquin River, Middle River, Connection Slough, Old River, and the West Canal, as described in Impact REC-3.</p>
2820	10	<p>Other concerning points, we would like to discuss are:</p> <p>Admits no further federal action assumed, raises question of whether feds could assume the project without reopening the environmental review;</p> <p>No analysis of vibration or compression effects on project on cultural resources;</p> <p>No analysis of vegetation impacts that relate to native or cultural plants including those that might have been part of the burial mounds or part of the tribal cultural landscape;</p> <p>Will there be conservation bank purchased for giant garter snake - why not for cultural landscape;</p> <p>Please note that post approval technical studies are not okay;</p> <p>No section in climate change discussing whether it makes sense to consider alternative to proposed intakes;</p> <p>No text references to National Park Service Bulletin 38 (Traditional Cultural Practices) or Advisory Council on Historic Preservation guidance on cultural landscapes, document takes a very stilted view of what Section 106 means. We understand this may be in the RDEIR/SDEIS, yet to be developed, but it would be good to include the important of place, setting, landscape, to the Tribe;</p> <p>Native American Heritage Commission not listed as a trustee agency.</p>	<p>Please see Response to Comment 353-4, and Master Response 21 that discusses measures to protect cultural resources.</p> <p>Ongoing discussions with Tribes about their concerns are addressed in Master Response 21. These points may also be addressed in the ongoing government-to-government consultation.</p>
2820	11	<p>In regards to the PA and Programmatic Historic Properties Treatment Plans, our main concerns are:</p> <p>the United Auburn Indian Colony requests to be an invited signatory on the PA just as State Historical Preservation Office, Department of Water Resources and CVFPB are listed;</p> <p>United Auburn Indian Colony is a federally recognized tribe that has maintained it has sanctified cemeteries and burial sites within the project APE that are in immediate</p>	<p>The commenter's opinion related to the DEIR/S is acknowledged. This comment regarding Section 106 consultation was addressed in the Recirculated DEIR/S through the addition of Section 18.2.1.3, which provides information on Section 106 consultation and development of a and development of a Programmatic Agreement as part of a phased approach to identifying cultural resources. The Pragmatic Agreement is currently being drafted and there is no Treatment Plan completed at this time.</p> <p>For additional information about Native American outreach efforts, including identification and analysis of impacts on archaeological sites, Traditional Cultural Properties, and cultural significance of biological</p>

RECIRC Ltr#	Cmt#	Comment	Response
		<p>danger of irreparable harm;</p> <p>the United Auburn Indian Colony is opposed to any type of curation, data recovery and testing/analysis of those sites determined to be or listed as sanctified cemeteries, shrines, places of worship, and burial sites;</p> <p>both the Historic Properties Treatment Plan and PA have no mention about tribal monitoring;</p> <p>United Auburn Indian Colony would like to be a partner in the PA and have the same comment and review;</p> <p>United Auburn Indian Colony request to go their own survey to confirm the presence of additional resources in the project APE;</p> <p>consultation regarding adverse effect and alternatives analysis;</p> <p>discussion regarding the need for a burial treatment plan, tribal monitoring plan, and tribal cultural resources treatment plan;</p> <p>information for evaluation of Native American sacred and burial sites under Criteria A, B, C, and D should also be done prior to construction and in consultation with the tribes who may ascribe significant to a place in the APE for a particular event, person, aesthetic, or the resources ability to transmit knowledge;</p>	resources, please see Master Response 21.
2821	1	Any conversation with U.S. Army Corps Engineers' Nikki Polson for Tribal consultation needs to include Gerald Jones of BIA [Bureau of Indian Affairs] and CIWC [California Indian Water Commission] for correspondence.	Comment identified point-of-contact for the Corps regarding Tribal consultation. The comment does not raise any environmental issue related to the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS.
2821	2	How long before payment to California Indians is expected for taking their water?	No issues related to the adequacy of the environmental impact analysis in the CEQA and NEPA documents were raised.
2821	3	California Indians want payment for previous projects, like the Peripheral Canal, for the loss of traditional Agricultural in the form of similar land and money to harvest the land.	<p>The Peripheral Canal was voted down in 1982. Please refer to Master Response 36 (Peripheral Canal), which discusses the difference between the Peripheral Canal and the proposed project.</p> <p>The comment does not raise any environmental issue related to the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS.</p>
2821	4	Add historical restoration to impacts to Indians agriculture, sacred sites, ancestral burial sites, and traditional gathering areas.	<p>The commenter's opinion related to the DEIR/S is acknowledged. This comment regarding Section 106 consultation was addressed in the Recirculated DEIR/S through the addition of Section 18.2.1.3, which provides information on Section 106 consultation and development of a Programmatic Agreement as part of a phased approach to identifying cultural resources. The Pragmatic Agreement is currently being drafted for circulation to consulting parties and tribes.</p> <p>For additional information about Native American outreach efforts, including identification and analysis of impacts on archaeological sites, Traditional Cultural Properties, and cultural significance of biological resources, please see Master Response 21.</p>
2822	1	I am sorry, but I strongly oppose your Bay Delta Conservation Plan/California Water Fix. It is unnecessary, the plan has not established a logical need for this plan. We already export too much water out of the Sacramento/San Joaquin 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.

RECIRC Ltr#	Cmt#	Comment	Response
			<p>DWR’s fundamental purpose of the proposed project is to make physical and operational improvements to the SWP system in the Delta necessary to restore and protect ecosystem health, water supplies of the SWP and CVP south of the Delta, and water quality within a stable regulatory framework, consistent with statutory and contractual obligations. By establishing a point of water diversion in the north Delta and new operating criteria with the goal of improving water volume, timing, and salinity, the proposed project is designed to establish a more natural east-west flow for migratory fish, improve habitat conditions, and allow for greater operational flexibility. Please see Master Response 3 for additional information regarding the purpose and need behind the proposed project.</p>
2822	2	<p>Taking more water out of the Delta will result in degradation of fish and wild habitat, increased salt water intrusion, lowering of ground water levels, loss of Delta farms, high litigation costs, cause a beautiful natural area to become an eyesore.</p>	<p>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 amount of water that DWR and Reclamation can divert from the new north Delta facilities is set by Federal and State regulating agencies, ESA compliance, and project design. The proposed project does not seek any new water rights nor reduction in total water rights issued to DWR and Reclamation. Because the project would not affect other water rights holders reductions in groundwater elevations in the Delta watershed are not anticipated.</p> <p>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.</p> <p>Over the long-term, the proposed project would decrease total exports of SWP and CVP water as compared to Existing Conditions and No Action Alternative in the summer and early fall months; and increase exports in the wet winter months when the river flows are high.</p> <p>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 water quality benefits or impacts of the proposed project or alternatives.</p> <p>As discussed in Chapter 5, Water Supply, of the EIR/EIS, climate change, sea level rise, and population growth in the northern Delta watershed are anticipated to affect all water rights holders (as shown in the comparison between the Existing Conditions and the No Action Alternative model runs) with or without implementation of the action alternatives. Effects due to climate change are not caused by implementation of the project, are provided for informational purposes only, and do not lead to mitigation.</p>
2822	3	<p>The cost overruns could cost taxpayers for generations to come not only for construction, but for maintenance. Maintain and regulate the current water distribution system with better science and logical at a small fraction of the price.</p>	<p>DWR’s fundamental purpose of the proposed project is to make physical and operational improvements to the SWP system in the Delta necessary to restore and protect ecosystem health, water supplies of the SWP and CVP south of the Delta, and water quality within a stable regulatory framework, consistent with statutory and contractual obligations. By establishing a point of water diversion in the north Delta and new operating criteria with the goal of improving water volume, timing, and salinity, the proposed project is designed to establish a more natural east-west flow for migratory fish, improve habitat conditions, and allow for greater operational flexibility.</p> <p>Please see Master Response 3 for additional information regarding the purpose and need behind the</p>

RECIRC Ltr#	Cmt#	Comment	Response
			proposed project. Please see Master Response 5 for more information on costs and funding.
2823	1	I am against the twin tunnels for numerous reasons. It is dangerous to fish and fowl habitat.	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. Chapter 11 of the Final EIR/EIS addresses the potential for project alternatives to affect fish. Chapter 12 of the Final EIR/EIS addresses the potential for project alternatives to affect birds and other animals. Both chapters describe the impacts, both negative and positive, and discuss the mitigation measures and avoidance and minimization measures proposed to avoid, minimize, and compensate for any significant impacts.
2823	2	I am against the twin tunnels for numerous reasons. Hurts local business.	The comment does not raise any environmental issue related to the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS.
2823	3	I am against the twin tunnels for numerous reasons. Removal of acres of crops. Just to name a few.	The comment does not raise any environmental issue related to the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS. All project impacts on Agriculture are analyzed in Chapter 14, Agricultural Resources.
2824	1	A river must be allowed to meander. The Sacramento River has been hemmed in by levees and now to build tunnels and send water away from our drought stricken area is the wrong headed idea. There are enough examples of rivers that have been ruined, such as the Colorado.	The project objectives and purpose and need of this project do not address changing the Delta levee systems to allow for changes in the location of the Sacramento River. 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 any change in total water rights issued to DWR and Reclamation. Over the long-term, the proposed project would decrease total exports of SWP and CVP water as compared to Existing Conditions and No Action Alternative in the summer and early fall months; and increase exports in the wet winter months when the river flows are high.
2824	2	Jerry Merrill's idea is wrong too. Brown's desire for a legacy at the expense of the public good is wrong also. Please stop the tunnels.	The comment does not raise any environmental issue related to the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS.
2825	1	How can the north send water south when there is not enough in the north during the drought or for growth? Where is the water for growth in the north going to come from?	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.
2825	2	You know once the water table drops it never comes back. One year in the 1970s the water table in Manteca city wells dropped 17 feet. And it's been dropping every year since.	The Final EIR/EIS includes CALSIM II and CVHM model results for the proposed project (Alternative 4A) as well as Alternatives 2D and 5A. The model results for Alternative 4A indicate that long-term average surface water deliveries to SWP and CVP water users located to the south of the Delta would be higher under Alternative 4A as compared to the No Action Alternative. Therefore, groundwater use is not expected to increase as a result of the proposed project, and conditions in these areas would be similar or improved under Alternative 4A as compared to the No Action Alternative. The proposed project would not include conveyance of groundwater and would not result in reductions in SWP and CVP water deliveries under the

RECIRC Ltr#	Cmt#	Comment	Response
			proposed project as compared to the No Action Alternative; and therefore, would not affect groundwater elevations north of the Delta.
2825	3	[ATT1: Manteca Bulletin article "Twin Tunnel Water Grab," Dated 2015-10-15.]	The comment describes an attachment to the comment letter. The attachment does not raise any additional issues related to the environmental analysis in the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS that are not already addressed in the comment referencing the attachment or the Final EIR/EIS.
2825	4	[ATT2: Modesto Bee article, "Ban some new ag wells until drought ends," dated 2015-10-25.	The comment describes an attachment to the comment letter. The attachment does not raise any additional issues related to the environmental analysis in the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS that are not already addressed in the comment referencing the attachment or the Final EIR/EIS.
2826	1	I think these tunnels would be the worst thing to happen to California, at least Northern California, Southern California uses the water they want all the time, and Northern California would dry up to nothing, we grow all the food here, what do they doing? Do not let this happen.	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.
2827	1	<p>The project would build three giant water intakes, each longer than three football fields, to draw water from the Sacramento River to feed through the tunnels. This would hurt the valley only ones to benefit would be Southern California.</p> <p>The project could cause further harm to the unique and fragile Sacramento-San Joaquin Delta. Yes it would.</p> <p>The Water Fix does not provide a single drop of new water and could severely impact Delta communities. I agree.</p> <p>The Delta region is home to nearly 4 million people, including 2,500 farmers who contribute \$2 billion to California's economy each year. I agree.</p> <p>At an estimated cost of \$15 billion, the people of California deserve a better solution and a more prudent investment to address the state's water supply needs.</p> <p>I agree. I could not say it all better. We in farming in valley would not be helped by any of this. No tunnels.</p>	<p>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.</p> <p>DWR's fundamental purpose of the proposed project is to make physical and operational improvements to the SWP system in the Delta necessary to restore and protect ecosystem health, water supplies of the SWP and CVP south of the Delta, and water quality within a stable regulatory framework, consistent with statutory and contractual obligations. By establishing a point of water diversion in the north Delta and new operating criteria with the goal of improving water volume, timing, and salinity, the proposed project is designed to establish a more natural east-west flow for migratory fish, improve habitat conditions, and allow for greater operational flexibility. Please see Master Response 3 for additional information regarding the purpose and need behind the proposed project.</p>
2828	1	We do not need the 2 tunnels.	No issues related to the adequacy of the environmental impact analysis in the EIR/S were raised.
2829	1	Richard and I wish to express our extreme unhappiness at the prospect of the tunnels conveying our precious water to the south of the state. Please stop the project!	The comment does not raise any environmental issue related to the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS.
2830	1	<p>Please do not put into effect the Bay Delta Conservation Plan/ California Water Fix.</p> <p>We, here in Northern California have a water hostage now!</p> <p>I am old enough to remember the catastrophic water plan of the Owens Valley. The "water grab" by Los Angeles Water District for Southern California.</p> <p>It would be a disaster for not just the Delta region but all of the northern valley, which could not be corrected "ever".</p>	<p>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 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.</p> <p>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</p>

RECIRC Ltr#	Cmt#	Comment	Response
			<p>and CVP south of the Delta, and water quality within a stable regulatory framework, consistent with statutory and contractual obligations. 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.</p> <p>Please also refer to Master Response 31 (Delta Reform Act), Master Response 26 (Changes in Delta Exports/Area of Origin/Water Rights), Master Response 3 (Purpose and Need), and Master Response 35 (MWD Water Supply).</p>
2831	1	Please keep Governor Brown from depleating the Delta's ecosystem. The man is so irresponsible!	The comment does not raise any environmental issue related to the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS. The proposed project was developed to meet the rigorous standards of the federal and state Endangered Species Acts, as such the proposed project is intended to be environmentally beneficial. By establishing a point of water diversion in the north Delta and new operating criteria to improve water volume, timing, and salinity, the proposed project is designed to improve native fish migratory patterns and allow for greater operational flexibility.
2832	1	The Delta Tunnels are a bad thing for the Delta they will turn the Delta into another Owens Lake and severely impact Delta communities and 4 million people including 2,500 farmers who contribute over 2 billion dollars to California's economy each year.	<p>Regulatory laws and conditions are much different today, and they make it impossible for one region to take advantage of another to such a degree.</p> <p>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.</p> <p>DWR's fundamental purpose of the proposed project is to make physical and operational improvements to the SWP system in the Delta necessary to restore and protect ecosystem health, water supplies of the SWP and CVP south of the Delta, and water quality within a stable regulatory framework, consistent with statutory and contractual obligations. By establishing a point of water diversion in the north Delta and new operating criteria with the goal of improving water volume, timing, and salinity, the proposed project is designed to establish a more natural east-west flow for migratory fish, improve habitat conditions, and allow for greater operational flexibility. Please see Master Response 3 for additional information regarding the purpose and need behind the proposed project.</p>
2832	2	Take the 15 billion dollars that it would cost and build desalination plants to get the water Los Angeles wants.	For more information regarding desalination please see Master Response 7.
2833	1	<p>Surely, Governor Brown can propose a more plausible legacy project than reduplicate peripheral canal "pipedream."</p> <p>Its profligacy parallels that of the ancient Spartan city planners, the patrician-yet-parochial sterous (sic) paternity, with patriarch prepo(sic) and offspring, disa!(sic)</p>	The comment does not raise any environmental issue related to the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS.
2834	1	I heard this on the radio: Lack of notification - today (last day) on KZYX. Need for more study. Environmental Impact - significant - yes!	As state agencies, the Department of Water Resources and the California Natural Resources Agencies have an obligation to provide 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

RECIRC Ltr#	Cmt#	Comment	Response
			<p>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 BDCP 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 on the public outreach efforts made during the BDCP and EIR/EIS process, please see Chapter 32 of the EIR/EIS and Master Response 40.</p> <p>For additional information about how this project has been developed in an open and transparent manner, please refer to Master Response 41.</p>
2834	2	I have continued my/our environmental consciousness/observation/reflection/critical analysis and appreciation of our precious, irreplaceable commonwealth of God-given beauty, natural wealthy California resources (from A to Z - archeology, anthropology, biology, botany, geography, hydrology, zoology - too much to include for the letter of information.)	The comment does not raise any environmental issue related to the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS.
2834	3	Slow down. Honor what we have now.	The comment does not raise any environmental issue related to the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS.
2834	4	<p>Public discussion, continued - to be extension of time.</p> <p>Water - impacts</p> <p>Soil/carbon</p> <p>Psychology</p> <p>Sacred plants - medicine</p> <p>Native American concern</p>	It is unclear what if an environmental issue is being raised by the commenter. Without clarification regarding the specific issues related to the EIR/EIS were raised, no response can be provided.
2836	1	<p>Many of the inadequacies of the DEIR/DEIS that were addressed in Conservation Groups' July 29, 2014, comment letter remain unresolved in the RDEIR/SDEIS. Examples include the RDEIR/SDEIS' continued failure to address (1) public trust resources, (2) the reasonably foreseeable future expansion in intake capacity, and (3) a reasonable range of alternatives. The RDEIR/SDEIS substantially worsens the organizational deficiencies of the DEIR/DEIS, and thus frustrates informed public review and comment. For convenience, Conservation Groups attach their previous comment letter as Exhibit 1 [ATT 1].</p> <p>The RDEIR/SDEIS continues to violate the California Environmental Quality Act ("CEQA"), California Public Resources Code sections 21000 et seq., and the National Environmental Policy Act ("NEPA"), 42 U.S.C. sections 4321 et seq. Accordingly, this inadequate environmental document must again be significantly revised to correct these deficiencies. Until these violations of CEQA and NEPA are rectified, the BDCP may not be considered for approval.</p>	<p>The lead agencies believe that the BDCP and EIR/EIS 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.</p> <p>For responses to comments previously submitted please refer to the responses to the original comment letter within this Final EIR/EIS.</p> <p>For more information regarding public trust please see Master Response 13. Regarding development of alternatives for the EIR/EIS, a description of the process the Lead Agencies followed to develop and screen alternatives is provided in Master Response 4.</p>

RECIRC Ltr#	Cmt#	Comment	Response
2836	2	<p>California's growing and improvident dependence on cheap, publicly-subsidized water despite climate change's inexorable reduction in that supply- threatens to inflict on the Delta the dire consequences of the public's increasingly destructive behavior to get their WaterFix. Alternative 4A- the formal name for the WaterFix, which is the new preferred alternative in the RDEIR/SDEIS- will remove up to 9,000 cubic feet per second ("cfs") of water from the Sacramento River before it can flow through the Sacramento and San Joaquin Delta ecosystem, jeopardizing the ecological well-being of that system in order to guarantee water deliveries for agricultural interests in the Central Valley through the Central Valley Project ("CVP") and both urban and agricultural water purveyors through the State Water Project ("SWP"). That amounts to over 6,515,700 acre feet per year (afy), (footnote 1: 9000 cubic feet per second x 31,536,000 seconds per year = 43,560 cubic feet per acre foot=6,515,702.479 acre feet per year.) diverted upstream of the Delta and delivered straight to the CVP and SWP. (footnote 2: As discussed in Conservation Groups' July 29, 2014, comment letter, 9,000 cfs is the combined intake capacity of Alternative 4A, not the capacity of the tunnels themselves, which is considerably greater and increases the likelihood that south of Delta users will demand additional deliveries in the future.) The most immediate and obvious result would be the movement of saline waters into the Delta, irreparably harming its water quality and dependent fish and wildlife.</p>	<p>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. 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, as described in Chapter 5, Water Supply of the EIR/EIS.</p> <p>The proposed project would decrease total exports of SWP and CVP water as compared to Existing Conditions and No Action Alternative in the summer and early fall months; and increase exports in the wet winter months when the river flows are high to improve conditions for aquatic resources in the Delta. The water would be stored at locations south of the Delta during the high flow periods to allow reductions in deliveries to SWP and CVP water users in drier periods.</p> <p>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.</p> <p>Please refer to Chapter 8, Impact WQ-11, for detailed information on the analysis of proposed alternatives effects on electrical conductivity (a measure of salinity). Also see Master Response 14, Water Quality.</p>
2836	3	<p>The "heart of CEQA" is the environmental impact report. <i>Citizens for Goleta Valley v. Board of Supervisors</i> (1990) 52 Cal.3d 553, 564. "The EIR, with all its specificity and complexity, is the mechanism prescribed by CEQA to force informed decision making and to expose the decision making process to public scrutiny." <i>California Native Plant Society v. City of Santa Cruz</i> ("California Native Plant Society") (2009) 177 Cal.App.4th 957, 978 (quoting <i>Planning & Conservation League v. Department of Water Resources</i> (2000) 83 Cal.App.4th 892, 91 0). Similarly, the environmental impact statement "serves NEP A's 'action-forcing' purpose" by ensuring that the agency "will have available, and carefully consider, detailed information concerning significant environmental impacts" and "guarantee[ing] that the relevant information will be made available to the larger audience." <i>Robertson v. Methow Valley Citizens Council</i>, 490 U.S. 332, 349 (1989).</p> <p>Here, however, the RDEIR/SDEIS' analysis of the BDCP fails to foster informed decisionmaking or to expose the decisionmaking process to the public. <i>California Native Plant Society</i>, 177 Cal.App.4th at 978. CEQA and NEP A require more.</p>	<p>The lead agencies believe that the BDCP and EIR/EIS 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.</p> <p>The primary objective of the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) is to disclose to decision makers the environmental impacts of a proposed action and alternatives, evaluating the potential adverse change to existing conditions and determining if mitigation is available to offset the potential impact. These documents, along with many others developed through the project planning (e.g., engineering, economic, and other technical studies and other environmental compliance processes [e.g., Endangered Species Act, Clean Water Act, and water rights compliance]), will serve as the basis for the lead agencies' decision on whether to approve the project. 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 the scope of the project and the analysis contained in each chapter sufficiently discloses the potential impacts associated with each of the action alternatives.</p> <p>For more information regarding the transparency of the project and communications please see Master Response 41.</p>

RECIRC Ltr#	Cmt#	Comment	Response
2836	4	<p>CEQA mandates that "environmental considerations do not become submerged by chopping a large project into many little ones each with a minimal potential impact on the environment- which cumulatively may have disastrous consequences." <i>Bozung v, Local Agency Formation Commission</i>, 13 Cal.3d 263, 283-284 (1975). Thus, agencies must study the "whole of an action," and not segment or piecemeal environmental review. See CEQA Guidelines § 15378(a), (c). Similarly, NEPA requires that when actions are "interdependent parts of a larger action and depend on the larger action for their justification" they must be studied together in a single environmental document. 40 C.F.R. § 1508.25(a)(1); <i>Thomas v. Peterson</i> 757 F.2d 754,758-759 (9th Cir. 1985).</p> <p>Here, instead of studying all of their interdependent actions together, Reclamation and DWR have improperly separated their analysis of the BDCP from Reclamation's incorporation of reasonable and prudent alternatives ("RP As") into its coordinated Long Term Operation of the CVP and SWP ("Draft LTO EIS"). The Draft LTO EIS substantially overlapped with the RDEIR/SDEIS in geographic scope, purpose, and objectives. Compare RDEIR/SDEIS 1.8 (footnote 3: The first revised project objective is to: Address adverse effects to state and federally listed species related to: The operation of existing SWP Delta facilities and construction and operation of facilities for the movement of water entering the Delta from the Sacramento Valley watershed to the existing SWP and CVP pumping plants located in the southern Delta. The implementation of actions to improve SWP and/or CVP conveyance that have the potential to result in take of species that are listed under the [Endangered Species Act] and [California Endangered Species Act].) with Draft LTO EIS 2-1 to 2-2. The RPAs addressed in the Draft LTO EIS are the specific parameters that NMFS and USFWS have set to prevent the extinction of sensitive species. Instead of addressing these topics in a unified manner, however, Reclamation has improperly separated the Draft LTO EIS into its own project.</p> <p>Further, the RDEIR/SDEIS' Alternatives 4A, 2D and 5A likewise improperly segment environmental review because they remove substantial habitat restoration elements, the so-called EcoRestore, from the Project. See, e.g., RDEIR/SDEIS 5-6. This segmentation violates CEQA's demand for unified and comprehensive environmental review: "Theoretical independence is not a good reason for segmenting the 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. Furthermore, if the two matters are analyzed in sequence ... and the combined or interactive environmental effects are not fully recognized until the review of the second matter, the opportunity to implement effective mitigation measures as part of the first matter may be lost. This could result in mitigation measures being adopted in the second matter that are less effective than what would have been adopted if the matters had been analyzed as a single project." <i>Tuolumne County Citizens for Responsible Growth, Inc. v. City of Sonora</i> (2007) 155 Cal.App.4th 1214, 1230. While the lead agencies indicate that the EcoRestore elements will be implemented separately and subject to separate environmental review, this segmented review subverts CEQA's- and NEPA's- purposes.</p>	<p>State and Federal agencies developed the modified proposed project (Alternative 4A/California WaterFix) in response to public and agency input. Alternative 4A reflects the State's proposal to separate the conveyance facility and habitat restoration measures into two separate efforts: California WaterFix and California EcoRestore. Restoration actions that are independent of Proposed Action, such as EcoRestore, are evaluated as part of the cumulative impact analysis. For more information regarding piecemealing and segmentation please see Master Response 8.</p> <p>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. DWR operates and maintains the SWP and would continue to do so as part of the implementation of the proposed project related to the SWP. Reclamation operates the CVP in coordination with the SWP through the Coordinated Operation Agreement. 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. 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).</p>
2836	5	<p>CEQA mandates that "environmental considerations do not become submerged by chopping a large project into many little ones each with a minimal potential impact on the environment- which cumulatively may have disastrous consequences." <i>Bozung v,</i></p>	<p>Please refer to Master Response 8 for a discussion that the Lead Agencies analyzed the project as a whole, and response to comment 4 within this comment letter, above.</p>

RECIRC Ltr#	Cmt#	Comment	Response
		<p>Local Agency Formation Commission, 13 Cal.3d 263, 283-284 (1975). Thus, agencies must study the "whole of an action," and not segment or piecemeal environmental review. See CEQA Guidelines § 15378(a), (c). Similarly, NEPA requires that when actions are "interdependent parts of a larger action and depend on the larger action for their justification" they must be studied together in a single environmental document. 40 C.F.R. § 1508.25(a)(1); Thomas v. Peterson 757 F.2d 754,758-759 (9th Cir. 1985).</p> <p>Here, instead of studying all of their interdependent actions together, Reclamation and DWR have improperly separated their analysis of the BDCP from Reclamation's incorporation of reasonable and prudent alternatives ("RP As") into its coordinated Long Term Operation of the CVP and SWP ("Draft LTO EIS"). The Draft LTO EIS substantially overlapped with the RDEIR/SDEIS in geographic scope, purpose, and objectives. Compare RDEIR/SDEIS 1.8 (footnote 3: The first revised project objective is to: Address adverse effects to state and federally listed species related to: The operation of existing SWP Delta facilities and construction and operation of facilities for the movement of water entering the Delta from the Sacramento Valley watershed to the existing SWP and CVP pumping plants located in the southern Delta. The implementation of actions to improve SWP and/or CVP conveyance that have the potential to result in take of species that are listed under the [Endangered Species Act] and [California Endangered Species Act].) with Draft LTO EIS 2-1 to 2-2. The RPAs addressed in the Draft LTO EIS are the specific parameters that NMFS and USFWS have set to prevent the extinction of sensitive species. Instead of addressing these topics in a unified manner, however, Reclamation has improperly separated the Draft LTO EIS into its own project.</p> <p>Further, the RDEIR/SDEIS' Alternatives 4A, 2D and 5A likewise improperly segment environmental review because they remove substantial habitat restoration elements, the so-called EcoRestore, from the Project. See, e.g., RDEIR/SDEIS 5-6. This segmentation violates CEQA's demand for unified and comprehensive environmental review: "Theoretical independence is not a good reason for segmenting the 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. Furthermore, if the two matters are analyzed in sequence - and the combined or interactive environmental effects are not fully recognized until the review of the second matter, the opportunity to implement effective mitigation measures as part of the first matter may be lost. This could result in mitigation measures being adopted in the second matter that are less effective than what would have been adopted if the matters had been analyzed as a single project." Tuolumne County Citizens for Responsible Growth, Inc. v. City of Sonora (2007) 155 Cal.App.4th 1214, 1230. While the lead agencies indicate that the EcoRestore elements will be implemented separately and subject to separate environmental review, this segmented review subverts CEQA's- and NEPA's- purposes.</p>	
2836	6	<p>Furthermore, the RDEIR/SDEIS still includes project objectives that are so unreasonably narrow that they preclude any consideration of a reduced delivery alternative as described below. As directed by the CEQA Guidelines, the project description "shall contain" a "statement of objectives sought by the proposed project[, which] will help the Lead Agency develop a reasonable range of alternatives to evaluate in the EIR The statement of objectives should include the underlying purpose of the project."</p>	<p>The lead agencies believe that the BDCP and EIR/EIS 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</p>

RECIRC Ltr#	Cmt#	Comment	Response
		<p>Guidelines§ 15124(b) (emphasis added). Similarly under NEPA, because a project's purpose and need statement "dictates the range of 'reasonable' alternatives," the agency may not frame the purpose and need statement narrowly "to avoid the requirement that relevant alternatives be considered." <i>City of Carmel-by-the-Sea v. United States Department of Transportation</i> (9th Cir. 1997) 123 F.3d 1142, 1155 (first quote); <i>National Parks & Conservation Association v. US. Bureau of Land Management ("NPCA v. ELM")</i> (9th Cir. 2010) 606 F.3d 1058, 1070 (second quote).</p> <p>"An agency may not define the objectives of its action in terms so unreasonably narrow that only one alternative among the environmentally benign ones in the agency's power would accomplish the goals of the agency's action, and the EIS would become a foreordained formality." <i>NPCA v. ELM</i>, 606 F.3d at 1070. Here, the RDEIR/SDEIS does just that. Consequently, it precludes any consideration of a reduced delivery alternative, and thereby undermines the basic purpose of both CEQA and NEPA: comparative analysis of a proposed action with less impactful alternatives.</p>	<p>Final EIR/EIS.</p> <p>For more information regarding purpose and need of the proposed project please see Master Response 3. 15 alternatives and 3 additional subalternatives were analyzed in the EIR/S and the RDEIR/SDEIS respectively. Four major alignments have been included in the EIR/S: Through-Delta, East of the Sacramento River, West of the Sacramento River, and a Tunnel under the Delta. Many additional proposals by public and private individuals and organizations have also been evaluated and described in Chapter 3 of the BDCP EIR/S and Appendix 3A, Identification of Water Conveyance Alternatives, Conservation Measure 1. Regarding development of alternatives for the EIR/EIS, a description of the process the Lead Agencies followed to develop and screen alternatives is provided in Master Response 4.</p>
2836	7	<p>Under CEQA, an EIR must focus on alternatives that would lessen significant effects, even if they "would impede to some degree the attainment of the project objectives, or be more costly." Guidelines§ 15126.6(b). Likewise, under NEPA, an EIS must "[r]igorously explore and objectively evaluate all reasonable alternatives" so that "reviewers may evaluate their comparative merits." <i>Id</i> "The existence of a viable but unexamined alternative renders an environmental impact statement inadequate." <i>Friends of Yosemite Valley v. Kempthorne</i>, 520 F.3d 1024, 1038 (9th Cir. 2008).</p> <p>As with the DEIR/DEIS, the RDEIR/SDEIS fails to study a reasonable range of alternatives, including an alternative that significantly reduces deliveries. While the RDEIR/SDEIS adds Alternatives 4A, 2D and 5A, none of these so-called sub-Alternatives alter the conveyance quantities contemplated in the DEIR/DEIS. See RDEIR/SDEIS 4.1-1. Thus, these new alternatives have not remedied the deficiencies identified in Conservation Groups' July 29, 2014, comment letter at Section B, pages 4-7.</p>	<p>Please refer to Master Response 4 for additional details on the selection of alternatives.</p>
2836	8	<p>Alternative 4A will increase the amount of water delivered to CVP and SWP users south of the Delta. RDEIR/SDEIS 4.3.1-1 (Long-term, average and wet water years will have "increased Delta exports as compared to Existing Conditions"), 4.3.1-5 ("average annual total south of Delta CVP deliveries as compared to [the] No Action Alternative, would increase by about 5%"), 4.3.1-7 (average annual south of Delta SWP deliveries will either increase by approximately 16% or decrease by 4% depending on spring outflow requirements as compared to the No Action Alternative). This increase in deliveries will reduce the amount of water flowing through the Delta, as the water will be diverted into Alternative 4A's three intakes, conveyed past the Delta, and presented to the SWP and CVP intake pumps at a rate of 9,000 cubic feet per second.</p> <p>Instead of clearly presenting this data, the RDEIR/SDEIS concludes that "Delta outflow under Alternative 4A would likely decrease in winter and summer months, or remain similar or increase in other months, compared to the conditions without the project. RDEIR/SDEIS 4.2.1-2 (emphasis added). This vague and equivocal statement provides little useful information about the consequences of Project approval.</p>	<p>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 (at 9,000 cfs) 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.</p> <p>The Final EIR/EIS includes model results related to the proposed project (Alternative 4A) and No Action Alternative (instead of the qualitative approach in the RDEIR/SDEIS). Please refer to the results presented in Appendix 5A, Section C, of the Final EIR/EIS. The proposed project would decrease total exports of SWP and CVP water as compared to Existing Conditions and No Action Alternative in the summer and early fall months; and increase exports in the wet winter months when the river flows are high to improve conditions for aquatic resources in the Delta. The water would be stored at locations south of the Delta during the high flow periods to allow reductions in deliveries in drier periods. The deliveries to SWP water users would increase because those users have access to more water storage facilities than the CVP water users. Model results presented in Appendix 5A, Section C, also indicate that Delta outflow decreases under Alternative 4A as compared to the No Action Alternative.</p>

RECIRC Ltr#	Cmt#	Comment	Response
2836	9	The RDEIR/SDEIS's discussion of water transfer impacts states both that "Alternative 4A would decrease water transfer demand compared to existing conditions" and that "Alternative 4A would increase water transfer demand compared to existing conditions." RDEIR/SDEIS 4.3.1-9 (in discussion of "NEPA Effects" and "CEQA Conclusion," respectively) (emphasis added). It also claims that Alternative 4A would both "decrease conveyance capacity" and "increase conveyance capacity." Id. (emphasis added). These contradictory statements create confusion rather than provide clarity about the Project's impacts.	The text has been modified in the Final EIR/EIS with the addition of model results for Alternative 4A (instead of qualitative analyses in the RDEIR/SDEIS).
2836	10	Inconsistent claims fail to address -let alone resolve- the overarching problem that absent additional water to distribute to users, Alternative 4A will simply reprioritize agricultural demands south of the Delta over other users. Under any interpretation, the RDEIR/SDEIS impermissibly downplays the significant impacts of Alternative 4A on water supply for beneficial uses in the Delta, both instream and out. It never clearly explains what will compensate for the missing water that would otherwise flow through the Delta, nor does it attempt to mitigate for this significant impact.	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 roughly 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. 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) and Master Response 26 (Area of Origin).
2836	11	As repeatedly acknowledged by the RDEIR/SDEIS, "the Delta is in a state of crisis." RDEIR/SDEIS ES-1, 1-1. Indeed, "[s]everal threatened and endangered fish species, including Delta smelt and winter-run Chinook salmon, have recently experienced the lowest population numbers in their recorded history." RDEIR/SDEIS ES-1. Furthermore, water supplies "have already decreased significantly in recent years, independent of the drought, due to regulatory actions by" multiple Federal and state agencies. Id These unsustainable levels of diversions and discharges allowed by the SWP and CVP are destroying the Bay-Delta ecosystem. Rather than rectify this unfolding eco-catastrophe, the wrongly touted Alternative 4A would just make matters worse. Seventeen species of fish endemic to the Delta have already gone extinct with only twelve indigenous species remaining. Critical habitat for the endangered Sacramento River winter run Chinook salmon, Central Valley steelhead and spring run Chinook, the Delta smelt, and the Southern Distinct Population Segment ("DPS") of the Northern American green sturgeon suffers progressively worsening degradation. (footnote 5: Winter run Chinook salmon were declared threatened under the federal Endangered Species Act ("ESA") in 1990 (55 Fed.Reg 46515), and then due to continuing population declines, declared endangered in 2005 (70 Fed.Reg 37160). Their critical habitat in the Sacramento River and its tributaries was designated in 1993. 58 Fed.Reg. 33212. Spring run Chinook salmon were declared threatened, and their critical habitat designated under the ESA in 2005. 70 Fed.Reg. 37160, 52488. Central Valley steelhead were declared threatened in 2000 (65 Fed.Reg. 52084) and their critical habitat was designated in 2005 (70 Fed.Reg 52488). The Southern DPS of North American green sturgeon was declared threatened in 2006 (71 Fed.Reg 17757) and its critical habitat was designated in 2008 (73 Fed.Red 52084). Delta smelt were declared endangered in 1993 (58 Fed.Reg. 12854) and their critical habitat was designated in 1994 (59 Fed.Reg. 65256).) Alternative 4A includes three new North Delta water pumping and conveyance facilities, each with an "intake capacity" of 3,000 cubic feet per second	The analysis of Alternative 4A did not find significant impacts to the species mentioned by the commenter. Please refer to individual resource section under Chapter 11 in the Final EIR/EIS, for detailed analyses of proposed alternatives' impacts on fish and aquatic resources.

RECIRC Ltr#	Cmt#	Comment	Response
		<p>("cfs"), which could very well push these imperiled species to extinction.</p> <p>As the situation in the Delta becomes more dire and fish populations continue their precipitous decline, the impacts of the continued long-term operation of the CVP and SWP become more severe. (footnote 6: Phillip Reese and Ryan Sabalow, Feds scramble to avoid another mass salmon die-off in the Sacramento River, SACRAMENTO BEE (Sept. 5, 2015) (detailing some of the most recent challenges facing Chinook salmon), attached as Exhibit 2 [ATT 2] and also available at: http://www.sacbee.com/news/state/california/water-and-drought/article34197762.html#storylink=cpy) For example, fishing yields for Chinook salmon have plummeted in recent years. (footnote 7: Pacific Fisheries Council, Status Report for the 2015 Ocean Salmon Fisheries off Washington, Oregon and California, Supplemental Information Report 13 (Sept. 2015), attached as Exhibit 3 [ATT 3] and also available at: http://www.pcouncil.org/wp-content/uploads/2015/09/SUP-IR13_Salmon_Catch_Update_SEPT-2015BB.pdf) Indeed, the 2014 commercial catch shrunk to 151,367 Chinook from 285,592 in the previous year. Id. At the tail end of the 2015 commercial season, preliminary yield numbers were only 96,878 Chinook. Id. Recreational yields for Chinook have likewise fallen, from 112,022 Chinook in 2013 to 65,936 in 2014. Id. As of August 31, 2015, this year's yield was only 25,541 Chinook. Id. New information regarding eggs, hatchlings and juvenile salmon only highlights these concerns. NMFS recently reported that "95 percent of the winter-run chinook eggs, hatchlings and juvenile salmon died this year in the [Sacramento] river." (footnote 8: Fimrite, Peter, Drought-Driven Salmon Deaths Could Have Far-Reaching Impact, San Francisco Chronicle, October 29, 2015, attached hereto as Exhibit 4 [ATT 4], and available at http://www.sfgate.com/bayarea/article/Drought-driven-salmon-deaths-could-have-6596901.php) This was the second year in a row that "most of the juvenile salmon died." Id. The effects of this rapid decline can also be seen in this year's juvenile fish count, which was "down 22 percent compared with last year, which was also a bad year." Id. This decline is especially disturbing given that in 2005 "officials counted 8.5 million winter-run juveniles," but tallied only 217,489 this year. The ongoing drought plaguing the state will only exacerbate these potential impacts. If we fail to protect these species now, we may not have a chance in the future.</p>	
2836	12	<p>The RDEIR/SDEIS fails to remedy the inadequacies in the discussion of impacts to fish and other aquatic resources that Conservation Groups flagged in their previous comments. As a preliminary matter, the RDEIR/SDEIS makes it nearly impossible to identify the changes from the DEIR/DEIS. The RDEIR/SDEIS claims to include "excerpts of text that originally appeared in the [DEIR/DEIS], with underlining showing new language and strikethrough showing eliminated text." RDEIR/SDEIS ES-11. However, this red-lined version fails to accurately reflect these changes, and neglects to identify significant new textual additions. Compare DEIR/DEIS 11-118 to 11-119 with RDEIR/SDEIS Appendix A 11-31 to 11-34; compare also DEIR/DEIS 11-121 with RDEIR/SDEIS Appendix A 11-34 (unidentified text edits), DEIR/DEIS 11-125 with RDEIR/SDEIS Appendix A 11-36 to 11-37 (unidentified heading and text edits); see also, e.g., RDEIR/SDEIS Appendix A 11-31 to 11-56, 11-84 to 11-98, 11-114 to 11-382, 11-387</p>	<p>A summary of the substantive changes to this Chapter were outlined in Section 2, Substantive Draft EIR/EIS Revisions, of the RDEIR/SDEIS. Changes to Chapter 11 were shown in Appendix A in redline format, and starting on page 11-114 of Appendix A in the RDEIR/SDEIS, a note to the reviewer indicates that the following analysis is all new text and gives a summary of the updated impact analysis that follows. Although this Final EIR/EIS is a lengthy complex document 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. For information regarding length and complexity of the document refer to Master Response 38.</p>

RECIRC Ltr#	Cmt#	Comment	Response
		<p>to 11-410 (all containing no red-lined edited text).</p> <p>The failure to provide a clear distinction between the DEIR/DES and RDEIR/SDEIS forecloses informed decisionmaking and thwarts the purposes of CEQA and NEPA. NEPA directs that where an EIS is "so inadequate as to preclude meaningful analysis, the agency shall prepare and circulate a revised draft of the appropriate portion" prior to releasing a final EIS. 40 C.F.R. § 1502.9. CEQA likewise forbids an EIR that is so deficient as to prevent meaningful public review and comment. Guidelines § 15088.5(a)(4); Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova (2007) 40 Cal.4th 412, 449 (agency's "failure to address loss of Cosumnes River stream flows in the draft EIR 'deprived the public ... of meaningful participation'" in the CEQA process). The procedural failure here leaves the public with an RDEIR/SDEIS that "preclude[s] meaningful analysis." 40 C.F.R. § 1502.9.</p>	
2836	13	<p>The RDEIR/SDEIS' has failed to adequately analyze the impacts of Alternative 4A, and continued reduced flows, on imperiled fish species. As amply discussed in Conservation Groups' DEIR/DEIS comment letter attached hereto as Exhibit 1 [ATT1], the proposed reductions in freshwater flows in the Delta, the Sacramento River, and their associated sloughs would adversely modify designated critical habitat for at least five endangered and threatened species: the Sacramento River winter-run Chinook salmon, the Central Valley spring-run Chinook Salmon, Central Valley steelhead, the southern distinct population segment of North American green sturgeon, and the Delta smelt.</p> <p>Both FWS and NMFS have found that continued operation of the CVP and SWP is likely to jeopardize the continued existence of the Delta smelt and other beleaguered fish species. NMFS, June 4, 2009, Biological Opinion and Conference Opinion on the Long-Term Operations of the Central Valley Project and State Water Project; FWS, December 15, 2008, Biological Opinion of the Coordinated Operations of the Central Valley Project and State Water Project. Furthermore, the 2014 Recovery Plan for the Sacramento River winter-run Chinook salmon, the Central Valley spring-run Chinook salmon and the California Central Valley steelhead confirmed that "recovery" of these three listed salmonid species "would require that no more populations are allowed to become extirpated and that habitat must be expanded" - not contracted- "to allow for the establishment of additional populations." 2014 Recovery Plan at 4. Despite these known devastating threats, the RDEIR/SDEIS still pushes for increased unsustainable, fish-killing water diversions via the proposed tunnels.</p>	<p>The determination of impacts to critical habitat will be determined by the USFWS and NMFS under Section 7 of ESA as described in Chapter 1 of the EIR/EIS. As shown in the BA submitted in August 2016, impacts to critical habitat will be avoided, minimized and mitigated. The ongoing operations of the CVP and SWP occur in compliance with the NMFS 2009 and FWS 2008 BiOps, which each included an RPA to avoid jeopardy of the species. Habitat restoration efforts are underway under the State's EcoRestore program and DWR's Fish Restoration Program.</p>
2836	14	<p>Water that currently flows through the Sacramento River and sloughs to and through the Delta would be diverted, further reducing freshwater flows through the sloughs and Delta. These diversions would also likely necessitate changes in reservoir management in northern California, and as a result reduce flows in the Trinity, Sacramento, American, and Feather Rivers. With less water in the rivers and more water in the pipes of water exporters, the fish and the Delta ecosystem will suffer, while the wasteful and polluting practices of many of those who use the exported Delta water will be allowed to continue, if not expand. There is a fundamental flaw to a plan that aims to restore ecosystems that have been degraded by freshwater diversions by building new infrastructure that will divert even more fresh water. Repeating past mistakes while hoping for a different outcome is the textbook</p>	<p>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. DWR and Reclamation operate with water rights issued by the State Water Resources Control Board that are junior in priority to many senior water rights holders in the Delta watershed. Under the action alternatives, senior water rights holders would continue to receive the same amount of water as under the No Action Alternative. Conveyance facilities under the action alternatives could only deliver the amount of water diverted under the existing SWP and CVP water rights and in accordance with the existing and future related regulatory requirements based upon river water levels and flow, water available in the system, the presence of threatened and endangered fish species, and water quality standards.</p> <p>The range of alternatives in the EIR/EIS includes alternatives which result in reductions in SWP and CVP</p>

RECIRC Ltr#	Cmt#	Comment	Response
		definition of insanity.	<p>water deliveries south of the Delta as compared to the Existing Conditions and the No Action Alternative. The No Action Alternative and Alternatives 4H1, 4H2, 4H3, 4H4; 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). 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 and 5-9). However, SWP and CVP water deliveries would continue under all alternatives.</p> <p>As a plan prepared to meet the 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.</p> <p>For more information regarding purpose and need of the proposed project please see Master Response 3.</p>
2836	15	<p>Diverting freshwater flows from the Delta will result in salt-water intrusion that will harm the historic agricultural uses in the Delta and, as a consequence, convert important farmland to non-agricultural resources. The RDEIR/SDEIS' s discussion of this increased salinity improperly downplays the significance of this impact. The RDEIR/SDEIS admits that modeling for Alternative 4A shows an increase in instances where water quality objectives for salinity (i.e., electric conductivity) are not met, and admits that such an impact would harn1 agricultural beneficial uses of this water. RDEIR/SDEIS 4.3.10-2, 4.3.10-3, 14-17.</p> <p>Yet rather than acknowledge that this impact needs to be avoided, the RDEIR/SDEIS retreats into obfuscation. It claims that the water quality objective is exceeded only because the modeling uses "a solution that is a simplified version of the very complex decision processes" that happen when there is not enough water to go around. RDEIR/SDEIS 4.3.10-2. This is nonsensical. Either the model is predictive, or it is not. Moreover, the RDEIR/SDEIS does not explain what would actually happen when "there is not enough water supply to meet all requirements." Id Nor does it explain why the "complex decision" that is the direct consequence of these excessive diversions would not lead to the results predicted by the model. Id.</p> <p>As a result, the RDEIR/SDEIS improperly downplays the significance of the increase in salinity on agriculture. While it admits that "[i]ncreased salinity levels suggest that a number of crops using this irrigation water may not be able to reach full yields ...," it illogically concludes just the opposite: that "agricultural activities would be anticipated to continue on lands using these sources." RDEIR/SDEIS 14-19.</p> <p>While the RDEIR/SDEIS properly concludes that Alternatives 4 and 4A would have significant and unmitigable impacts on agriculture, the underlying analysis nonetheless fails to account for the multi-faceted harms of increased salinity. Without an accurate accounting of the ecological damage caused by the preferred alternative, decisionmakers and the public will not fully comprehend the trade-offs that any approval would require.</p>	<p>The impacts identified for EC as significant under Alternative 4A, Impact WQ-11 are based on the modeled changes in EC. The modeling included a set of assumptions regarding project operations and diversion criteria that are fixed for the entire simulation. The models do not allow for incorporating real-time decision making that would actually occur in certain year types in response to Delta hydrologic and water quality conditions for compliance. Further, the potential impacts to agricultural uses are acknowledged as significant; hence Mitigation Measure WQ-11e in the Final EIR/S (Mitigation Measure WQ-11a in the RDEIR/SDEIS) is provided to reduce the impact to agricultural uses to less than significant.</p> <p>. The comparison to Existing Conditions reflects changes in EC due to both Alternative 4A operations and climate change/sea level rise. Further, relative to the No Action Alternative, there could be increased long-term and drought period average EC levels during the summer months in the Sacramento River at Emmaton under Alternative 4A, which could adversely affect agricultural beneficial uses.</p> <p>Please see Chapter 14 in the Final EIR/EIS and Master Response 18.</p>
2836	16	Section 4.3 of the RDEIR/SDEIS correctly acknowledges that Alternative 4A's net increase in annual average CVP and SWP deliveries has the potential to induce growth, both in agricultural and urban settings. RDEIR/SDEIS 4.3.26-1 to 4.3.26-7. Yet the	The Growth analysis in Section 4 relies on several different factors, both direct and indirect. It states that under Alternative 4A Scenario H3, net SWP and CVP deliveries would decrease by 2025. That statement does not indicate a potential for growth. It concludes that other indirect factors, including M&I deliveries, would

RECIRC Ltr#	Cmt#	Comment	Response
		<p>RDEIR/SDEIS incorrectly assumes that Alternative 4A is "unlikely to result in an increase of deliveries significant enough that it would foster additional growth in these [urban] areas." RDEIR/SDEIS 4.3.26-7. Further, Chapter 4 of the RDEIR/SDEIS fails to make clear that Alternative 4A's increase in water deliveries to CVP and SWP users would have unavoidable growth impacts. Compare RDEIR/SDEIS 4.3.26-1-7 with RDEIR/SDEIS Appendix A, 30-1 to 30-4 (discussions of growth impacts for Alternative 4A, and changes to growth discussion for whole RDEIR/SDEIS, respectively).</p>	<p>not be substantial enough to induce growth in urban areas. Also, construction and permanent jobs would not be anticipated to induce direct growth. Please refer to Section 4 for more details.</p>
2836	17	<p>The RDEIR/SDEIS does not include a cumulative impact discussion specific to Alternative 4A within Section 4.3, and instead scatters this information throughout Section 5's discussion of the potential cumulative impacts of all Alternatives. In Section 5, the RDEIR/SDEIS claims that Alternative 4A will not have a cumulatively considerable impact on migrating fish, even though it could reduce flows and flow temperatures are expected to increase. RDEIR/SDEIS 5-116. Yet the RDEIR/SDEIS relies upon release shifts from various reservoirs to prevent adverse impacts. Id. As noted above, the attempts to preserve cooler flows for salmon over the last two years have failed. The RDEIR/SDEIS does not address how Reclamation and DWR will be able to preserve cooler temperature flows in the future in ways they are unable to do so now. Reliance upon such undefined and wholly speculative shifts in release timing is insufficient mitigation to prevent this cumulatively considerable impact.</p>	<p>The anticipated hydrologic changes due to climate change (increased temperatures and more years of critical dryness, increased water temperatures, changes in precipitation and runoff patterns, sea level rise, and tidal variations) will constrain and challenge future water management practices across the state, with or without the proposed project. The state is addressing climate change through strategies and a decision-making framework as outlined in the California Climate Adaptation Strategy and Adaptation Planning Guide. However, no single project and indeed none of the project alternatives would be able to completely counteract all of the impacts of climate change.</p> <p>Please refer to Master Response 9 for additional discussion of cumulative impacts.</p>
2836	18	<p>The RDEIR/SDEIS relies upon a slew of "environmental commitments" and "resource restoration and performance principles" (capitalization altered), in addition to traditional mitigation measures, in its determinations that Alternative 4A will have no significant impacts on a host of resources. See, e.g., RDEIR/SDEIS 4.3.8-19 (loss of valley/foothill riparian natural community), 4.3.8-35 (loss of vernal pool/alkali seasonal wetland complex), 4.3.8-94 to 4.3.8-101 (giant garter snake), RDEIR/SDEIS 4.3.8-296 to 4.3.8-301 (San Joaquin kit fox and American badger). While these measures are not called mitigation measures in the RDEIR/SDEIS, it is clear that Reclamation and DWR intend them to be CEQA mitigation measures to lessen otherwise significant impacts. RDEIR/SDEIS ES-18, 4.1-14.</p> <p>But it does not appear that these vague commitments qualify as enforceable mitigation measures that would satisfy CEQA, absent additional information. Guidelines § 15126.4(a)(2) ("Mitigation measures must be fully enforceable"). Nor have the impacts to be mitigated even been specifically acknowledged to be significant. The RDEIR/SDEIS fails to identify and analyze the significance of these and similar impacts, and instead it impermissibly presumes that its claimed environmental commitments and resource restoration and performance principles will obviate these impacts. This deliberate attempt to obscure, and thereby ignore, these severe impacts violates CEQA. <i>Lotus v. Department of Transportation</i> (2014) 223 Cal.App.4th 645, 658 (failure to discuss significance of impact before proposing a mitigation "subverts the purposes of CEQA by omitting material necessary to informed decision-making and informed public participation").</p> <p>In some instances the RDEIR/SDEIS admits that in the absence of the proposed environmental commitments or resource restoration activities, impacts will be significant. RDEIR/SDEIS 4.3.8-99 & 4.3.8-100 (garter snake) 4.3.8-300 (San Joaquin kit fox and American badger). In order to prevent these significant impacts, all mitigation</p>	<p>As described in Appendix 3B, the intention of identifying environmental commitments and other best practices in the manner it has been done in the EIR/EIS was to assure the reader that the Lead Agencies will not subsequently determine that such measures are infeasible and in fact assume full responsibility for their enforcement. The relevance of the court decision cited by the commenter is also addressed in Appendix 3B. Please see Master Response 22 for a discussion on Environmental Commitments.</p>

RECIRC Ltr#	Cmt#	Comment	Response
		measures must be clearly enforceable. Guidelines§ 15126.4(a)(2). Yet no assurance is provided that they will be, and in light of the abysmal failure of similar facile assurances to prevent ecological harm in the past, this failure is fatal.	
2836	19	The RDEIR/SDEIS's, discussion of the other Alternatives is likewise fatally flawed because there is no project description against which they can be compared. Moreover, all the Alternatives rely on similar speculative assumptions regarding the long-term impacts of water diversions on biological resources, water resources and agriculture. The RDEIR/SDEIS' s confusing and incomplete presentation of information precludes thorough analysis as required by CEQA, and the hard look required by NEPA.	<p>The lead agencies believe that the BDCP and EIR/EIS 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.</p> <p>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.</p> <p>Considerable scientific uncertainty exists regarding the Delta ecosystem, including the effects of CVP and SWP operations and the related operational criteria. To address this uncertainty, DWR, Reclamation, DFW, USFWS, NMFS, and the public water agencies will establish a robust program of collaborative science, monitoring, and adaptive management. For more information regarding adaptive management please see Master Response 33.</p>
2836	20	<p>By enacting the ESA, "Congress intended endangered species to be afforded the highest of priorities." Tennessee Valley Authority v. Hill (1978) 437 U.S. 153, 174. "The plain intent of Congress in enacting [the ESA] was to halt and reverse the trend toward species extinction, whatever the cost." Id. at 184 (emphasis added.) The ESA's goal is to ensure not only that species survive, but that their populations recover to the point that they can be removed from the endangered and threatened lists. Alaska v. Lubchenko (9th Cir. 2013) 723 F.3d 1043, 1054. Therefore, the ESA requires that federal agencies ensure that their actions, or actions that they fund or authorize, are "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. § 1536(a)(2) (quote); Pinchot Task Force v. U.S. Fish and Wildlife Service (9th Cir. 2004) 378 F.3d 1059, 1076 ("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).</p> <p>Unless it is authorized under either section 7 or section 10 of the ESA, any taking of a listed species is strictly prohibited. 16 U.S.C. § 1538(a)(1)(B). "Take" is defined broadly, including "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect." Id. at § 1532(19). 50 C.F.R. § 17.3 defines "harm" to include any act that actually kills or injures the species, including any death or injuries as a result of habitat modification or degradation that impairs essential behavioral patterns such as feeding, breeding, or sheltering. NMFS regulations include spawning and migrating as "essential behavioral patterns." 50 C.F.R. § 222.102.</p> <p>Here, consultation with FWS and NMFS is incomplete. Therefore whether the proposed actions will result in jeopardy findings is unknown. RDEIR/SDEIS 1-15. Where an action will cause jeopardy to a species or adversely modify its habitat, FWS and NMFS must determine RPAs that would avoid those impacts. 16 U.S.C. § 1536. Without</p>	<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>A biological opinion is not required prior to the release of the Draft BDCP/CWF EIR/EIS. For the Proposed Action, the USFWS and NMFS will conduct an internal ESA Section 7 consultation prior to issuance of an Section 10(a)(1)(B) permit for the Proposed Action. These federal agencies will coordinate the ESA consultation process and other environmental review processes, such as the National Environmental Policy Act (NEPA), consistent with federal regulations. In addition, the USFWS and NMFS will consult with the United States Bureau of Reclamation (Reclamation) to complete biological opinions or a joint biological opinion prior to federal action to carry out the proposed project.</p>

RECIRC Ltr#	Cmt#	Comment	Response
		<p>determinations from FWS and NMFS about whether Alternative 4A will jeopardize a species or adversely affect its habitat, Reclamation and DWR cannot approve that alternative. 16 U.S.C. §§ 1536 (requiring consultation and no jeopardy), 1538 (prohibiting take). Doing so would place the NEPA cart before the ESA horse. Reclamation's and DWR's "damn the torpedoes" march forward with the NEPA process undermines the purpose of that process and violates the ESA's demand that no agency action may cause jeopardy or unauthorized take. Id.</p> <p>Because mandatory ESA consultation will potentially lead to additional requirements for species protection, the failure to complete Section 7 consultation now creates a potential NEPA violation as well. Reclamation and DWR cannot simply ignore the expertise of FWS and NMFS when approving Alternative 4A or any other alternative. As expert agencies with regard to endangered and threatened species, and cooperating agencies under NEPA, FWS and NMFS play a pivotal role in understanding the proposed alternatives and their impacts. Their analyses cannot be swept aside in the RDEIR/SDEIS impact analysis, especially since ESA consultation has the potential to result in RP As and significant changes to the project.</p>	For more information please see 1.1.5.2 of Section 1 Introduction of the RDEIR/SDEIS.
2836	21	ATT 1: BDCP Letter 1735; Comments of North Coast Rivers Alliance et al.	For responses to comments previously submitted please refer to the responses to the original comment letter within this Final EIR/EIS.
2836	22	ATT 2: Sacramento Bee article of 2015-07-05-titled "Feds Scramble ro Avoid Another Mass Salmon Die-Off in the Sacramento River"	The comment describes an attachment to the comment letter. The attachment does not raise any additional issues related to the environmental analysis in the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS that are not already addressed in the comment referencing the attachment or the Final EIR/EIS.
2836	23	ATT 3: Pacific Fisheries Council report of ocean salmon fisheries.	This comment describes an attachment to the comment letter that is addressed in the analysis contained in Chapter 11 of the Final EIR/EIS.
2836	24	ATT 4: San Francisco Chronicle article of 2015-10-29, titled "Drought Driven Salmon Deaths Could Have Far-Reaching Impact"	The comment describes an attachment to the comment letter. The attachment does not raise any additional issues related to the environmental analysis in the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS that are not already addressed in the comment referencing the attachment or the Final EIR/EIS.
2837	1	This is the view from our back yard and is the territory you would destroy with the most northern of the planned tunnel intakes. These cranes have been coming here for years. We must not push them out of their natural habitat. Leave them alone and leave the Delta untampered. The cranes need water too, so don't you dare take it away.	Chapter 12 of the Final EIR/EIS addresses the potential for project alternatives to affect sandhill cranes. The chapter describes the impacts, both negative and positive, and discusses measures that would be implemented to avoid and minimize impacts and to compensate for significant impacts.
2837	2	[ATT 1: Sandhill cranes in proposed tunnel alignment south of Scribner Road (photo).]	The comment describes an attachment to the comment letter. The attachment does not raise any additional issues related to the environmental analysis in the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS that are not already addressed in the comment referencing the attachment or the Final EIR/EIS.
2838	1	The voice of the cranes: These birds are foraging on land that will be compromised by the planned tunnel intakes just south of Scribner Road. Their bands on the legs have been researched and indicate that the bands were placed in 1994 in Modoc County near Alturas where there is nesting for cranes. They spend their winters here, and now we have a greater than 20 year history of crane families returning to the Delta, we dare not displace these crane families. I urge you to abandon the proposed tunnel plans.	Chapter 12 of the Final EIR/EIS addresses the potential for project alternatives to affect sandhill cranes. The chapter describes the impacts, both negative and positive, and discusses measures that would be implemented to avoid and minimize impacts and to compensate for significant impacts.
2838	2	[ATT 1: Sandhill cranes in proposed Tunnel Alignment south of Scribner Road (photo)]	The comment describes an attachment to the comment letter. The attachment does not raise any additional issues related to the environmental analysis in the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS that are not

RECIRC Ltr#	Cmt#	Comment	Response
			already addressed in the comment referencing the attachment or the Final EIR/EIS.
2839	1	Although required by the 2009 Delta Reform Act and Delta Plan, this proposed plan fails to adequately address the co-equal goals of improving statewide water reliability and protecting and restoring a healthy Delta ecosystem while preserving and enhancing the agricultural, cultural, and recreational characteristics of the Delta.	<p>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.</p> <p>DWR's fundamental purpose of the proposed project is to make physical and operational improvements to the SWP system in the Delta necessary to restore and protect ecosystem health, water supplies of the SWP and CVP south of the Delta, and water quality within a stable regulatory framework, consistent with statutory and contractual obligations. By establishing a point of water diversion in the north Delta and new operating criteria with the goal of improving water volume, timing, and salinity, the proposed project is designed to establish a more natural east-west flow for migratory fish, improve habitat conditions, and allow for greater operational flexibility. Please see Master Response 3 for additional information regarding the purpose and need behind the proposed project.</p> <p>For more information regarding the proposed project's compliance with the Delta Reform Act please see Master Response 31.</p>
2839	2	The RDEIR/SDEIS is not consistent with the requirements of the National Environmental Policy Act and California Environmental Quality Act. The BDCP /California Water Fix conflicts with the Environmental Protection Act, the Clean Water Act, and the Delta Protection Act.	<p>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.</p> <p>See Master Response 31 for information on the Delta Reform Act.</p>
2839	3	The BDCP doesn't reduce reliance on the Delta as a water source as mandated by state law and the California Water Action Plan.	<p>Under the range of alternatives considered in the EIR/S full contract amounts are not delivered in the majority of times to the SWP and CVP water contractors, as presented in Appendix 5A, Section C, CALSIM II and DSM2 Model Results, of the EIR/EIS. Long-term water deliveries to SWP and CVP water contractors located south of the Delta are lower under Alternatives 6, 7, and 8 as compared to the Existing Conditions and the No Action Alternative. The EIR/S and the Draft BDCP were prepared in a manner to comply with the 2009 Delta Reform Act, as described in Appendix 3I, BDCP Compliance with the 2009 Delta Reform Act, of the Final EIR/EIS.</p> <p>The project is just one element of the state's long-range strategy to meet anticipated future water needs of Californians in the face of expanding population and the expected effects of climate change. 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, Water Demand Management).</p>
2839	4	According to the Natural Resources Defense Council analysis of the DEIR/SDEIS, there are multiple instances where the document misleads the public. For example, the plan uses illegal baselines for determining freshwater flows before installation of the project as well as after construction is complete. When determining freshwater flows through the Delta to meet standards, the document indicates that the flow will be measured above the tunnel outtake, not downstream from the tunnels where the actual flow will occur. If the public and decision makers are to trust data provided by	<p>The Export/Inflow ratio requirements used in most of the alternatives in the EIR/EIS were defined as in the State Water Resources Control Board Decision 1641 (developed without the concept of the north Delta intakes) with the Exports defined at the south Delta intakes, and the inflows defined at a location downstream of the proposed north Delta intakes. With respect to Alternatives 4H4 and 4A, the Inflow value does not include the north Delta intake diversions because these diversions would be regulated by the North Delta Bypass flows; and the south Delta intake diversions would be regulated by the proposed Old and Middle River flow criteria. Alternative 4H4 modified the Export/Inflow definition to include the north Delta and south Delta intakes in the Export value, and moved the Inflow location upstream of the north Delta</p>

RECIRC Ltr#	Cmt#	Comment	Response
		the project, then that data should be accurate and appropriately gathered.	intakes. The likely operational changes from the different computation approaches of the Export/Inflow ratio are presented through a sensitivity analysis in the Appendix 5A Section D.10.1 of the Final EIR/EIS. The sensitivity analysis results included more than the long-term average values presented in Appendix 5A Section D.10.1.
2841	1	Governor Brown, I voted for you, was this a mistake? I am against the tunnels.	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.
2842	1	The time is now.	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.
2842	2	Please do not wait for a natural disaster.	The comment does not raise any environmental issue related to the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS.
2843	1	My name is Kellie Evans. I rent a small home on the Sacramento River. We relocated in 2010, after we lost our home of 24 years in Oakley, CA., to a foreclosure. Losing our home was hell, but living in this beautiful place has been a blessing. I was raised on these waters as a child. Weekends, and all vacations spent with parents, grandparents and family enjoying the beauty of our California Delta.	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.
2844	1	I am writing to express my strong opposition to the Delta Tunnels plan. And that is being polite, of course. For starters, this project would make a mockery of The Delta Reform Act of 2009, in which the California State Legislature committed to the “coequal goals” of providing a more reliable water supply for California and protecting and restoring the cultural, recreational, natural resource, and agricultural values of the Delta. The California Water Fix does not meet the restoration goals of the Delta Reform Act; it is simply a plan to export more water out of the San Francisco Bay-Delta estuary.	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. 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 volume, timing, and salinity, the proposed project is designed to establish a more natural east-west flow for migratory fish, improve habitat conditions, and allow for greater operational flexibility. Please see Master Response 3 for additional information regarding the purpose and need behind the proposed project.

RECIRC Ltr#	Cmt#	Comment	Response
			For more information regarding the proposed project's compliance with the Delta Reform Act please see Master Response 31.
2844	2	The Delta Tunnels will also fail to provide more reliable water because the Delta watershed is already oversubscribed by five times in normal water years. And if you know climatic history of California, what is now called "normal" is actually one of the wetter epochs in the last 7000 years.	<p>As described in Chapter 5, Water Supply, of the EIR/S, it is anticipated that climate change would result in more frequent and more severe rainfall events and less snowfall than under historic conditions. These rainfall events would result in periods of time when rainfall would decline in drier years more than under Existing Conditions. These assumptions are included in the No Action Alternative and the action alternatives.</p> <p>Water rights issued on rivers in the 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.</p>
2845	1	Me and my family live in the Delta on the farm that my great grandparents founded. It is a beautiful place to live with owls, eagles, storks, rabbits, coyotes, and many other wild animals that make their habitat here. Please do not change our wonderful home.	<p>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.</p> <p>No issues related to the adequacy of the environmental impact analysis in the EIR/S were raised.</p> <p>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).</p>
2846	1	Do not ruin the delta. Like, really. This is how you want yourselves to go down in history? As the people that could have saved a natural wonder but neglected and exploited it and all its inhabitants, both animal and human for the financial gain of a few wealthy water mongers?	<p>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.</p> <p>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.</p> <p>DWR's fundamental purpose of the proposed project is to make physical and operational improvements to the SWP system in the Delta necessary to restore and protect ecosystem health, water supplies of the SWP and CVP south of the Delta, and water quality within a stable regulatory framework, consistent with statutory and contractual obligations. By establishing a point of water diversion in the north Delta and new operating criteria with the goal of improving water volume, timing, and salinity, the proposed project is designed to establish a more natural east-west flow for migratory fish, improve habitat conditions, and allow for greater operational flexibility. Please see Master Response for additional information regarding the</p>

RECIRC Ltr#	Cmt#	Comment	Response
			purpose and need behind the proposed project.
2847	1	This Tunnel Project is just another example of favorable legislation favoring and elite group of people.	<p>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.</p> <p>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.</p>
2847	2	This Tunnel Project does not consider the other more viable economic and environmental alternatives proposed by groups advocating for common-sense management of California's water supply. There are significantly less expensive and less environmentally destructive alternatives to the Delta Tunnels, yet they were largely ignored. The plan does not seriously consider any alternatives other than new, upstream conveyance. The decision-making process (from the outset) has tilted in favor of increasing water exports from the Delta.	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.
2848	1	This email is only to voice my thoughts and argue the need for water here in the Northern Region of California. You know as well as everyone else that reside in this state how much we are hurting. The water that you presume to ship to Southern California I am sure is in good faith, "But how can you 'Take from Paul to give to Peter?" It makes absolutely no sense.	<p>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 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.</p> <p>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 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.</p> <p>Please also refer to Master Response 31 (Delta Reform Act), Master Response 26 (Changes in Delta Exports/Area of Origin/Water Rights), Master Response 3 (Purpose and Need), and Master Response 35 (MWD Water Supply).</p>
2848	2	The majority of our vegetation, food supplies and resources come from our 2500 hard working farmers and field workers who struggle to keep us, as a whole people alive. There are nearly 4 million people in the Delta area who contribute to the economy each year. So, if you cut, ship, transport or tunnel our water supply, are not you also causing more harm than good; to only feed an already burning field, "how are you helping?"	At its peak year in construction, the proposed project would bring nearly 2,300 jobs to the plan area. A total of 47 agricultural jobs would be lost over the entire construction period. For more details on agricultural and regional economics, please refer to Chapter 16, Socioeconomics under Alternative 4A.

RECIRC Ltr#	Cmt#	Comment	Response
2848	3	Your 'Delta Tunnels' Project could cause further damage at the Californians' expense. I am sure you sleep at night without concerns of where you will find a drink of water or where your next meal will come from. You swore to help the people, not bury us alive. We have all made changes to accommodate the needs of our beautiful State of California. Why can not you? Stand-up and re-evaluate the needs of the people.	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.
2849	1	<p>Public Resources Code § 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects . . ." To this end, Public Resources Code § 21002.1 (d) requires that "Each public agency shall mitigate or avoid the significant effects on the environment of projects that it carries out or approves whenever it is feasible to do so."</p> <p>In <i>City of Marina v. Board of Trustees of the California State University</i>, 39 Cal.4th 341, at 360 (2006), the California Supreme Court held: "CEQA requires a public agency to mitigate or avoid its projects' significant effects not just on the agency's own property but 'on the environment' (Pub. Resources Code § 21002.1, subd. (b), italics added), with 'environment' defined for these purposes as 'the physical conditions which exist within the area which will be affected by a proposed project' (id., § 21060.5, italics added)." The duty to mitigate is not defined by the geographic boundaries of an agency. (Id.) An agency may not avoid the expense of off-site mitigation of significant effects on the environment merely because the legislature has not appropriated funds for such a purpose. In <i>City of San Diego v. Board of Trustees of California State University</i> (2015) 61 Cal.4th 495, the court explained "unreasonable consequences would follow from a rule of fair-share payments for off-site mitigation only by earmarked appropriation." One such unreasonable consequence would be that:</p> <p>"[I]f the Legislature did not make an earmarked appropriation for mitigating the off-site effects of a particular state project but the responsible state agency nevertheless decided to proceed without mitigation, the cost of addressing that project's contribution to cumulative impacts on local infrastructure would fall upon local and regional governmental agencies." Id. at 962.</p> <p>Here, the project proponents have a duty to mitigate all environmental consequences of the project. The RDEIR shirks this duty and responsibility to mitigate all environmental consequences. The full suite of conservation measurements provided in the original BDCP - designed to mitigate the impacts of the project sufficiently to enable a 50 year permit - are now being abandoned and left to the whim of a different project, Eco-Restore, which may or may not be implemented and may or may not fail. This is to say nothing of whether it would be funded.</p>	<p>Please see Master Response 4 regarding the range of alternatives selected.</p> <p>The alternatives included in the Draft EIR/EIS represent a legally adequate reasonable range of alternatives and the scope of the analysis of alternatives fully complies with both CEQA and NEPA. The Lead Agencies carefully considered all potential alternatives that were proposed during the scoping process and during time of preparation of the Draft EIR/EIS. In response to public input, several new alternatives have been studied in the Recirculated DEIR/EIS and a new preferred Alternative (4A) identified.</p> <p>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.</p>
2849	2	The RDEIR fails to analyze and mitigate significant off-site impacts, growth impacts of various capacities, reduced levee maintenance due to potential reduced funding, and other public and private impacts of a 14 year project that would permanently modify the Delta and its environs.	The commenter does not offer any evidence on how the project would result in the off-site impacts mentioned.
2849	3	In 1992 the Congress of the United States passed the Central Valley Project Improvement Act ("CVPIA"), in an effort to protect and restore anadromous fish in the Central Valley, including striped bass. Congress specified that one of its purposes in enacting the CVPIA was "to protect, restore, and enhance fish, wildlife, and associated	As noted in Appendix D, Section 3.4.1.5 of the RDEIR/SEIS, CM15 (Environmental Commitment 15 for Alternatives 4A, 2D, and 5A) is not intended to entirely remove predators such as striped bass at any location, or substantially alter the abundance of

RECIRC Ltr#	Cmt#	Comment	Response
		<p>habitats in the Central Valley and Trinity River basins of California." CVPIA section 3402(a). Congress focused on anadromous fish, and actually defined "anadromous fish" to include striped bass. CVPIA section 3403(a).</p> <p>Some provisions of the CVPIA apply specifically to striped bass, while some of the protections come from CVPIA section 3403(a) provision stating that "the term 'anadromous fish' means those stocks of . . . striped bass . . ." Thus, numerous provisions in CVPIA section 3406 for the maintenance and restoration of "anadromous fish" apply to striped bass.</p> <p>In particular, section 3406(b)(l) requires the Secretary of Interior to "develop within three years of enactment and implement a program which makes all reasonable efforts to ensure that, by the year 2002, natural production of anadromous fish in Central Valley rivers and streams will be sustainable, on a long-term basis, at levels not less than twice the average levels attained during the period of 1967-1991." This is widely referred to as the "fish doubling goal" of the CVPIA. To this end, the USFWS has established the doubling goal for striped bass at 2,500,000 fish.</p> <p>The CVPIA also provides protections for striped bass, as well as other anadromous fish, in section 3406(b)(1)(B), stating that "the Secretary is authorized and directed to modify Central Valley Project operations to provide flows of suitable quality, quantity, and timing to protect all life stages of anadromous fish . . ." (Italics added) To this end, section 3406(b)(1)(D)(2) requires that the Secretary "upon enactment of this title dedicate and manage annually 800,000 acre-feet of Central Valley Project yield for the primary purpose of implementing the fish, wildlife, and habitat restoration purposes and measures authorized by this title . . ." Striped bass are intended and designated beneficiaries of these efforts.</p> <p>Other CVPIA requirements for the protection and restoration of striped bass include section 3406(b)(8) requiring the implementation of "short pulses of increased water flows to increase the survival of migrating anadromous fish moving into and through the Sacramento- San Joaquin Delta and Central Valley rivers and streams." Section 3406(b)(9) provides in part that the Secretary "develop and implement a program to eliminate, to the extent possible, losses of anadromous fish due to flow fluctuations caused by the operation of any Central Valley Project storage or re-regulating facility." All of these requirements for the protection and restoration of anadromous fish are thus requirements for the restoration and maintenance of striped bass.</p> <p>In addition to the requirements for anadromous fish, section 3406(b)(14) targets striped bass, requiring the Secretary to "develop and implement a program which provides for modified operations and new or improved control structures at the Delta Cross Channel and Georgiana Slough during times when significant numbers of striped bass eggs, larvae, and juveniles approach the Sacramento River intake to the Delta Cross Channel or Georgiana Slough."</p> <p>Importantly, CVPIA section 3406(b)(18) requires that the Secretary "if requested by the State of California, assist in developing and implementing management measures to restore the striped bass fishery of the Bay-Delta estuary." That provision requires such measures to be "coordinated with efforts to protect and restore native fisheries."</p>	<p>predators at the scale of the Delta system.</p> <p>As is detailed in the rationale statement in CM15 Localized Reduction of Predatory Fishes, predation of juvenile salmon and steelhead by non-native fishes such as striped bass is one of the principal causes of mortality for these species during their migration through the Delta, and in some areas may be the leading cause of mortality. (Note that the new preferred alternative, 4A, will implement elements of CM15 (under Environmental Commitment 15) at predator hot spots associated with construction and operations of the proposed water conveyance facilities. See Chapter 3 in the FEIR/EIS for more details.) This fact is widely recognized by staff at each of the fish and wildlife agencies. CM15 was therefore developed with the goal of attempting to control this predation at a few recognized "hot spots" where prior studies have identified predation pressure as being particularly intense.</p> <p>Such a control effort has not been attempted before in the Delta. Similar control efforts in other parts of the world have often been ineffective, though there have been some successes. There is therefore large uncertainty about whether CM15 will achieve its goal, and as a result the effects analysis assigns little importance to CM15 in the assessment of purposed project's net effects upon covered species. Accordingly, CM15 has been designed to function as a pilot and research program, measuring the effectiveness of various control strategies and assessing them in an adaptive management context. If those pilot studies indicate that CM15 has low effectiveness, then funding for this measure may be allocated to other, more effective conservation measures. Conversely, if CM15 succeeds in identifying effective control strategies, then it would likely be continued and perhaps expanded in scope, via the adaptive management provisions of purposed project.</p>

RECIRC Ltr#	Cmt#	Comment	Response
		<p>Section 3406(b)(19) requires the Secretary to "reevaluate existing operational criteria in order to maintain minimum carryover storage at Sacramento and Trinity river reservoirs to protect and restore the anadromous fish of the Sacramento and Trinity Rivers in accordance with the mandates and requirements of this subsection . . ."</p> <p>Section 3406(b)(21) requires that the Secretary "assist the State of California in efforts to develop and implement measures to avoid losses of juvenile anadromous fish resulting from unscreened or inadequately screened diversions on the Sacramento and San Joaquin rivers, their tributaries, the Sacramento-San Joaquin Delta, and the Suisun Marsh."</p> <p>The San Joaquin and Stanislaus Rivers provisions found in section 3406(c) of the CVPIA, to be implemented no later than September 30, 1996, specify further action by the Secretary to "[D]evelop a comprehensive plan, to reestablish where necessary and to sustain naturally reproducing anadromous fisheries from Friant Dam to its confluence with the San Francisco Bay/Sacramento-San Joaquin Delta Estuary." Subsection (c)(l) .</p> <p>The Secretary is also directed in section 3406(e)(l) to investigate "measures to maintain suitable temperatures for anadromous fish survival in the Sacramento and San Joaquin rivers and their tributaries, and the Sacramento-San Joaquin Delta by controlling or relocating the discharge of irrigation return flows and sewage effluent, . . .", and sub-section (e)(5) requires the investigation of "measures to provide for modified operations and new or improved control structures at the Delta Cross Channel and Georgiana Slough to assist in the successful migration of anadromous fish[.]"</p> <p>Sub-section 3406(f) directs further that "The Secretary, in consultation with the Secretary of Commerce, the State of California, appropriate Indian tribes, and other appropriate public and private entities, shall investigate and report on all effects of the Central Valley Project on anadromous fish populations . . .", and sub-section (g) provides for the modeling of "measures needed to restore anadromous fisheries to optimum and sustainable levels in accordance with the restored carrying capacities of Central Valley rivers . . ." and "measures designed to reach sustainable harvest levels of resident and anadromous fish . . ." Sub-sections (4) and (7).</p> <p>The provisions of the CVPIA directing the protection and restoration of anadromous fish, including striped bass, are many. The intent of Congress to protect and restore striped bass is clear and consistent with the policies and existing regulations of the California Fish and Game Commission.</p> <p>While the law has been in place for more than twenty (20) years, the objectives of the CVPIA have not been fully embraced by the various state and federal agencies. Further, and probably for that reason, the goals of the CVPIA have not been achieved. While the CVPIA is a federal law, the State of California also should give fair consideration to the CVPIA, and refrain from action inconsistent with the CVPIA.</p> <p>Repeatedly in the RDEIR it is stated that "Near field effects" of the North Delta Diversion alternatives on winter run Chinook salmon, spring run Chinook salmon, and Sacramento River steelhead, due to "impingement and predation associated with the three new intake structures could result in negative effects on juvenile migrating fish."(11-242, 246, 249, 289, 298, 301, 305, 352, 366, 372, and 379). Indeed, so much so that the RDEIR states: "It is expected that the level of near-field impacts would be directly correlated to the number of new intake structures . . ." Id. Moreover, the</p>	

RECIRC Ltr#	Cmt#	Comment	Response
		<p>ranges of effects include "more significant effects" and the apparent response and mitigation is "CM15 would be implemented with the intent of providing localized and temporary reductions in predation pressure at the NDD." CM15 by no means contains any proven, reliable methods, and accordingly the RDEIR states that "[S]everal pre-construction studies to better understand how to minimize losses associated with the three new intake structures will be implemented as part of the final NDD screen design effort."</p> <p>The approach, mitigation, and methodology is improper, speculative, and deficient on multiple counts. In the first place, CM 15 targets the elimination of striped bass, a favored protected species under federal law. Essentially, the project will build a facility that will entrain striped bass eggs and larvae, attract adult striped bass, and then reduce their numbers in direct conflict with federal law.</p> <p>The California Fish and Game Commission has already determined it should continue with the existing regulation of striped bass sportfishing, as wholly consistent with and in furtherance of the fishery restoration, protection, and other goals of the CVPIA. CM 15 and the NDD facilities will impair and impede the mandated restoration of striped bass.</p> <p>The CVPIA contains the doubling of anadromous fish requirement, and the USFWS has established target level of 2,500,000 for the doubling goal for striped bass in the Central Valley. See Final Restoration Plan for the Anadromous Fish Restoration Program, adopted January 9, 2001 ("AFRP"). That goal was never achieved, and stocks have declined precipitously due to excessive Delta diversions. Striped bass and American shad, another species protected by the CVPIA, spawn and rear in the area upstream of the NDD, as noted in the RDEIR at 11-148. It is indicated that entrainment under alternative 4A could increase on a relative basis 220%, and it is affirmatively stated that "For the alternatives proposing water conveyance with north Delta intakes, then, there is the potential for an appreciable increase in magnitude of entrainment of early life states." (Id. at 11-149) Other species will also be subject to entrainment. In other words, and more plain English, the fish will be diverted from the Delta and killed.</p> <p>The RDEIR is replete with references to the adverse effects on striped bass, and the CEQA Conclusion is:</p> <p>"The impact of entrainment for striped bass and American shad therefore would be significant and unavoidable for Alternatives IA, IB, 1C, 2A, 2B, 2C, 3, 4, 5, 6A, 6B, 6C, 7, and 8. The impact of entrainment for striped bass and American shad would be less than significant for Alternative 9, NAA, and NAA_ELT."</p> <p>In fact, the RDEIR substantially relies on CM15 to target the take of striped bass at the NDD, under the guise of predator control, to combat the optimum conditions for predation the NDD will create. The RDEIR goes on a roller-coaster ride from significant impacts of entrainment, to relying on sheer speculation, without substantiation, when it states:</p> <p>"Operation of north Delta intakes under all alternatives (except Alternative 9) would be expected to reduce overall entrainment of screenable life stages (i.e., early juveniles and older, around 20 mm long) because of the reduction in use of the south Delta</p>	

RECIRC Ltr#	Cmt#	Comment	Response
		<p>facilities, which do not have the state of the art fish screens proposed for the north Delta intakes." (RDEIR 11-148)</p> <p>One is further left to wonder why state of the art fish screens are not already part of the south Delta facilities. Nevertheless, the RDEIR must identify possible mitigation for striped bass, and such mitigation must be analyzed and made a part of any project. Potential mitigation would include a striped bass hatchery program, capture and salvage both inside and outside the NDD facilities, modifications to avoid attracting striped bass, operational limits during the period shad and striped bass are spawning and rearing, and elimination of the NDD. Indeed, the most feasible alternative with the least significant impacts are those with no NDD.</p> <p>CM15 is in direct conflict with the very heart of the CVPIA, due to its significant, detrimental impacts on striped bass and American shad. The NDD will not only create entrainment problems for all life stages, and particularly early life stages, it will exacerbate the negative conditions for striped bass by attracting mature striped bass to feed near the rear intakes, so they will be killed by the measures embraced by CM15.</p> <p>Importantly, these efforts embraced by the RDEIR to eradicate striped bass under the guise of protecting native species are not borne out by the best available science, and introduce new uncertainty, and unpredictable and potentially irretrievable consequences.</p> <p>Striped bass have co-existed with many native species, including each listed species, for well over a century. Yet the project proponents appear to deem striped bass as a scourge upon the Delta and its native species. This is not borne out by the science. Further, Congress does not share the view of the project proponents, and has deemed striped bass populations to be worthy of not only protection, but also augmentation.</p> <p>Whatever criticism the project proponents may have of Congress for protecting striped bass, it is the will of Congress and the law of the land. Congress provided a clear expression of its will in 1992, when enacting the CVPIA. Congress was aware when it acted more than 20 years after it enacted the Endangered Species Act of 1973, Pub.L. 107-136, 87 Stat. 884, 16 U.S.C. section 531 . et seq. (1973) ("ESA"), that Sacramento River winter run chinook salmon were already listed as "threatened" under the ESA and "endangered" under state law. Central Valley Project Reform Act, House Report No. 576, Part 1, 102d Congress (June 16, 1992) ("House Report"), at 19. Congress was aware of this when Congress expressed its will in the CVPIA in no uncertain terms. Congress elected to target striped bass for special protections and restoration efforts. CVPIA sections 3402(a) and 3406(b)(1); (b)(1)(B); (b)(8); (9), (14), (18), (19), and (21); (c)(1); (e)(1) and (5); (f); and (g)(4) and (7).</p> <p>In <i>Coalition For a Sustainable Delta v. McCamman</i>, U.S. Dist. Ct., E.D. of Cal., number 1:08-cv-00397-OWW-GSA, District Judge Oliver W. Wanger issued his Memorandum Decision Denying Plaintiffs' Motion for Partial Summary Judgment (Doc. 57) filed July 16, 2009, ("Memorandum Decision"), reviewing the numerous provisions of the CVPIA relating to striped bass and concluded on the issue:</p> <p>"Central Delta is correct that [i]t cannot be reasonably disputed that Congress intended</p>	

RECIRC Ltr#	Cmt#	Comment	Response
		<p>to protect and restore striped bass."</p> <p>Entrainment at NDD and CM15 would be at odds with the CVPIA and the USFWS restoration plan. While the Restoration Plan establishes a doubling goal for striped bass at 2,500,000 pursuant to CVPIA section 3406(b)(1), the goal for striped bass promulgated by USFWS has not been achieved. In fact, the striped bass population level is less than one million and since 1992 the average annual abundance of striped bass has not even been half of the target level.</p> <p>USFWS's implementation of the CVPIA fully embraced California's sport-fishing regulations protecting striped bass. The provisions of the USFWS' Working Paper and its Restoration Plan relating to striped bass discuss and rely in part on the enforcement of the regulations. The Restoration Plan for the Central Valley Wide area provides a "High" priority for CDFG, USFWS, the Bureau of Reclamation, and the California Department of Water Resources to "Provide additional funding for increased law enforcement to reduce illegal take of anadromous fish . . ." Restoration Plan, p. 77. The Working Paper of USFWS summarizes specific actions for the Sacramento-San Joaquin Delta, including action 17: "Reduce or eliminate illegal take and poaching: Reduce impacts of illegal fishing on striped bass populations." (Original bold.) The USFWS's review of problems facing striped bass states:</p> <p>"Illegal fishing may kill thousands of juvenile striped bass, possibly equivalent to the deaths of at least 125,000 legal-sized bass each year (Brown 1987). This level of illegal fishing could equal or exceed the annual legal sport catch of 100,000-200,000 adult striped bass (DFG 1992a). As discussed previously, healthy fish populations can sustain high levels of fishing mortality, but the precipitous decline in adult striped bass abundance over the past 20 years indicates that the population is unhealthy (Figure 2-VI-31)."</p> <p>"The declining status of the adult population has resulted in more stringent angling regulations, including an 18-inch minimum length and two-fish-daily bag limits (DFG 1992a). Before 1982, the minimum legal length was 16 inches and the daily bag limit was three fish. More stringent sport fishing regulations and stricter enforcement could reduce adult mortality and increase egg production." Working Paper, Vol. 2, p. 2-VIII-23.</p> <p>USFWS 's Restoration Plan thus identifies Restoration Actions, and Action 13 provides:</p> <p>"Action 13: Eliminate or reduce illegal take and poaching.</p> <p>Objective: Reduced impacts of illegal fishing on striped bass populations. Location: throughout the Sacramento-San Joaquin Estuary.</p> <p>Narrative description: Illegal take and poaching are frequent problems in bay- Delta waters. DFG wardens have cited anglers for bass overlimits and undersized fish, and have arrested people using illegal nets and set lines for striped bass. 'Stings' have uncovered marketing of illegally caught bass in the Bay-Delta area. Available levels of enforcement effort are insufficient to prevent all of the poaching.</p> <p>The general public and anglers should be encouraged to routinely use the Cal- Tip</p>	

RECIRC Ltr#	Cmt#	Comment	Response
		<p>program to advise DFG of poachers, illegal selling of striped bass, and violations of angling regulations. DFG should continue to augment night and overtime patrols and purchase special equipment to aid striped bass enforcement, such as night-vision scopes and specialized boats. Courts and prosecutors that judge violations of striped bass laws should be fully informed of the grave plight of the bass resource so that maximum legal penalties will be imposed to deter future violations.</p> <p>Related actions that may impede or augment the action: None identified.</p> <p>Agency and organization roles and responsibilities: DFG enforcement personnel will carry out most of the actions necessary to reduce illegal take and poaching. Environmental and angling groups will need to share responsibility for making people aware of the problem and what they can do about it.</p> <p>Potential obstacles to implementation: Limited availability of funding may greatly hinder DFG's ability to increase enforcement presence and effectiveness.</p> <p>Projected benefits: Striped bass mortality associated with illegal take and poaching will likely decrease. Overall benefits in terms of increases in the striped bass population are unknown." Working Paper, Vol. 3, p. 3-Xf-19 through 20.</p> <p>CDFG's striped bass sport-fishing regulations have thus been integrated into USFWS's implementation of the CVPIA, and are completely at odds with California Water Fix's plan to kill striped bass.</p> <p>Neither the Working Paper nor the Restoration Plan call for the elimination of striped bass in order to recover any of the other species of anadromous fish, including salmon and steelhead. However, there was significant discussion of controlling predation upon salmon in relation to the Red Bluff Diversion Dam Working Paper, Vol. 3, p. 3-Xa-26-27, including predation by Sacramento squawfish, striped bass, rainbow trout, steelhead, American shad, and "numerous other fish and bird species." However, this was a structural problem arising from the dam, and now the NDD will create another structural problem. The NDD facility or "corrective measures" which would impede and impair the ability of the USFWS to meet its goal for striped bass established pursuant to the CVPIA at 2,500,000 fish, should be rejected.</p>	
2849	4	<p>It has never been demonstrated that striped bass have a significant population level impact on any listed species. David J. Ostrach, Ph.D., is a Research Scientist and a member of the Pelagic Organism Decline research team, studying the collapse of the fisheries in the San Francisco Bay Estuary ecosystem using striped bass as a biological model for ecosystem health for 22 years (1987-2009) in his research at the University of California, Davis. Dr. Ostrach stated in his July 19, 2010, letter to the California Fish and Game Commission:</p> <p>"[T]here is no valid scientific evidence that striped bass predation on native endangered species has an effect on their population levels."</p> <p>and</p> <p>"There is absolutely no credible scientific evidence of any kind that striped bass</p>	<p>These comments focus on the population-level impact of striped bass and makes reference to control programs, which are not proposed as part of any of the action alternatives, including the preferred alternative. As discussed in the analyses and noted in response to comment 2849-3, it is recognized that certain areas of the Delta are or could be predation hotspots, with the alternatives proposing varying levels of localized reduction to limit losses of juvenile salmonids.</p>

RECIRC Ltr#	Cmt#	Comment	Response
		<p>predation on salmon, delta smelt or any endangered species is responsible for the decline of these species. If I thought that striped bass was adversely affecting endangered fish or the ecosystem I would be the first person raising a red flag and asking for action. However this is just not the case. Striped bass, salmon, delta smelt and various other fish populations coexisted and thrived in this estuary for over a hundred years when the estuary was a healthy environment for aquatic life."</p> <p>and</p> <p>"These population declines are not due to striped bass predation. Managing and maintaining a healthy striped bass population would be one of the best things for this ecosystem. If the striped bass population were healthy, it would indicate a healthy estuarine ecosystem for all of the local endangered endemic fish whose populations would all benefit. This is not only my opinion but one held by many other fisheries biologists including Dr. Peter Moyle the pre-eminent freshwater/estuarine fishery biologist on the West Coast of the United States." (Original bold.)</p> <p>We attach Dr. Ostrach's informative letter, and incorporate his comments concerning predation. We also attach a memorandum of August 26, 2010, to the California Fish and Game Commission, from Peter B. Moyle and William A. Bennett of the University of California Davis Center for Watershed Sciences, posing the question "Striped bass predation on listed species: can a control program be justified? "In the conclusion of their discussion, the scientists stated:</p> <p>"The take home message from all this is that reducing the striped bass population may or may not have a desirable effect. In our opinion, it is most likely to have a negative effect. While the ultimate cause of death of most fish may be predation, the contribution of striped bass to fish declines is not certain. By messing with a dominant predator (if indeed it is), the agencies are inadvertently playing roulette with basic ecosystem processes that can change in unexpected ways in response to reducing striped bass numbers."</p> <p>Similarly, USFWS scientist Matthew Nobriga, formerly a Senior Environmental Scientist with the California Department of Fish & Game, stated in the district court case concerning striped bass fishing regulations:</p> <p>"Food web complexity has often led to incorrect guesses about how aquatic ecosystems will respond to the addition or removal (or depletion) of important fishes (Pine et al. 2009). I think it is impossible to forecast the population responses of the Bay-Delta food web to the removal of striped bass, one of its keystone species. Further, the Pacific Ocean food web adds additional uncertainty into predictions for rebounds of salmonid fishes released from what by several accounts (DFG 1999; Lindley and Mohr 2003) appear to be a very minor constraint of striped bass predation." Declaration of Matthew L. Nobriga in Opposition to Plaintiff's Motion for Summary Adjudication of issues filed May 9, 2009.</p> <p>In addition, in Matthew L. Nobriga's A Synopsis of the State of Science Regarding the Feeding Ecology of San Francisco Estuary Striped Bass and its Effects on Listed Fishes, stated:</p>	

RECIRC Ltr#	Cmt#	Comment	Response
		<p>"In conclusion, I found no evidence that striped bass predation has an obvious negative effect on the abundance of winter-run or spring-run Chinook salmon or delta smelt. The only potential predator that I found evidence for a statistically significant negative influence on a listed fish was for Mississippi silverside effects on delta smelt (Exhibit F; pages 16-20). It is not known whether silversides are in fact predators of early life stage delta smelt, but Bennett and Moyle (1996) and Bennett (2005) have contended that they are." p. 24</p> <p>and</p> <p>"Thus, the comparison of empirical data since 1996 to Lindley and Mohr's model suggests that it overestimated the-relevance of striped bass predation to winter-run Chinook salmon viability."</p> <p>"Based on the information I have read and presented above, it is my professional opinion that the [proponents of striped bass eradication] are relying on an oversimplified conceptual model of aquatic food webs to make their case. I think it is impossible to forecast the population responses of any member of the San Francisco Estuary's food web to the removal of striped bass, one of its keystone species. Thus, it cannot be concluded that removal of striped bass fishing regulations will result in a substantive increase in the abundance of the listed fishes. As the examples from other systems demonstrate, partial recovery of listed fishes is only one of several possible outcomes. It is also very possible that nothing detectable would happen, or ironically, that their situation could worsen. This is particularly true for delta smelt, which spend their entire lives in the estuary. The Pacific Ocean food web, which Chinook salmon and steelhead enter once they leave the estuary, adds additional uncertainty into predictions for rebounds of salmonid fishes released from striped bass predation (Lindley et al. 2009)." (p. 30-31)</p>	
2849	5	<p>The three fish screened intakes of the NDD will each extend nearly a third of a mile along the river, thus encompassing nearly a mile of river frontage over a five mile length of river. The RDEIR fails to provide sufficient detail about the fish screen facility to evaluate efficacy and potential for entrainment and impingement. The flow effects on fish of having three enormous intakes over a five mile stretch of river are not evaluated or understood, and the best available science is not included. The RDEIR mentions the Contra Costa Canal Fish Screen Project (RSFS) as being completed in 2011 on Rock Slough. It is a mere 320 foot screen, with 14 feet of depth and a 350 cfs capacity. It pales in comparison to the 3 NDD intakes with more than 5,000 feet in length. The RDEIR fails to mention:</p> <p>"Since the RSFS was placed in operation in the fall of 2011, it has experienced mechanical failures, environmental releases and excessive maintenance well beyond what would be acceptable as routine. Many of these problems are likely attributable to a large amount of aquatic vegetation in the vicinity of the RSFS Among the most common issues have been . . . 4) capturing of adult salmon by the rake heads." Notice of Exemption filed July 10, 2015, by Contra Costa Water District.</p> <p>The USBR issued a Rock Slough Fish Screen Assistance Agreement in February, 2013, "to facilitate identification of system defects, to design facility modifications, . . ." And in February, 2015, the USBR issued its Rock Slough Fish Screen Operations and</p>	<p>For a description of screen design, please see Section 3.4.1, Overview of Water Conveyance Facility Components. For specific details, please refer to the July 2011 BDCP Fish Facilities Technical Team Technical Memorandum at: http://baydeltaconservationplan.com/Libraries/Dynamic_Document_Library/Fish_Facilities_Team_Technical_Memo_Final_7_15_2011.sflb.ashx</p> <p>The CWF/BDCP will build upon the knowledge gained at other screening facilities such as the Rock Slough fish screen and several others. In addition, several pre- and post-construction studies will occur to aid in minimizing effects during construction and operation of screens. The fish screens must be built and operated within the terms and conditions of incidental take permits issued by the federal and state fisheries agencies.</p> <p>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</p>

RECIRC Ltr#	Cmt#	Comment	Response
		<p>Prototype Rake Testing Modifications noting that "[The fish screen has been only partially operational since 2009]."</p> <p>The RSFS encompasses river frontage on a magnitude of less than 8% of the NDD. The adverse consequences to listed species of having ineffective, inoperable screening facilities would be devastating. Throughout the Fish and Aquatic Resources section it is stated that:</p> <p>"[S]everal pre-construction studies to better understand how to minimize losses associated with the three new intake structures will be implemented as part of the final NDD screen design effort."</p> <p>In other words, there is no design for the public to evaluate, and blind faith must be placed in those who have destroyed the Delta. Reason and the law require more.</p>	<p>Wildlife and NMFS fish screen criteria (BDCP Appendix 5B Section 3.B.3.3).</p>
2849	6	<p>It is said of NEPA that "In summary, the comprehensive 'hard look' mandated by Congress and required by the statute must be timely, and it must be taken objectively and in good faith, not as an exercise in form over substance, and not as a subterfuge designed to rationalize a decision already made." <i>Metcalf v. Daley</i>, 214 F.3d 1135 (9th Cir. 2000)</p> <p>Similarly, CEQA requires that "The impact report must be specially prepared in written form before the governmental entity makes its decision." <i>Friends of Mammoth v. Bd. of Supervisors of Mono County</i> (1972) 8 Cal. 3d 247, 264, fn. 8. And so, the California Supreme Court ruled in <i>Laurel Heights Imp. Ass'n. v. Regents of the University of California</i> (1988) 47 Cal. 3d 376 cautioned against a process in which "EIRs would likely become nothing more than post hoc rationalizations to support action already taken."</p> <p>That there be no doubt about the evils of paying token lip service to the CEQA process, in <i>Citizens for Responsible Growth v. City of Rancho Cordova</i> (207) 40 Cal. 4th 412 the California Supreme Court explained that "[T]he later the environmental review process begins, the more bureaucratic and financial momentum there is behind a proposal project, thus providing a strong incentive to ignore environmental concerns . . ." That is precisely what occurred here, as the record overwhelmingly demonstrates. The predetermination that a NDD would be utilized is indisputable. This is impermissible, as the California Supreme Court noted in <i>Save Tara v. City of West Hollywood</i>, 45 Cal.4th 116 (2008), stating:</p> <p>"The full consideration of environmental effects CEQA mandates must not be reduced to a process whose result will be largely to generate paper, to produce an EIR that describes a journey whose destination is already predetermined. <i>Natural Resources Defense Council, Inc. v. City of Los Angeles</i> (2002) 103 Cal.App.4th 268, 271, 126 Cal.Rptr.2d 615.)"</p> <p>The RDEIR here is exactly what is prohibited by these cases. The evidence is abundantly clear that the environmental process here has been, all along, an empty charade on a predetermined path to the NDD. This is brought by the statement of the Governor that "We are going to get s*#t done" and further verified by the DWR Director Cowin's May 6, 2014 memorandum enclosed, on the "Establishment of the DWR BDCP Office and</p>	<p>The Federal and State Lead Agencies have done their best to make the EIR/EIS for the proposed project as fair, objective, and complete as possible. The Lead Agencies are following the appropriate legal process and are complying with CEQA and NEPA in preparing the EIR/EIS for the proposed project. These agencies readily acknowledge, however, that the document addresses a number of topics for which some scientific uncertainty exists. Such uncertainty can give rise to differing opinions as to what conclusions may be reached. These agencies also recognize that a preferred alternative is just that, preferred, and may be modified prior to any final determination and also that the no project or no action alternative is also a possible outcome.</p> <p>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.</p> <p>Please refer also to Master Response 4 for additional discussion under the topic of "Identifying a Preferred Alternative is Not a Pre-Commitment to that Alternative". That discussion notes, among other considerations, that "With respect to Alternative 4A, the state and federal lead agencies have not taken any steps that irrevocably commit to that alternative or foreclose on the lead agencies' ability to evaluate or approve other alternatives, or to take no action at all (i.e., opt for the No Action Alternative)".</p>

RECIRC Ltr#	Cmt#	Comment	Response
		<p>the DHCCP Design and Construction Enterprise," and stating:</p> <p>"Second, a Delta Conveyance Facility Design and Construction Enterprise (DCE) will be established within the Department as a new program to support activities associated with design and construction of conservation measure 1, the Delta Conveyance facilities. The mission of this enterprise is intended to be limited to this singular focus, and the life span of the enterprise will be limited to the time necessary to complete construction of these facilities. As part of DWR, it will have the capacity to issue contracts for consulting services as well as construction, . . ." [I]t is anticipated that [the office] will move to another location to accommodate the growth needed to complete the design and construction of the conveyance facilities."</p> <p>Additionally, we submit a report of California Governor Jerry Brown's July 25, 2013 announcement of plans to construct the twin tunnels, referencing paralysis by analysis and "I want to get s*!t done." At the announcement, DWR Director Mark Cowin stated "We will have two tunnels leading from a forebay where water from the three intakes will collect . . ." U.S. Department of Interior Secretary Kenneth Salazar stated that "We are united with the state of California to move this project forward and get it done." Also, "We are not going to back down and we intend to get something done here." https://www.youtube.com/watch?v=FTWmXQaDemA</p> <p>We additionally submit a report of California Secretary for Natural Resources John Laird's May 24, 2012 briefing that the state intends to proceed with construction of the twin tunnels, Jerry Meral's statement that the "Bay Delta Conservation Plan was never about saving the Delta," and the Kern County Water Agency letter of July 27, 2012, regarding "a scientifically defensible decision-tree to operate a new conveyance facility . . ."</p> <p>These all expose the lack of deference and respect for the CEQA and NEPA processes, which generated vast amounts of paper for a journey to a predetermined destination.</p>	
2849	7	<p>The CEQA guidelines provide in 14 C.C.R. § 15088 that a lead agency shall evaluate comments on environmental issues received "and prepare a written response." The RDEIR fails to respond at this time to the more than 12,000 comments to the draft EIR received on the BDCP, including the comments of CDWA.</p> <p>To a great extent, the RDEIR appears as a subterfuge to avoid the lead agency responsibility to respond in writing to the existing comments. This is brought home by the terse statement in the RDEIR that the "Lead Agencies have substantially modified Alternative 4 to reduce its environmental impacts and have formulated new sub-alternatives . . ." REIR, ES-2. While it is further stated that at the time the Final EIR/EIS is published formal responses to comments on the draft BDCP and Draft EIR/EIS will be provided, and while subsection (d) § 15088 does allow for comments to "take the form of a revision to the draft EIR or a separate section in the final EIR", the revision here does not respond to the bulk of the comments. Accordingly, the response must be provided to those comments which were not the subject of revisions.</p>	<p>C.C. R. § 15088 part (d) states that "The response to comments may take the form of a revision to the draft EIR or may be a separate section in the Final EIR." 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.</p>
2849	8	<p>The RDEIR attempts to avoid re-opening the comment period on all phases of the Project. It ambiguously states that "New public comments made during the public review period for the RDEIR/SDEIS should be specific only to the newly circulated</p>	<p>The lead agencies have considered and responded to all comments on the Draft EIR/EIS and RDEIR/SDEIS. Text referenced by the commenter was intended to help focus reviewers of the document on new material recirculated in the RDEIR/SDEIS versus revisiting issues in the Draft EIR/EIS that had already be commented</p>

RECIRC Ltr#	Cmt#	Comment	Response
		<p>information contained in the RDEIR/SDEIS and should not address issues not directly included in the RDEIR/SDEIS." What is or is not "directly included" is ambiguous, because the RDEIR repeatedly references, and relies upon matter in the original draft BDCP EIR. Moreover, the RDEIR goes on to confusingly state "The Lead Agencies intend to only respond to comments that address analysis included within this RDEIR/SDEIS and not those related solely to the original Draft EIR/EIS." This again is ambiguous and is an impermissible attempt to limit comments. For this reason it dissuades and discourages the public from properly commenting on all phases of the project, it is improper and requires a new clear and unambiguous notice that confirms all comments on all phases of the project, including both the original draft EIR/EIS and the RDEIR, will be the subject of consideration and comment.</p> <p>Section 21092.1 of the Public Resources Code provides that "When significant new information is added to an environmental impact report after notice has been given pursuant to section 21092 the public agency shall give notice again pursuant to section 21092 . . . , the public agency shall give notice again pursuant to section 21092." A new notice must be given making clear comments will be accepted on all matters within the scope of the project and all alternatives being evaluated, whether found in the RDEIR or the BDCP draft EIR, and whether directly or indirectly relating to analysis and matters included in the original BDCP draft EIR.</p>	<p>on. No additional notices are required by CEQA and NEPA for the Draft EIR/EIS and RDEIR/SDEIS. An additional NEPA coordination period has been provided for the Final EIR/EIS to allow Reclamation to consider any additional comments received on the Final EIR/EIS. This coordination period has been noticed as required under NEPA.</p> <p>Please also refer to Master Response 42 for further discussion regarding how comments are being addressed.</p> <p>Please also see Master Response 14 regarding water quality.</p>
2849	9	<p>The DEIS encompasses nearly 8,000 pages and some 1.39 gigabytes of data, added to the enormous 40,000 pages of the original draft EIR/EIS. It defies meaningful consideration and analysis, and is generally incomplete, uncertain, and unintelligible. Indeed, professionals intimately involved in the process are challenged, perplexed, and disappointed with the most current efforts. That is poignantly demonstrated by the September 30, 2015, review by the Delta Independent Science Board (DISB) stating:</p> <p>"The Current Draft contains a wealth of information but lacks completeness and clarity in applying science to far-reaching policy decisions. It defers essential material to the Final EIR/EIS and retains a number of deficiencies from the Bay Delta Conservation Plan Draft EIR/EIS. The missing content includes:</p> <ol style="list-style-type: none"> 1. Details about the adaptive-management process, collaborative science, monitoring, and the resources that these efforts will require; 2. Due regard for several aspects of habitat restoration: landscape scale, timing, long-term monitoring, and the strategy of avoiding damage to existing wetlands; 3. Analyses of how levee failures would affect water operations and how the implemented project would affect the economics of levee maintenance; 4. 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; 5. Informative summaries, in words, tables, and graphs, that compare the proposed alternatives and their principal environmental and economic impacts. <p>"The effects of California WaterFix extend beyond water conveyance to habitat</p>	<p>The comments provided by the Delta Independent Science Board are included in full as an attachment to letter RECIRC 2546. Responses to all of their comments are included as part of the responses to that letter. Please refer to letter RECIRC 2546 and/or BDCP 1448 for responses to these comments quoted here.</p> <p>Please see also Master Response 38 regarding the length of the environmental document and its readability.</p>

RECIRC Ltr#	Cmt#	Comment	Response
		<p>restoration and levee maintenance. These interdependent issues of statewide importance warrant an environmental impact assessment that is more complete, comprehensive, and comprehensible than the Current Draft." (Cover letter)</p> <p>and</p> <p>"But we find the Current Draft sufficiently incomplete and opaque to deter its evaluation and use by decision-makers, resource managers, scientists, and the broader public." (p. 1, emphasis added)</p> <p>and</p> <p>"These and other strengths of the Current Draft are outweighed by several overarching weaknesses: overall incompleteness through deferral of content to the Final EIR/EIS (herein, "the Final report"); specific incompleteness in treatment of adaptive management, habitat restoration, levees, and long-term effects; and inadequacies in presentation." (p. 4)</p> <p>and</p> <p>"The Current Draft lacks key information, analyses, summaries, and comparisons. The missing content is needed for evaluation of the science that underpins the proposed project. Accordingly, the Current Draft fails to adequately inform weighty decisions about public policy. The missing content includes:</p> <ol style="list-style-type: none"> 1. Details on adaptive management and collaborative science (below, p. 5). 2. Modeling how levee failures would affect operation of dual- conveyance systems (below, p. 7). Steve Centerwall told us on August 14 that modeling of the effects of levee failure would be presented in the Final Report. 3. Analysis of whether operation of the proposed conveyance would alter the economics of levee maintenance (below, p. 7). 4. Analysis of the effects of climate change on expected water exports from the Delta. '[A]n explanation and analysis describing potential scenarios for future SWP/CVP system operations and uncertainties [related to climate change] will be provided in the Final Report' (p. 1-35 of the Current Draft). 5. Potential impacts of climate change on system operations, even during the shortened time period emphasized in the Current Draft (below, p. 8 and 11). 6. Potential effects of changes in operations of the State Water Project (SWP) and Central Valley Project (CVP), or other changes in water availability, on agricultural practices in the San Joaquin Valley (p. 12). 7. Concise summaries integrated with informative graphics (below, p. 9 and 13). The Current Draft states that comparisons of alternatives will be summarized in the Final report (p. 1-35). (p. 4) <p>While some of the missing content has been deferred to the Final Report (examples 2,</p>	

RECIRC Ltr#	Cmt#	Comment	Response
		<p>4, and 7), other gaps have been rationalized by deeming impacts 'too speculative' for assessment. CEQA guidance directs agencies to avoid speculation in preparing an EIR/EIS [footnote omitted]. To speculate, however, is to have so little knowledge that a finding must be based on conjecture or guesswork. Ignorance to this degree does not apply to potential impacts of WaterFix on levee maintenance (example 3; see p. 7) or on San Joaquin Valley agriculture (example 6; p. 12)." (pp. 4-5)</p> <p>and</p> <p>"Even if content now lacking would go beyond what is legally required for an EIR/EIS, providing such content could assist scientists, decision-makers, and the public in evaluating California WaterFix and Delta problems of statewide importance (above, p. 1)." (p. 5)</p> <p>and</p> <p>"Yet adaptive management continues to be considered largely in terms of how it is to be organized (i.e., coordinated with other existing or proposed adaptive-management collaborations) rather than how it is to be done (i.e., the process of adaptive management). Adaptive management should be integral with planned actions and management-the Plan A rather than a Plan B to be added later if conditions warrant. The lack of a substantive treatment of adaptive management in the Current Draft indicates that it is not considered a high priority or the proposers have been unable to develop a substantive idea of how adaptive management would work for the project." (p. 5)</p> <p>and</p> <p>"We did not find examples of how adaptive management would be applied to assessing - and finding ways to reduce - the environmental impacts of project construction and operations." (p. 5)</p> <p>and</p> <p>"The Current Draft defers details on how adaptive management will be made to work: "An adaptive management and monitoring program will be implemented to develop additional scientific information during the course of project construction and operations to inform and improve conveyance facility operational limits and criteria" (p. ES-17). This is too late." (p. 6)</p> <p>and</p> <p>"The missing details also include commitments and funding needed for science-based adaptive management and restoration to be developed and, more importantly, to be effective."</p> <p>"The Current Draft does little more than promise that collaborations will occur and that adaptive management will be implemented. This level of assurance contrasts with the central role of adaptive management in the Delta Plan and with the need to manage adaptively as climate continues to change and new contingencies arise." (p. 6)</p>	

RECIRC Ltr#	Cmt#	Comment	Response
		<p>and</p> <p>"Restoration projects should not be planned and implemented as single, stand-alone projects but must be considered in a broader, landscape context." (p. 6)</p> <p>and</p> <p>"On August 13 and 14, representatives of WaterFix and EcoRestore acknowledged the importance of the landscape scale, but the Current Draft gives it little attention. Simply because the CEQA and NEPA guidelines do not specifically call for landscape-level analyses is not a sufficient reason to ignore them." (p. 6)</p> <p>and</p> <p>"Sequencing apparently will be addressed as part of the permitting process with the US Army Corps of Engineers (USACE) for mitigation related to the discharge of dredged or fill material. However, it is difficult to evaluate the impacts on wetlands in advance of a clarification of sequencing and criteria for feasibility." (p. 6)</p> <p>and</p> <p>"When an existing wetland is restored, however, there is no net gain of area, so it is unclear whether credits for improving existing wetlands would be considered equivalent to creating wetlands where they did not recently exist." (pp. 6-7)</p> <p>and</p> <p>"In view of inevitable shortcomings and time delays in wetland restorations, mitigation ratios should exceed 1:1 for enhancement of existing wetlands. The ratios should be presented, rather than making vague commitments such as 'restore or create 37 acres of tidal wetland . . .' The Final Draft also needs to clarify how much of the wetland restoration is out-of-kind and how much is in-kind replacement of losses. It should examine whether enough tidal area exists of similar tidal amplitude for in-kind replacement of tidal wetlands, and whether such areas will exist with future sea-level rise." (p. 7)</p> <p>and</p> <p>"A Comprehensive assessment of environmental impacts should relate California WaterFix to levee failure by examining the consequences each may have for the other." (p. 7)</p> <p>and</p> <p>"On the one hand, the Current Draft fails to consider how levee failures would affect the short-term and long-term water operations spelled out in Table 4.1-2." (p. 7)</p> <p>and</p> <p>"On the other hand, the Current Draft also fails to consider how implementing the project would affect the basis for setting the State's priorities in supporting Delta levee</p>	

RECIRC Ltr#	Cmt#	Comment	Response
		<p>maintenance." (p. 7)</p> <p>and</p> <p>"The Current Draft does not evaluate how the proposed project may affect estimates of the assets that the levees protect." (p. 8)</p> <p>and</p> <p>"Neither the Previous Draft nor the Current Draft, however, provides a resource chapter about Delta levees. Such a chapter would be an excellent place to examine interacting impacts of conveyance and levees." (p. 8)</p> <p>and</p> <p>"With the shortened time period, several potential long-term impacts of or on the proposed project no longer receive attention. While these effects may not become problematic during the initial permit period, many are likely to affect project operations and their capacity to deliver benefits over the long operational life of the proposed conveyance facilities. In our view, consideration of these long-term effects should be part of the evaluation of the science foundation of the proposed project." (p. 8)</p> <p>and</p> <p>"Rather than consider such effects, however, the Current Draft focuses on how the proposed project would affect 'the Delta's resilience and adaptability to expected climate change' (Current Draft section 4.3.25). Quite apart from the fact that 'resilience' and 'adaptability' are scarcely operational terms, the failure to consider how climate change and sea-level rise could affect the outcomes of the proposed project is a concern that carries over from our 2014 review and is accentuated by the current drought (below, p. 11)."</p> <p>(p. 8)</p> <p>and</p> <p>"The Current Draft states that 'Groundwater resources are not anticipated to be substantially affected in the Delta Region under the No Action Alternative (ELT) because surface water inflows to this area are sufficient to satisfy most of the agricultural, industrial, and municipal water supply needs' (p. 4.2-16). This conclusion is built on questionable assumptions: the current drought illustrates how agriculture turns to groundwater when surface-water availability diminishes. Groundwater regulation under the recently enacted Sustainable Groundwater Management Act (SGMA) can also be expected to have long-term effects on the proposed project-effects that the Current Draft does not assess. Ending of more than a million acre-feet of overdraft in the southern Central Valley under the SGMA is likely to increase demand for water exports from the Delta in the coming decades." (pp. 8-9)</p> <p>and</p>	

RECIRC Ltr#	Cmt#	Comment	Response
		<p>"The Current Draft suggests that unnamed 'other programs' that are 'separate from the proposed project' will use elements of the Previous Draft to implement long-term, conservation efforts that are not part of California WaterFix (Current Draft, p. 1-3)." (p. 9)</p> <p>and</p> <p>"According to guidance for project proponents, 'Environmental impact statements shall be written in plain language and may use appropriate graphics so that decision-makers and the public can readily understand them' (Code of Federal Regulations, 40 CFR 1502.8). Far-reaching decisions should not hinge on environmental documents that few can grasp." (p. 9)</p> <p>and</p> <p>"The Current Draft is inadequate in these regards." (p. 9)</p> <p>and</p> <p>"These products do little to compensate for the overall paucity of readable summaries and comparisons in the Previous and Current Drafts." (p. 9)</p> <p>and</p> <p>"Appallingly, such summaries and comparisons remain absent in the Current Draft." (p. 9)</p> <p>and</p> <p>"Prescriptions in CEQA and NEPA in no way exclude cogent summaries, clear comparisons, or informative graphics. And three years is more than enough time to have developed them." (p. 9)</p> <p>and</p> <p>"On August 14, 2015, representatives of California WaterFix assured us that this kind of content would eventually appear, but only in the Final Report. That will be far too late in the EIR/EIS process for content so critical to comprehending what is being proposed and its potential impacts." (p. 10)</p> <p>and</p> <p>"Our persistent concerns include the treatment of uncertainty, the implementation of adaptive management, and the use of risk analysis. These topics receive little or no further attention in the Current Draft. We also found few revisions in' response to points we raised previously about linkages among species, ecosystem components, or landscapes; the potential effects of climate change and sea-level rise; and the potential effects of changes in water availability on agricultural practices and the consequent effects on the Delta. Our previous comments about presentation also pertain." (p. 10)</p> <p>and</p>	

RECIRC Ltr#	Cmt#	Comment	Response
		<p>"Nonetheless, the Current Draft retains unwarranted optimism, as on page 4.3.25-10: By reducing stressors on the Delta ecosystem through predator control at the north Delta intakes and Clifton Court Forebay and installation of a nonphysical fish barrier at Georgiana Slough, Alternative 4A will contribute to the health of the ecosystem and of individual species populations making them stronger and more resilient to the potential variability and extremes caused by climate change.' A scientific basis for this statement is lacking, and an adaptive or risk-based management framework is not offered for the likely event that such optimism is unfulfilled." (p. 10)</p> <p>and</p> <p>"To be effective, mitigation actions should deal with both the immediate and long-term consequences of the project. The proposed permitting should allow for monitoring long enough to assess the effectiveness of habitat restoration measures, which will need to extend beyond the initial permitting period." (p. 10)</p> <p>and</p> <p>"In the Current Draft, uncertainties and their consequences remain inadequately addressed, improvements notwithstanding. Uncertainties will now be dealt with by establishing 'a robust program of collaborative science, monitoring, and adaptive management' (ES 4.2). No details about this program are provided, so there is no way to assess how (or whether) uncertainties will be dealt with effectively." (p. 11)</p> <p>and</p> <p>"Many of our prior concerns about uncertainties pertained to impacts on fish. If those uncertainties have now been addressed in Chapter 11, they are difficult to evaluate because changes to that chapter have not been tracked in the public draft (below, p. 17)." (p. 11)</p> <p>and</p> <p>"There are also uncertainties with the data generated from model outputs, although values are often presented with no accompanying error estimates." (p. 11)</p> <p>and</p> <p>"First, the Current Draft is probably outdated in its information on climate change and sea-level rise. It relies on information used in modeling climate change and sea-level rise in the Previous Draft, in which the modeling was conducted several years before December 2013." (p. 11)</p> <p>and</p> <p>"Yet climate extremes, in particular, are a topic of intense scientific study, illustrated by computer simulations of ecological futures and findings about unprecedented drought." (p. 11)</p> <p>and</p>	

RECIRC Ltr#	Cmt#	Comment	Response
		<p>"Thus, 'Delta exports would either remain similar or increase in wetter years and remain similar or decrease in the drier years under Alternative 4A as compared to the conditions without the project.' (p. 4.3.1-4). Such an inconclusive conclusion reinforces the need to be able to adapt to different outcomes. Simply because the Alternatives are expected to relate similarly to a No Action Alternative that includes climate change does not mean that the Alternatives will be unaffected by climate change." (pp. 11-12)</p> <p>and</p> <p>"The Current Draft recognizes that mitigation measures for one species or community type may have negative impacts on other species or communities, and mitigation plans may be adjusted accordingly. But the trade-offs do not seem to be analyzed or synthesized. This emphasizes the need for a broader landscape or ecosystem approach that comprehensively integrates these conflicting effects." (p. 12)</p> <p>and</p> <p>"In 2014 we pointed to three kinds of impacts that the Previous Draft overlooked: . . . (2) effects of levee failures on the proposed BDCP actions and effects of isolated conveyance on incentives for levee investments; and (3) effects of increased water reliability on crops planted, fertilizers and pesticides used, and the quality of agricultural runoff. The Current Draft responds in part to point 1 (in 11.3.2.7) while neglecting point 2 (above, p. 7) and point 3." (p. 12)</p> <p>and</p> <p>"Although the Current Draft considers how the project might affect groundwater levels south of the Delta (7.14 to 7.18), it continues to neglect the environmental effects of water use south of (or within) the Delta." (p. 12)</p> <p>and</p> <p>"The Current Draft does not fully consider the consequences of these assumptions, or of the projections that the project may enhance water-supply reliability but may or may not increase water deliveries to agriculture." (p. 12)</p> <p>and</p> <p>"The impacts of water deliveries south of the Delta extend to the question of how each intake capacity (3,000, 9,000, or 15,000 cfs) may affect population growth in Southern California." (p. 12)</p> <p>and</p> <p>"If the mitigation measures for terrestrial resources are implemented as described, for example, they should compensate for habitat losses and disturbance effects of the project." (p. 13)</p> <p>and</p>	

RECIRC Ltr#	Cmt#	Comment	Response
		<p>"It is not apparent that the mitigation plans include these components."</p> <p>and</p> <p>"Out 2014 review advised using risk assessment and decision theory in evaluating the proposed BDCP actions and in preparing contingency plans.</p> <p>We noticed little improvement on this issue, just a mention that it might be considered later. This is not how the process should be used." (p. 13)</p> <p>and</p> <p>"The operating guidance for the new 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." (p. 14)</p> <p>and</p> <p>"The collaborative science ideas seem philosophically attractive, but are not given much substance. Monitoring is mentioned, but details of organization, intent, and resources seem lacking. Adequate funding to support monitoring, collaborative science, and adaptive management is a chronic problem. Section ES.4.2 states that 'Proponents of the collaborative science and monitoring program will agree to provide or seek additional funding when existing resources are insufficient.' This suggests that these activities are lower in priority than they should be." (p. 15)</p> <p>and</p> <p>"The three new alternatives, 4A, 2D, and 5A, seem to have modest changes over some previous alternatives, with the exception of not being accompanied by a more comprehensive environmental program." (p. 15)</p> <p>and</p> <p>"The new Sustainable Groundwater Management Act (SGMA) seems likely to increase demands for water diversions from the Delta to the south to partially compensate for the roughly 1.5-2 maf/year that is currently supplied by groundwater overdraft." (p. 15)</p> <p>and</p> <p>"The climate change analysis of changes in Delta inflows and outflows is useful, but isolating the graphs in a separate document disembodies the discussion. The fragmentation of the document by removing each Section 4 figure into a separate file is inconvenient for all, and makes integrated reading practically impossible for many." (p. 15)</p> <p>and</p> <p>"The range of impacts considered is impressive, but poorly organized and</p>	

RECIRC Ltr#	Cmt#	Comment	Response
		<p>summarized." (p. 15)</p> <p>and</p> <p>"The effects of the likely listing of additional native fish species as threatened or endangered seems likely to have major effects on project and alternative performance. These seem prudent to discuss, and perhaps analyze." (p. 15)</p> <p>and</p> <p>"Have the effects of droughts or deluges been considered?" (p. 15)</p> <p>and</p> <p>"Text on disturbing sediments and releasing contaminants needs to add nitrogen and phosphorus to the concerns." (p. 16)</p> <p>and</p> <p>"The frequently repeated discussion of cyanobacteria blooms needs to be updated." (p. 16)</p> <p>and</p> <p>"A lot of attention is given to factors controlling Microcystis blooms in this chapter but little attention is given to its toxicity." (p. 17)</p> <p>and</p> <p>"Fish Screens</p> <p>It is unclear how (and how well) the fish screens would work. The description of fish screens indicates that fish >20 mm are excluded, but what about fish and larvae that are <20 mm, as well as eggs? Table 11-21 seems out of date, because some fish screens appear to have been installed, but data on their effects are not given. Despite the lack of specific data on how well screens function, the conclusion that there will be no significant impact is stated as certain (e.g., page 1-100 line38).</p> <p>Here, as in many other places, measures are assumed to function as planned, with no evidence to support the assumptions. The level of certainty seems optimistic, and it is unclear whether there are any contingency plans in case things don't work out as planned. This problem persists from the Previous Draft." (p. 17)</p> <p>and</p> <p>"Weed control (fire, grazing) is suggested, but over what time frame? It may be needed in perpetuity." (p. 18)</p> <p>and</p> <p>"Herbicides are prescribed to keep shorebird nesting habitat free of vegetation, but</p>	

RECIRC Ltr#	Cmt#	Comment	Response
		<p>toxic effects of herbicides on amphibians etc. are not considered." (p. 18)</p> <p>and</p> <p>"Impacts of invasive plants seem underestimated. Impact analysis implies that the project disturbance area is the only concern, when dispersal into all areas will also be exacerbated." (p. 18)</p> <p>and</p> <p>"Is the assumption that, acre for acre, all jurisdictional waters are interchangeable, whether of different type or existing vs. created?" (p. 18)</p> <p>and</p> <p>"What if this project causes the problem, e.g. via vibration?" (p. 18)</p> <p>and</p> <p>"CM1 alternative 4A would fill 775 acres of WOTUS (491 wetland acres). . ." (p. 18)</p> <p>and</p> <p>"Only 1% of the habitat in the study area would be filled or converted" (Chapter 12, line 29, page 12-22) is how the US has lost its historical wetlands. What are the overall cumulative impacts of wetland losses in the Delta? What is the tipping point beyond which further wetland losses must be avoided? The proposed project is one part of the broader array of management actions in the Delta and should be considered in that broader context." (p. 18)</p> <p>and</p> <p>"How will mudflats be sustained for shorebirds? Exposed mud above half-tide can become vegetated rapidly." (p. 19)</p> <p>and</p> <p>"Alternative 4A would allow water diversion from the northern Delta, with fish screens, multiple intakes, and diversions limited to flows that exceed certain minima, e.g., 7000 cfs. This would reduce flood-pulse amplitudes and, presumably, downstream flooding. How does this alter opportunities for riparian restoration? Where would riparian floodplains still be restorable?" (p. 19)</p> <p>and</p> <p>"At some point along the pipeline-tunnel transition, wouldn't groundwater flow be affected?" (p. 19)</p> <p>and</p> <p>"Up to 14 years of construction activities were predicted for some areas (e.g., San Joaquin Co.); this would have cumulative impacts (e.g., dewatering would affect soil</p>	

RECIRC Ltr#	Cmt#	Comment	Response
		<p>compaction, soil carbon, microbial functions, wildlife populations, and invasive species). What about impacts of noise on birds; e.g., how large an area would still be usable by greater sandhill cranes?" (p. 19)</p> <p>and</p> <p>"On the need to store removed aquatic vegetation until it can be disposed: there are digesters for this purpose, and they might be efficient means of mitigation if management of harvested aquatic plants will be long- term. A waste product could be turned into a resource (methane fuel)." (p. 19)</p> <p>and</p> <p>"Text says that "predator hiding spots" will be removed. What are these?" (p. 19)</p> <p>"What are the E16 nonphysical fish barriers? An electrical barrier?" (p. 19)</p> <p>and</p> <p>"Boat-washing stations are mentioned; would these discharge pollutants (soap, organic debris?)" (p. 19)</p> <p>In addition to pointing out the incompleteness and uncertainty of the RDEIR, the DISB comments elaborate on other, substantive deficiencies.</p>	
2849	10	<p>The risk of terrorism in today's day and age is real, and the threat to an attack on infrastructure, including the electrical grid, by terrorists or foreign states should not be ignored. See Lights Out (2015), Ted Koppel. The consequences of an electrical grid failure would render the NDD unusable, as the NDD would not function and the pumps could move no water at the south Delta pumping plants, or at the Tehachapi. Similarly, the risk and effects of earthquake, design defects or other failure of the tunnels and aqueduct is not evaluated. Interestingly enough, the path of the tunnels transects a blind fault, the Thornton Arch Zone. Active Faults and Historical Seismicity, etc., Figure 9-5. Curiously, the RDEIR notes the risk of levee failure due to earthquake, but treats everything else as if it is immune. The others are not theoretical risks, but instead are part of the real world today, and as such part of the baseline. These and other risks of infrastructure failure should be evaluated, analyzed, and mitigated.</p>	<p>Regarding the potential threat of terrorism on the proposed conveyance facilities, this is not an environmental or human effect of the project and therefore is not analyzed in the EIR/EIS. The EIR/EIS does evaluate the potential risk of earthquake on conveyance facilities under Impact GEO-1: Loss of Property, Personal Injury, or Death from Structural Failure Resulting from Strong Seismic Shaking of Water Conveyance Features during Construction.</p>
2849	11	<p>This project is moving forward against wide-spread opposition by residents, businesses, and property owners within the Delta. There is a disproportionate effect on minority populations. Figure 28-1 and 28-2, Low Income and Minority Populations in the Plan Area. The Delta residents, businesses, and property owners were essentially excluded from the process, and no vote is being taken to obtain their consent. This is a denial of substantive Due Process of law and Equal Protection under the law.</p>	<p>Impacts to minority and low-income populations are evaluated in Chapter 28 of the 2013 Draft EIR/EIS and in Section 4 of 2015 RDEIR/SDEIS.</p> <p>As state agencies, the Department of Water Resources and the California Natural Resources Agencies have a duty to provide 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 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 are kept on the project website, www.BayDeltaConservationPlan.com and are</p>

RECIRC Ltr#	Cmt#	Comment	Response
			<p>available for review. Historical materials remain available for review and are labeled as achieved or superseded. For more information on the public outreach efforts made during the BDCP and EIR/EIS process, please see Chapter 32 of the EIR/EIS and Master Response 40.</p> <p>For additional information about how this project has been developed in an open and transparent manner, please refer to Master Response 41.</p> <p>Please refer to Master Responses 4 and 5 for information pertaining to the BDCP/California WaterFix approval process.</p>
2849	12	<p>Increased turbidity and spatial distribution as a result of a higher volume of flows reduces predator exposure. Reducing flows, as will be the case under the NDD regime, will reduce turbidity and diminish the space occupied by the listed species, increasing their vulnerability to predators. See Turbidity Reduces Predation on Migrating Juvenile Pacific Salmon, Gregory and Levings, American Fisheries Society (1998). Maintaining sufficient flows for migrating salmon, including sufficient turbidity, would contribute to necessary mitigation.</p> <p>Submitted herewith on a separate CD are the following supporting documents:</p> <ol style="list-style-type: none"> 1. Final Restoration Plan for the Anadromous Fish Program; 2. Working Paper on Restoration Needs, Habitat Restoration Actions to Double Natural Production of Anadromous Fish in the Central Valley of California; 3. Striped Bass Food Chain; 4. Striped Bass Abundance Chart; 5. Sacramento Bee report: Meral Retires But Delta Plan Endures; 6. High Country News report: Tunneling Under California's Bay Delta Water Wars; 7. Letter of David J. Ostrach, Ph.D., dated July 19, 2010; 8. Letter of NGO's dated June 12, 2012, regarding Laird comments; 9. Letter of Kern County Water Agency, dated June 27, 2012, to Ken Salazar and John Laird; 10. Mark Cowin memo dated May 6, 2014; 11. Delta Independent Science Board letter dated September 30, 2015; 12. Declaration of Matthew L. Nobriga in Opposition to Motion for Summary Adjudication of Issues, filed May 20, 2009; 13. Memorandum of Peter B. Moyle and William A. Bennett dated August 26, 2010; 14. A Synopsis of the State of Science Regarding the Feeding Ecology of San Francisco Estuary Striped Bass and its Effects on Listed Fishes, Matthew 1. Nobriga, Senior Environmental Scientist, California Department of Fish and Game, Water Branch, 	<p>Analyses of through-Delta survival such as those based on the Delta Passage Model capture the far-field effect of changes in flows on juvenile salmonids, which represents changes in susceptibility to predation as well as other factors. The preferred alternative recognizes the need for mitigation of north Delta intake effects and, as noted in the RDEIR/SEIS, proposes habitat restoration for NDD construction footprint effects, a nonphysical barrier at Georgiana Slough to offset potential effects of the NDD, and channel margin restoration to offset potential decreased availability of riparian bench habitat. In addition, and as also described in the RDEIR/SEIS, real-time operational adjustments would be used to provide appropriate bypass flows, coincident with observed or anticipated increased Sacramento River basin juvenile salmonid presence in the Delta.</p>

RECIRC Ltr#	Cmt#	Comment	Response
		<p>October 1, 2009;</p> <p>15. Notice of Exemption for Rock Slough Fish Screen Log Boom Relocation, filed July 10, 2015;</p> <p>16. USBR's Assistance Agreement for Rock Slough Fish Screen;</p> <p>17. USBR's Rock Slough Fish Screen Operations and Prototype Rake Testing Modifications; and</p> <p>18. USBR's Rock Slough Fish Screen Hydraulic Evaluation.</p> <p>We further to refer to the Delta Protection Commission's Economic Sustainability Plan.</p>	
2849	13	ATT1: Final Restoration Plan for the Anadromous Fish Restoration Program	Please see response to comment 2849-3 regarding comment referencing this attachment.
2849	14	ATT2: Working Paper on Restoration Needs, Habitat Restoration Actions to Double Natural Production of Anadromous Fish in the Central Valley of California	Please see response to comment 2849-3 regarding comment referencing this attachment.
2849	15	ATT3: Picture of the striped bass food web	Please see response to comment 2849-4 regarding comment referencing this attachment.
2849	16	ATT4: Graph of the yearly estimated adult-sized striped bass in the Central Valley	Please see response to comment 2849-3 regarding comment referencing this attachment.
2849	17	ATT5: Sacramento Bee letter to the editor from 2013-2-26 titled "Meral retires but Delta plan endures"	Please see response to comment 2849-6 regarding comment referencing this attachment.
2849	18	ATT6: High Country News article titled "Tunneling under California Bay Delta water wars"	Please see response to comment 2849-6 regarding comment referencing this attachment.
2849	19	ATT7: Letter from NMFS research scientist to California Fish and Game Commission requesting removal of fishing regulation on striped bass	Please see response to comment 2849-6 regarding comment referencing this attachment.
2849	20	ATT8: Letter from fishing and environmental organizations to Ken Salazar dated 2012-06-12 mentioning the intent to construct the tunnels	Please see response to comment 2849-8 regarding comment referencing this attachment.
2849	21	ATT9: Letter from Kern County Water Agency dated 2012-07-27 about BDCP tunnels	Please see response to comment 2849-6 regarding comment referencing this attachment.
2849	22	ATT10: Memo from DWR dated 2015-05-06 describing establishment of DWR BDCP organizations	Please see response to comment 2849-6 regarding comment referencing this attachment.
2849	23	ATT11: Letter from Delta Independent Science Board dated 2015-09-30 with review of RDEIR	The comments provided by the Delta Independent Science Board are included in full as an attachment to letter RECIRC 2546. Responses to all of their comments are included as part of the responses to that letter. Please refer to letter RECIRC 2546 and/or BDCP 1448 for responses to these comments quoted here. Please also see response to comment 2849-9 regarding comment referencing this attachment.
2849	24	ATT12: Declaration of Matthew L. Nobrigo in opposition to plaintiff's motion for summary adjudication of issues	Please see response to comment 2849-4 regarding comment referencing this attachment.
2849	25	ATT13: Letter from Center for Watershed Sciences dated 2010-08-26 about striped bass predation on listed fishes	Please see response to comment 2849-4 regarding comment referencing this attachment.

RECIRC Ltr#	Cmt#	Comment	Response
2849	26	ATT14: A Synopsis of the State of Science Regarding the Feeding Ecology of San Francisco Estuary Striped Bass and its Effects on Listed Fishes	Please see response to comment 2849-4 regarding comment referencing this attachment.
2849	27	ATT15: Notice of Exemption from Contra Costa Water District about Rock Slough Fish Screen relocation	The comment describes an attachment to the comment letter. The attachment does not raise any additional issues related to the environmental analysis in the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS that are not already addressed in the comment referencing the attachment or the Final EIR/EIS. Please refer to response to comment 2849-5.
2849	28	ATT16: Assistance Agreement between Reclamation and Contra Costa Water District	The comment describes an attachment to the comment letter. The attachment does not raise any additional issues related to the environmental analysis in the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS that are not already addressed in the comment referencing the attachment or the Final EIR/EIS. Please refer to response to comment 2849-5.
2849	29	ATT17: Reclamation Categorical Exclusion Checklist about Rock Slough Fish Screens	The comment describes an attachment to the comment letter. The attachment does not raise any additional issues related to the environmental analysis in the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS that are not already addressed in the comment referencing the attachment or the Final EIR/EIS. Please refer to response to comment 2849-5.
2849	30	ATT18: Reclamation Hydraulic Laboratory Technical Memorandum PAP-1067 about Rock Slough Fish Screen Hydraulic Evaluation	The comment describes an attachment to the comment letter. The attachment does not raise any additional issues related to the environmental analysis in the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS that are not already addressed in the comment referencing the attachment or the Final EIR/EIS. Please refer to response to comment 2849-5.
2850	1	Delta Plan and Delta Reform Act Consistency. Issue: If the California WaterFix is ultimately chosen as the project, DWR will need to certify that the California WaterFix is consistent with the Delta Plan. In addition, the BDCP EIR should fulfill the requirements of Water Code section 85320(b)(2). Recommendation: Continue reviewing the Delta Plan and Delta Reform Act and aligning all elements of the final EIR/S so that certification of consistency with the Delta Plan can be ascertained.	In April 2015 state and federal agencies announced a new sub-alternative—Alternative 4A (California WaterFix) —which replaced Alternative 4 (the proposed BDCP) as the state’s proposed project. Alternative 4A reflects the state’s proposal to separate the conveyance facility and habitat restoration measures into two separate efforts: California WaterFix and California EcoRestore. These two efforts are a direct reflection of public comments and fulfill the requirement of the 2009 Delta Reform Act to meet co-equal goals. See Master Response 31 (Delta Reform Act) regarding consistency of the Delta Reform Act. No issues related to the adequacy of the environmental impact analysis in the EIR/S were raised.
2850	2	Inconsistencies and Inadequacies of the Recirculated Draft EIR/S. Issue: The recirculated draft EIR/S contains a wealth of information, but lacks completeness and clarity (in applying science) to far-reaching policy decisions. The EIR/S also defers essential material to the Final EIR/EIS and retains a number of deficiencies from the Bay Delta Conservation Plan Draft EIR/5. Recommendation: Research and develop additional productive alternatives to the preferred Alternative 4A, that either result in the development of "new" water, and/or offer creative solutions for strategically maximizing and regionally managing California's natural precipitation in a way that does not require elaborate infrastructure development or changes.	Please see Master Response 37 regarding why an alternative focused on creating additional storage, either in the Delta or elsewhere, was not included in the BDCP/California WaterFix or FEIR/EIS. For more information regarding purpose and need please see Master Response 3. For additional information on Alternatives Development, please see Master Response 4. The proposed project is just one element of the state’s long-range strategy to meet anticipated future water needs of Californians in the face of expanding population and the expected effects of climate change. The proposed project is not a comprehensive, statewide water plan, but is instead aimed at addressing many complex and long-standing issues related to the operations of the SWP and CVP in the Delta, including reliability of exported supplies, and the recovery and conservation of threatened and endangered species that depend on the Delta. Although conservation components, water storage, 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 lead agencies have complied with CEQA and NEPA and have not deferred essential material until the Final EIR.

RECIRC Ltr#	Cmt#	Comment	Response
2850	3	<p>Identification of a Preferred Alternative (1.1.3, Page 1-6, L 29).</p> <p>Issue: RDEIR/S states: "As was true at the time the Draft EIR/EIS was issued, the existence of a preferred alternative -- or a proposed project -- does not mean that the remaining alternatives from that document are no longer under active consideration. The choice of a preferred alternative is purely provisional and subject to change." (Page 1-6, L 29-33).</p> <p>Recommendation: California water is a public trust, and the design of this system is privatizing the water source from Northern California.</p>	<p>The proposed project is grounded in concepts of efficiency and public benefit, and utilizes best available science for design and implementation. The State Water Resources Control Board will have a chance to evaluate these efforts of public trust compliance when an application is made under the proposed project to change the point of diversion. For additional information on Public Trust, please see Master Response 13. For additional information regarding the identification of a preferred alternative, please see Master Response 4.</p>
2850	4	<p>Purpose and Need (1.1.4.2).</p> <p>Issue: "The purposes of the proposed actions are to achieve the following . . . 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 terms and conditions of water delivery contracts held by SWP contractors and certain members of San Luis Mendota Water Authority and other existing applicable agreements." (Page 1-9, L25, and L33-37).</p> <p>Recommendation: Reveal that Alternative 9 is the Alternative of choice for this purpose as it centers around the Delta cross channel, the diversion for the CVP.</p>	<p>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, including Alternative 9, were considered but ultimately rejected by the Lead Agencies.</p> <p>For additional information on Purpose and Need as well as Alternatives Development, please see Master Responses 3 and 4.</p>
2850	5	<p>Project Need (Page 1-10, L5).</p> <p>Issue: "Improvements to the conveyance system are needed to respond to increased demands upon and risks to water supply reliability, water quality and the aquatic ecosystem." (Page 1-10, L9-13) These physical changes, coupled with higher water discharges and changes in constituent dilution capacity from managed inflows and diversions, have stressed the natural system and led to a decline in ecological productivity.</p> <p>Recommendation: Stop doing more of the same and expect a different outcome.</p>	<p>Please refer to Chapter 8, Water Quality and Chapter 11, Fish and Aquatic Resources for a detailed description of effects of the action alternatives on water quality constituent concentrations and effects on listed fish species. 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.</p>
2850	6	<p>Water Supply Reliability.</p> <p>Issue: "The current and projected future inability of the SWP and CVP to deliver water to meet the demands of certain south of Delta CVP and SWP water contractors is a very real concern. More specifically, there is an overall declining ability to meet defined water supply delivery volumes and water quality criteria to support water user's needs for human consumption, manufacturing uses, recreation, and crop irrigation."</p> <p>Recommendation: It will take a combination of different new approaches to solve California's water [problem].</p>	<p>Please see response to comment 2850-2 above.</p>
2850	7	<p>North Delta Intakes.</p> <p>Issue: "Two 7,500 cfs [cubic feet per second] intake structures and two pumping plants would be constructed under Alternative 9. These intakes would be located where the Sacramento River meets the Delta Cross Channel and Georgiana Slough; the pumping</p>	<p>Please see response to comment 2850-1.</p> <p>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, including Alternative 9, were considered but ultimately rejected by the Lead Agencies. For additional information</p>

RECIRC Ltr#	Cmt#	Comment	Response
		<p>plants, which include their own small intake structures, would be located on the San Joaquin River at the head of Old River and on Middle River upstream of Victoria Canal. However, these facilities differ substantially from those that would be incorporated into other alternatives." (Page 3-27, L29-34.)</p> <p>Recommendation: Move these intakes further south. Intakes in these areas will devastate the towns of Locke and Walnut Grove and create a saltwater marsh where rich agricultural lands currently exist.</p>	regarding the formulation and selection of alternatives for evaluation in the EIR/EIS, please see Master Response 4.
2850	8	<p>Intake Perimeter Berm.</p> <p>Issue: "Construction of the Georgiana Slough intake for Alternative 9 would require the relocation of a levee and associated road to create space for a boat channel and lock to allow continued boat access between the Sacramento River and Georgiana Slough. Both diversion pumping plants, along with their associated facilities, would be constructed on engineered fill, with a final ground level of approximately 25 feet for the Old River plant and 15 feet for the Middle River plant." (Page 3-28, L20-24). "Pumping plants constructed for Alternative 9 would not pump water from intake facilities in to other conveyance facilities. Rather, these pumping plants would provide diversion flow into existing channels. Each of the pumping plants would have three pumps plus one spare; each plant would have a 250 cfs [cubic feet per second] capacity. The San Joaquin River plant would carry additional flows with organic material into Old River. The Middle River plant would convey additional flows with lower salinity levels into Old River. These plant sites would include a dewatering sump and discharge piping, flow meter vaults, outfall piping, an electrical and control building, an access road, and a transformer." (Page 3-33, L 20-24).</p> <p>Recommendation: Choose to move forward this winter with the Delta-Tulare Water Plan. It has the potential to provide more water and can support both the SWP and CVP.</p>	Please see response to comment 2850-2 above.
2850	9	<p>The Delta Stewardship [Council (DSC)]'s letter on the draft EIR/S identified information that should be included in the final EIR/S to comply with Water Code section 85320. Appendix G of the partially recirculated draft EIR/S provides a useful overview of how DWR anticipates it will approach certification of the California WaterFix's consistency with the Delta Plan in conformance with Water Code Section 85225. To ensure the project uses the best available science (23 CCR section 5002(b)(3)), and includes adequate provisions to assure implementation of adaptive management (23 CCR section 5002(b)(4)), we also urge you to pay special attention to the DSC's and the Independent Science Board's reviews of the draft and partially recirculated draft EIR/S.</p>	<p>All comment letters and responses are included as part of the Final EIR/S. All appendices are also part of the administrative record. For additional information on Compliance with the Delta Reform Act, please see Master Response 31. For additional information on Adaptive Management, please see Master Response 33.</p> <p>All comment letters and responses are included as part of the Final EIR/S. All appendices are also part of the administrative record. The comment does not raise any environmental issue related to the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS.</p> <p>For responses to comments related to the Delta Independent Science Board's letters, please refer to comment letters BDCP 1448 and/or RECIRC 2546.</p>
2850	10	<p>Inconsistencies and Inadequacies of the Recirculated Draft EIR/S:</p> <p>The effects of California WaterFix extend beyond water conveyance to impacting the economic engines of recreation, cultural and community attributes, and agriculture in the Delta. These interdependent issues of statewide importance warrant an environmental impact assessment that is more complete and accurate than the current draft which is fraught with errors, omissions and inconsistencies.</p>	<p>This is a general comment on the adequacy of the RDEIR/SDEIS. Recreation, cultural resources, and agricultural impacts of Alternatives 4, 4A, 2D and 5A are presented in Section 3 of the RDEIR/SDEIS. Without more specific comments on the analysis deficiencies no additional response is possible.</p>

RECIRC Ltr#	Cmt#	Comment	Response
2850	11	<p>Identification of a Preferred Alternative:</p> <p>All described alternatives are the same alternative with changes to its various aspects. Page 1-3, L15-18: "The three alternatives, Alternatives 4A, 2D, and 5A, are included to ensure that a reasonable range of alternatives are considered. These new alternatives are considered 'sub-alternatives' to Draft EIR/EIS Alternatives 4, 2A and 5 because they generally adopt the same conveyance facility features as the original Draft EIR/EIS alternatives but with different operational characteristics." The public deserves to learn about new ways and expanded potential solutions to creating a reliable water supply for all of California; and the ecosystem mitigation could be solved in a much more natural and less expensive way as well.</p>	<p>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 refer to Master Response 6 for additional details on demand management.</p>
2850	12	<p>Water Supply Reliability:</p> <p>The Delta Plan states that we need to stop [relying] on the Delta for our water supply. Regional water solutions are on the horizon and need to be studied for their feasibility. Among these solutions are:</p> <ul style="list-style-type: none"> -Delta-Tulare Water Plan (Steve Haze, Anna Swenson, Rob Simpson) -Western Delta Intakes (Dr. Robert Pyke) -SolAgra (Mike Reagan) -Offshore Desalinization run by Wave Action (Joseph Rizzi) -Air to Water Units - AWS (Joseph Mount) -Primary Water (Pal Pauer) <p>Better management of California's water, whether it be the existing water or solutions for new water, needs to include creative ways to support regional water supply reliability.</p> <p>Implementation of Phase II of the Delta-Tulare Water Plan would move the diversion farther south on Sherman Island.</p> <p>The current new points for diversion are tremendously disruptive and lethal for the Delta economy both short- and long-term. It is also noted by this reader that the Delta Stewardship Council has determined that the water permits are extremely overshot and need to be revised before long-term senior water rights are disrupted.</p>	<p>Please refer to Master Response 4 for additional details on the selection of alternatives and compliance with CEQA and NEPA and the Delta Reform Act.</p> <p>Also, please refer to Master Response 6 for additional details on demand management as well as Master Response 7 for information on desalination and why it was not included as a project alternative.</p>
2850	13	<p>Intake Perimeter Berm Issue:</p> <p>The berm issue is concerning. GW-1, Page 7-10: "According to the MPTO [modified tunnel/pipeline option] CER [conceptual engineering report], "a deep slurry cutoff wall will be installed to enhance future public protection from levee under-seepage in accordance with USAC [U.S. Army Corps of Engineers] requirements and to reduce the groundwater inflow into deep excavations within the intake facility site pad." Water and mudflow are difficult to contain and especially Alternative 9 potential affects</p>	<p>The impact and mitigation measures for GW-1 have been updated in the Final EIR/EIS and the impact is less than significant with the updated mitigation. Please see Chapter 7 in this Final EIR/EIS for the revised discussion</p>

RECIRC Ltr#	Cmt#	Comment	Response
2850	14	<p>would be too close to residential areas such as Locke and Walnut Grove.</p> <p>RDEIS/R- ES.1.3 - Areas of Known Controversy states the "Range and Adequacy of Alternatives is an issue of concern to the public as well as to governmental agencies. In response, the RDEIR/SDEIS proposes three new sub-alternatives -- 4A, 2D AND 5A".</p> <p>It is [North Delta C.A.R.E.S.'s] belief that the preferred Alternative 4A (and Alternative 9), as well as all of the Alternatives described in the BDCP RDEIR/SDEIS (Alternatives 4A, 2D and 5A) are only choices of the same alternative with degrees of changes in various aspects of the same basic concept.</p>	<p>Please refer to Master Response 4 and Appendix 3A of the EIR/EIS for additional details on the selection of alternatives. Also, please see Master Response 3 for additional details on the project purpose and need.</p>
2850	15	<p>We [North Delta C.A.R.E.S.] recommend the Delta-Tulare Water Plan.</p> <p>The Department of Water Resources California Water Plan "Update 2009" comes on the heels of a historic water legislation package passed by the Legislature and signed into law by Governor Schwarzenegger in November 2009. New to this Water Plan is "an integration of water resource and flood management throughout the state." This approach aims to increase resiliency in our systems while yielding multiple benefits like increased public safety, habitat protection and water supply reliability." (Water Plan 2009, pg. 1)</p> <p>We support a reliable water supply for all Californians and a restored Delta ecosystem; however, this Plan is being done in the wrong way for the wrong reasons. A regional integrated water system needs to be jointly created and managed properly.</p> <p>Therefore, a new, well thought-out approach has been developed called the Delta-Tulare Water Plan. This Plan suggests that surplus water beyond that needed for a healthy ecosystem be diverted to the Central Valley and be stored in the original Tulare Lake Basin, both surface and underground. This is a cost-effective, environmentally superior alternative to Alternative 4A (and Alternative 9) that is technically feasible with the potential to create 1.1 million acre-feet of new water annually with no damage to Delta farms or state fisheries.</p> <p>What is the Delta-Tulare Water Plan?</p> <ul style="list-style-type: none"> -A new conveyance system in the West Delta that delivers water to the existing south Delta pumps. -New water storage in the Tulare Lake Basin, which will function as a water hub for the surrounding region. -Flows captured in the West Delta are delivered via the California Aqueduct to the Tulare Lake Basin for storage and re-distribution. -1.1 million acre-feet of new water can be captured and stored -- surplus water that would not be used for the environment and otherwise go out to sea. -Can be implemented without the multi-billion dollar costs, decade-long disruptions, farmland forfeiture, and environmental damage associated with the twin tunnels (Alternative 4A and Alternative 9) proposal. 	<p>The EIR/EIS presents an evaluation of the Alternatives screening analysis in Appendix 3A. In this Appendix a number of western delta diversion systems, including the Pyke Proposal are evaluated. These kinds of alternatives were rejected from further consideration in the EIR/EIS in part because some of the elements in this proposal are similar to other alternatives carried forward in the EIR/EIS (Alternatives 1C, 2C and 6C), salinity issues exist in the western Delta near Sherman Island, potential issues exist related to flooding Sherman Island, and water quality issues could restrict export water supplies. Other elements of this proposal such as a storage facility in the Tulare Basin were not included in an alternative because it has been determined to be outside the scope of the BDCP/California WaterFix although the State does promote increased water supply storage as part of the California Water Action Plan. Please refer to Section 3A.11.4 of Appendix 3A, Identification of Water Conveyance Alternatives, Conservation Measure 1. Please refer also to Master Response 4, which discusses alternatives development for the EIR/EIS.</p>

RECIRC Ltr#	Cmt#	Comment	Response
		<p>The cost of the Delta-Tulare Water Plan is relatively inexpensive compared to Alternative 4A, creates maximum storage for 2.5 million acre-feet of water or more, has the flexibility of 5 rivers and 3 canals for conveyance, uses existing infrastructure, creates flood control for 4 rivers, is already linked to the California aqueduct, creates zero loss of clean hydroelectricity, recharges ground water storage in the Central Valley, creates a bi directional movement of water, has minimal environmental impact and creates significant environmental improvements.</p> <p>Currently, most of California's surface water is captured and stored in Northern California in the winter, then pumped south in summer. The disadvantage of this system is that by pumping when flows are naturally low, saltwater intrusion and reverse flows are more likely to occur in the Delta. The Delta-Tulare Water Plan reverses this paradigm. Because it utilizes storage in the south, water can be pumped south in the winter when flows and water quality are high. Instead of water going out to sea during high flow events, the water can be captured and conveyed to Tulare Lake for redistribution and groundwater recharge.</p> <p>Fresh water is the lifeblood of Delta agriculture and the Delta ecosystem. Without adequate flows to keep saltwater out, the ecosystem suffers and water becomes too salty for irrigation. One of the biggest flaws in Alternatives 4A (and Alternative 9) (twin tunnels plan) is the placement of intakes at the top of the Delta system, depriving the Delta of the freshwater flows it needs.</p> <p>Sherman Island in the west Delta is the ideal location for new water intakes and conveyance because it allows water to flow down the Sacramento River through the Delta before being captured and sent south. Sherman Island is already 90% owned by the State of California, so there is less impact on farms or homes (unlike the twin tunnels and Alternatives 4A and 9 which require the sacrifice of 300 Delta farms and homes for the tunnels alone. It has not been determined how many properties will be affected by eminent domain for the creation of habitat.)</p> <p>At 2.5 million acre-feet, the historical Tulare Lake was the largest natural freshwater lake west of the Mississippi. When California agriculture began to develop, the lake was drained and became farmland. Today the Tulare Lake region has a robust array of canals that, with some infrastructure enhancement and cooperation of landowners, could be used to store and redistribute water.</p> <p>In addition to providing water for agriculture and urban use, water stored at Tulare Lake can be used to recharge depleted aquifers in the region. In wet years especially, water can be moved out of Tulare Lake to recharge stations, then the Tulare Lake water would be replenished by water captured in the West Delta.</p> <p>With West Delta conveyance in position, the capture of excess flows through reoperations and timing is greatly enhanced. Fresh water flows of a higher quality for the benefit of agriculture, urban use and the environment become much more abundant and reliable. The smoothing of water supply versus water demand can be performed on a real-time basis. South of Delta deliveries can be performed with less saltwater intrusion (X2) beyond Sherman Island. More water and of a higher quality could be reliably available for all users.</p>	

RECIRC Ltr#	Cmt#	Comment	Response
		<p>Alternative 4A, aka twin tunnels, is expected to cost upwards of \$50 billion, including interest. This sobering price tag does not include the inevitable cost of overruns. The Delta-Tulare Water Plan costs far less. New intakes and conveyance in the west Delta would cost a fraction of the 4A Alternative (twin tunnels), and most of the distribution canals needed in the Tulare Lake area already exist.</p> <p>Next steps:</p> <ul style="list-style-type: none"> -Feasibility study of west Delta conveyance or pieces thereof. -Analysis of reoperation and capture of Delta flows based on west Delta conveyance. -Feasibility study of Tulare Lake Basin used as a water storage and distribution hub. 	
2850	16	There are several proposals for west Delta intakes and conveyance systems, including proposals by Dr. Robert Pyke and SolAgra. What is needed now is a feasibility study to evaluate the technical, financial and environmental merits of these and other proposals.	Please refer to Master Response 4 and Appendix 3A of the EIR/EIS for additional details on the selection of alternatives. Also, please see Master Response 3 for additional details on the project purpose and need.
2850	17	<p>It has been brought to [North Delta C.A.R.E.S.'s] attention that Semitropic Water Agency approached the Department of Water Resources in May 2015 with a Tulare Lake Supply and Storage Project - A Central Valley Water Supply Solution (see attached [ATT3]). The project offers: expansion of an already-permitted and operational groundwater water bank; true south-of-Delta surface water storage adjacent to the California aqueduct; significant operational flexibility to meet near term and long term water needs; regional flood control benefits; a new water supply by capturing otherwise lost floodwaters; and wildlife habitat restoration in the historical Tulare Lake bed. The Semitropic Water Storage District is the lead agency for this project.</p> <p>The Delta-Tulare Water Plan is a parallel recommendation with a major component being the replacement of Alternatives 4A and 9, (twin tunnels), with this plan.</p> <p>Let's take the next steps on the Delta-Tulare Water Plan. The people of California want our elected officials and policymakers to take a more reasoned approach to our water resource challenges -- one that does not pit north vs. south, or agriculture vs. agriculture, agriculture vs. urban interests or vs. the environment.</p> <p>We, too, support "a system that meets today's needs without compromising the ability of future generations to meet their own needs." The Delta-Tulare Water Plan provides for the economy of the entire state, the ecosystem, and equity in both. North Delta C.A.R.E.S., along with Citizens Water Plan of Southern California and the San Joaquin Leadership Forum, urge you to take the next steps on the Delta-Tulare Water Plan and refuse the BDCP, all of its alternatives and the twin tunnels plan.</p>	Please see Response to Comment 2850-2 above.
2850	18	[ATT1: Information sheet about Delta-Tulare Water Plan.]	This attached document is the information sheet about the Delta-Tulare Water Plan.
2850	19	[ATT2: Brochure about water from San Joaquin Valley Leadership Forum.]	The attachment is a brochure about water from San Joaquin Valley Leadership Forum.
2850	20	[ATT3: Information sheet about Tulare Lake Supply and Storage Project by Semitropic Water Storage District.]	The attachment is an information sheet about Tulare Lake Supply and Storage Project by Semitropic Water Storage District.

RECIRC Ltr#	Cmt#	Comment	Response
2850	21	[ATT4: State Water Project Analysis Office list of turnout authorization procedures.]	The attachment is the State Water Project Analysis Office list of turnout authorization procedures.
2850	22	[ATT5: Maps, plans, and pictures at proposed Tulare Lake project location and surrounding basin.]	The attachment consists of maps, plans, and pictures at proposed Tulare Lake project location and surrounding basin.
2851	1	Delta Plan and Delta Reform Act consistency. Issue: If the California WaterFix is ultimately chosen as the project, DWR will need to certify that the California WaterFix is consistent with the Delta Plan. In addition, the BDCP EIR should fulfill the requirements of Water Code section 85320(b)(2). Recommendation: Continue reviewing the Delta Plan and Delta Reform Act and aligning all elements of the final EIR/S so that certification of consistency with Delta Plan can be ascertained and attained.	In April 2015 state and federal agencies announced a new sub-alternative—Alternative 4A (California WaterFix) —which replaced Alternative 4 (the proposed BDCP) as the state’s proposed project. Alternative 4A reflects the state’s proposal to separate the conveyance facility and habitat restoration measures into two separate efforts: California WaterFix and California EcoRestore. These two efforts are a direct reflection of public comments and fulfill the requirement of the 2009 Delta Reform Act to meet co-equal goals. See Master Response 31 for more information about the Delta Reform Act. No issues related to the adequacy of the environmental impact analysis in the EIR/S were raised.
2851	2	Comprehensive project description. Issue: The final EIR/S needs a project description that is complete. Important cultural and historical information and perspective are necessary factors to be considered to be consistent with the Delta Plan and to offer comprehensive and complete information for informed approval by Lead and Cooperating Agencies. Recommendation: The final EIR/S's project description should be consistent with and fully vetted information regarding the critical historical value not only of the historic 9 Legacy Towns of the North Delta, but also of the importance tourism plays in the Recreational opportunities of the Delta.	The description of the alternatives described in Chapter 3 is intended to present descriptions of the alternatives evaluated in EIR/EIS resource chapters, including cultural resources. Cultural landscapes are discussed throughout Chapter 18, including Rural Historic Landscapes in the Delta (Section 18.1.7.8). Direct effects of these cultural landscapes are discussed in Section 18.3.2 and Mitigation Measure CUL-6 includes following the Secretary of the Interior’s Standards for the Treatment of Historic Properties (36 CFR 68) and the National Park Service’s Guidelines for the Treatment of Cultural Landscapes. For additional information regarding Cultural Resources, please see Master Response 20. For additional information regarding Delta as a Place, please see Master Response 24.
2851	3	Evaluation and mitigation of impacts to unique Delta values, general Delta recreation including tourism, and Delta aesthetics. Issue: The maps in Figure M15-4, Sheets 1-8 as well as Recreation Chapter 15 are inadequate both in fully evaluating and depicting the full-spectrum aspects of recreation in the Delta, as well as labeling and identifying the recreational aspects that are depicted. Recommendation: The final maps in Figure M15-4, Sheets 1- 8, as well as the Recreation Chapter 15 should take into account and depict/reflect all recreation in the Delta such as tourism, museums, Delta wineries and wine tasting venues including the Clarksburg Appellation vintners, agri-tourism locations, art galleries, and the 10-mile Delta Scenic Loop. Additionally, there are numerous locations for special occasion events such as weddings and parties, unique shopping experiences in the 9 Legacy Towns with the beautiful backdrop of the Sacramento River and sloughs that wind their way around 60 islands.	Tourism and businesses are discussed in Chapter 16, Socioeconomics, rather than in Chapter 15. Please refer to Chapter 16, Socioeconomics, Impacts ECON-1, 3, and 5 regarding impacts to regional economics, changes in community character, and effects on recreational economics. When required, DWR would provide compensation to property owners for economic losses due to implementation of the proposed project. For additional information regarding Delta as a Place, please see Master Response 24.
2851	4	Evaluation and mitigation of impacts to the Community Character of the Delta. Issue: The community character of the Delta has been minimized, with limited acknowledgement and mitigation of the effects to this rural-flavored jewel if Alternative 4A is chosen for implementation. Recommendation: Further study and development of mitigation options to reduce the impacts on the Delta's community character and culture.	The purpose of the proposed project’s EIR/EIS is to analyze the impacts of the alternatives on the environment under the legal framework of NEPA and CEQA. The analysis covers 26 resource areas within the plan area. Although “Delta as a Place” is not a specific topic area, the EIR/EIS nonetheless addresses many of the concerns raised by the Delta Stewardship Council and the Independent Science Board by virtue of the analysis required under CEQA and NEPA. The impacts from construction activities, for example, are discussed across all the resource chapters. The other issues raised are covered in specific chapters such as Chapter 7, Groundwater, Chapter 14, Agricultural Resources, Chapter 15, Recreation, Chapter 18, Cultural Resources, and Chapter 16, Socioeconomics. Please refer to Master Response 24 (Delta as a Place) for

RECIRC Ltr#	Cmt#	Comment	Response
			<p>further information.</p> <p>For responses to comments related to the Delta Independent Science Board's letters, please refer to comment letters BDCP 1448 and/or RECIRC 2546.</p>
2851	5	<p>Summary of the vast range of recreational opportunities of the Delta. Issue: The Delta has a myriad of diverse recreational opportunities, many of them which are not included on the M15-4 maps, Sheets 1-8 or in the Recreation Chapter 15, nor addressed in many other areas of the BDCP or recirculated draft EIR/S which address Delta recreation. This includes addressing both water-based recreation and land-based recreation.</p> <p>Recommendation: Engage in extensive research as to the historic value of the 9 legacy towns the North Delta and identify, recognize, and include the many diverse forms of recreation opportunities offered in the Delta, including the multiple aspects of tourism and mitigate for the numerous significant and unavoidable adverse impacts that will occur if the preferred Alternative 4A or Alternative 9 are implemented.</p>	<p>Tourism and businesses are discussed in Chapter 16, Socioeconomics, rather than in Chapter 15. Please refer to Chapter 16, Socioeconomics, Impacts ECON-1, 3, and 5 regarding impacts to regional economics, changes in community character, and effects on recreational economics. When required, DWR would provide compensation to property owners for economic losses due to implementation of the proposed project. On-water and on-land recreation will continue to be available throughout the Delta.</p>
2851	6	<p>9 Historic Legacy Towns in the North Delta. Issue: The historic value of these 9 legacy towns in the North Delta especially in relation to their proximity to the preferred Alternative 4A and Alternative 9 is not adequately recognized or accommodated for either in the Figure M15-4 maps, Sheets 1-8, or in the Recreation Chapter 15.</p> <p>Recommendation: Engage in extensive research as to the historic value of the 9 Historic Legacy Towns in the North Delta and identify the tourism/recreational aspects that these towns provide to the legacy of California's beginnings as well as to California's economy and the respective communities. Additionally, add and label/identify these towns as recreational centers on the final maps in Figure M15-4, Sheets 1-8, as well as in Recreation Chapter 15.</p>	<p>Cultural landscapes are discussed throughout Chapter 18, including Rural Historic Landscapes in the Delta (Section 18.1.7.8). Direct effects of these cultural landscapes are discussed in Section 18.3.2 and Mitigation Measure CUL-6 includes following the Secretary of the Interior's Standards for the Treatment of Historic Properties (36 CFR 68) and the National Park Service's Guidelines for the Treatment of Cultural Landscapes. Lastly, Mitigation Measure CUL-5 specifies consultation and implementation of a Built Environment Treatment Plan (BETP). This BETP will specify property-specific protect, avoidance, and treatment as necessary.</p> <p>The Lead Agencies consider Figure M15-4 comprehensive in documenting the existing well-established public use or private commercial recreation facilities that could be affected by the proposed project.</p> <p>For more information regarding significant and unavoidable impacts please see Master Response 10.</p>
2851	7	<p>Historic Museums in the North Delta. Issue: The historic value of the 12 major museums in the North Delta has not been adequately recognized or efforts identified to protect these historic treasures and mitigate for the unavoidable adverse impacts that will occur if Alternative 4A or Alternative 9 are implemented.</p> <p>Recommendation: To identify, add, and label the historic museums in the North Delta on the final maps in Figure M15-4, Sheets 1 8, as well as in Recreation Chapter 15.</p> <p>Engage in extensive research as to the historic value of the 9 Historic Legacy Towns in the North Delta and identify the tourism/recreational aspects that these towns provide to the legacy of California's beginnings as well as to California's economy and the respective communities. Additionally, add and label/identify these towns as recreational centers on the final maps in Figure M15-4, Sheets 1-8, as well as in Recreation Chapter 15.</p>	<p>Cultural landscapes are discussed throughout Chapter 18, including Rural Historic Landscapes in the Delta (Section 18.1.7.8). Direct effects of these cultural landscapes are discussed in Section 18.3.2 and Mitigation Measure CUL-6 includes following the Secretary of the Interior's Standards for the Treatment of Historic Properties (36 CFR 68) and the National Park Service's Guidelines for the Treatment of Cultural Landscapes. Lastly, Mitigation Measure CUL-5 specifies consultation and implementation of a Built Environment Treatment Plan (BETP). This BETP will specify property-specific protect, avoidance, and treatment as necessary.</p> <p>The Lead Agencies consider Figure M15-4 comprehensive in documenting the existing well-established public use or private commercial recreation facilities that could be affected by the proposed project.</p> <p>For more information regarding significant and unavoidable impacts please see Master Response 10.</p>
2851	8	<p>Wineries and Wine Tasting Venues in the North Delta. Issue: The agricultural and tourist appeal of the Clarksburg Appellation and North Delta Wine Growing Region, including over 25 wineries and wine tasting venues has not been adequately recognized, identified or addressed to protect this Recreational/Tourist treasure of</p>	<p>Chapter 15, Recreation, describes winetasting as land-based recreation, and Chapter 16, Socioeconomics, describes winetasting along with community character, and wineries are part of the regional and agricultural economics analysis.</p>

RECIRC Ltr#	Cmt#	Comment	Response
		<p>California and mitigate for the unavoidable adverse impacts that will occur if Alternative 4A or Alternative 9 are implemented.</p> <p>Recommendation: To identify, add, and label the valuable Clarksburg Appellation vintners, wineries, and wine tasting venues of the Clarksburg Appellation and North Delta on the final maps in Figure M15-4, Sheets 1- 8, as well as a notable aspect of recreation in Recreation Chapter 15.</p>	<p>The Lead Agencies consider Figure M15-4 comprehensive in documenting the existing well-established public use or private commercial recreation facilities that could be affected by the proposed project.</p> <p>For more information regarding significant and unavoidable impacts please see Master Response 10.</p>
2851	9	<p>Agri-Tourism Locations (Excluding Wineries) in the North Delta. Issue: The tourism and recreational value of the 13 major agri-tourism locations in the North Delta has not been adequately recognized or efforts identified to protect these agricultural recreation/tourist (i.e. agri-tourism sites and mitigate for the unavoidable adverse impacts that will occur if Alternative 4A or Alternative 9 are implemented.</p> <p>Recommendation: To identify, add, and label the agri-tourism and Sacramento Delta Grown tourist destinations in the North Delta on the final maps in Figure M15-4, Sheets 1-8, as well as in Recreation Chapter 15 as notable and credible aspects of recreation in the North Delta. Address the unavoidable adverse impacts that will occur if Alternative 4A or Alternative 9 are implemented and mitigate for these.</p>	<p>Tourism and businesses are discussed in Chapter 16, Socioeconomics, rather than in Chapter 15, Recreation. Please refer to Chapter 16, Socioeconomics, Impacts ECON-1, 3, and 5 regarding impacts to regional economics, changes in community character, and effects on recreational economics. Impacts to agriculture are identified and discussed in Chapter 14; the lead agencies have proposed measures that would support and protect agricultural production in the Delta by securing agricultural easements and/or by seeking opportunities to protect and enhance agriculture with a focus on maintaining economic activity on agricultural lands. Please see Master Response 18 for more information on agricultural mitigation and Master Response 24 for information on the Delta As a Place.</p> <p>The Lead Agencies consider Chapter 15 and Figure M15-4 comprehensive in documenting the existing well-established public use or private commercial recreation facilities that could be affected by the proposed project.</p> <p>For more information regarding significant and unavoidable impacts please see Master Response 10.</p>
2851	10	<p>Art Galleries in the North Delta. Issue: The historic value of the 9 major art galleries in the North Delta has not been adequately evaluated, recognized or efforts identified to protect these historic treasures and mitigate for the unavoidable adverse impacts that will occur if Alternative 4A or Alternative 9 are implemented.</p> <p>Recommendation: To adequately evaluate, identify, add, and label the 9 major Art Galleries in the North Delta on the final maps in Figure M15-4, Sheets 1-8, as well as acknowledge Art Galleries as recreation centers in Recreation Chapter 15, and to address and mitigate the unavoidable adverse impacts that will occur if Alternative 4A or Alternative 9 are implemented.</p>	<p>Cultural landscapes are discussed throughout Chapter 18, including Rural Historic Landscapes in the Delta (Section 18.1.7.8). Direct effects of these cultural landscapes are discussed in Section 18.3.2 and Mitigation Measure CUL-6 includes following the Secretary of the Interior’s Standards for the Treatment of Historic Properties (36 CFR 68) and the National Park Service’s Guidelines for the Treatment of Cultural Landscapes. Lastly, Mitigation Measure CUL-5 specifies consultation and implementation of a Built Environment Treatment Plan (BETP). This BETP will specify property-specific protect, avoidance, and treatment as necessary.</p> <p>The Lead Agencies consider Chapter 15 and Figure M15-4 comprehensive in documenting the existing well-established public use or private commercial recreation facilities that could be affected by the proposed project.</p> <p>For more information regarding significant and unavoidable impacts please see Master Response 10.</p> <p>Please see Master Response 22 regarding Mitigation, Environmental Commitments, and Avoidance Minimization measures.</p>
2851	11	<p>Delta Scenic Loop. Issue: The recreational value of the Delta Scenic Loop, with its 25 marinas, recreational resorts, harbors, restaurants, and RV/Mobile Home Parks, will be severely and unavoidably adversely impacted with the construction of Alternative 4A and/or Alternative 9. Recommendation: To adequately evaluate, identify, add, and label the 25 recreational sites in the Delta Scenic Loop in the final maps in Figure M15-4, Sheets 1-8, as well as in Recreation Chapter 15, along with addressing the severe and unavoidable adverse impacts which will occur to the Delta Scenic Loop’s major recreational sites if Alternative 4A and/or Alternative 9 are implemented.</p>	<p>Marinas, resorts, harbors, and parks are included in Mapbook 15-4. Tourism sites are included in Chapter 16, Socioeconomics.</p> <p>For more information regarding significant and unavoidable impacts please see Master Response 10.</p>

RECIRC Ltr#	Cmt#	Comment	Response
2851	12	<p>DELTA PLAN AND DELTA REFORM ACT CONSISTENCY</p> <p>There is a disconnect between what the Delta Plan and the Delta Reform Act find is important regarding Recreation and protecting the community and agrarian qualities of the Delta, especially in the North Delta where the preferred Alternative 4A and Alternative 9 would have the most adverse impact and do the most harm to the agrarian ambiance of the Delta and what the BDCP and the partially recirculated draft EIR/S have recorded and addressed. Our comments on both the draft EIR/S and the partially recirculated draft EIR/S identify mitigation measures that may need improvement. Other comments below call attention to other aspects of the project where additional information or consideration of further alternatives or mitigation measures may be important to certification of the project's consistency with the Delta Plan.</p> <p>While Figure M15-4, sheets 1, 4, and 8, which include the areas most impacted by Alternative 4a and Alternative 9, show a minimum of 42 potentially impacted parks, marinas, resorts, fishing access's and docks, they are missing a whole separate, but just as important aspect of tourist attraction type recreation in the Delta, the Delta Plan map (Figure 5-6) shows attraction and historic sites, hunting facilities, winery/tasting room and legacy communities.</p>	<p>Chapter 15 relies on a 1,200-1,400-foot noise buffer to identify recreational sites that would be within that buffer distance of the proposed project's construction footprint. Any sites outside of that buffer were not included. For more information on that distance, please see Chapter 23, Noise, Section 23.43.3.2, Impact NOI-1. Tourism is discussed in Chapter 16, Socioeconomics.</p> <p>For additional information regarding the Delta Plan and the Delta Reform Act, please see Master Response 31.</p>
2851	13	<p>COMPREHENSIVE PROJECT DESCRIPTION</p> <p>Recreation in the Delta comes in many forms. There is both water-based and land-based recreation. Recreation may be primarily sightseeing or going for a drive in the country. It can also be tuning into the Sacramento River another way -through fishing, recreational boating, or swimming.</p> <p>One form of Delta recreation in the form of tourism has been largely ignored and omitted both the language and in maps of the BDCP and there has been little, if any, effort to correct these omissions, even though they were presented in comments to original iteration of the BDCP. Tourism in the Delta is alive and well and is well supported in the North Delta through a wine tasting area on par with Napa called the Clarksburg Appellation, which sports at least 25 wineries and wine tasting venues including Bogle Winery, which is known internationally--as well as at the White House--for its outstanding wines.</p> <p>Other tourism highlights in the North Delta include the 9 Legacy Towns, which are integrally woven with California's 1849 Gold Rush and the growth of California during the latter part of the 1800s and early 1900s. These Legacy Towns include the historic Locke, which is one of the last remaining towns in America built by Chinese for Chinese.</p> <p>These towns contain much history dating back to the Gold Rush Era and also include Museums (12), Art Galleries (9), wonderful shopping experiences including gift shops and bazaars and annual events, such as the Courtland Pear Fair, Rio Vista Bass Festival, Isleton Cajun Festival, and Taste of the Delta, weddings, etc.</p> <p>Agri-tourism includes 13 Delta Grown Farms and Winery Trail Farms and Orchards. The Delta Scenic Loop is awash with marinas, resorts, and extensive boating and water</p>	<p>Tourism and businesses are discussed in Chapter 16, Socioeconomics, rather than in Chapter 15, Recreation. Please refer to Chapter 16, Socioeconomics, Impacts ECON-1, 3, and 5 regarding impacts to regional economics, changes in community character, and effects on recreational economics. When required, DWR would provide compensation to property owners for economic losses due to implementation of the proposed project. On-water and on-land recreation will continue to be available throughout the Delta.</p>

RECIRC Ltr#	Cmt#	Comment	Response
		<p>sports.</p> <p>These will all be severely and unavoidably adversely impacted and largely abandoned during and after the construction process of the preferred Alternative 4A and/or Alternative 9. These treasures of the Delta need to be included in the equation of what will be lost --in addition to much of California's rich history, through the building of the tunnels.</p>	
2851	14	<p>EVALUATION AND MITIGATION OF IMPACTS TO UNIQUE DELTA VALUES, GENERAL DELTA RECREATION AND TOURISM ECONOMY, AND DELTA AESTHETICS</p> <p>Along with Recreation and Tourism, the unique Delta Values and Delta Aesthetics have been narrowly represented in either the draft BDCP or the recirculated EIR/S. The concerns expressed in the original BDCP were not addressed in the recirculated EIR/S.</p>	<p>The commenter does not raise a specific issue related to the adequacy of the EIR/EIS.</p> <p>Please refer to Master Response 24 for a discussion about "Delta as a Place".</p> <p>Please refer to comment number (2851-1) regarding the new preferred alternative.</p>
2851	15	<p>Construction of the conveyance facilities will result in numerous impacts, which are enumerated in a variety of areas throughout the EIR/S. However, the scale of collective impacts in the construction zone over ten or more years of construction have not been adequately estimated. Because the collective construction impacts will have a major effect on numerous resource categories, the final EIR/S should aggregate the description of impacts that affect community character associated with each alternative's construction activities in one location and summarize them, including the scope and time frames of each impact. In this aggregation, the final EIR/S should discuss the combined footprint of construction impacts affecting each community including effects on agriculture, recreation and tourism, noise, traffic congestion, aesthetic resources, local economies, and cultural resources. Each alternative should be compared to the other alternatives to enable improved evaluation of each alternative's direct and indirect effects.</p>	<p>Please see Master Response 4 regarding Alternatives Development.</p> <p>Please refer to Chapter 3, Description of Alternatives in the Final EIR/EIS.</p> <p>For additional information regarding Approach to the Environmental Analysis, please see Chapter 4 of the Final EIR/EIS for the BDCP/California WaterFix.</p> <p>For additional information regarding Cumulative Impact Analysis, please see Master Response 9.</p>
2851	16	<p>Cultural resources are especially important to identify and consider as recently passed Assembly Bill 52 (2014) has mandated the incorporation into CEQA the equation that the destruction of Native American sacred land is to be considered as equal to and dealt in the same way as destruction of the environment. AB 52 would specify "that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource, as defined, is a project that may have a significant on the environment. The bill would require a Lead Agency to begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project ..."</p>	<p>Assembly Bill 52 does not apply because the Notice of Preparation was issued prior to July 2015.</p> <p>For additional information regarding Cultural Resources Assessment, please see Master Response 20.</p>
2851	17	<p>Chapter 5 in the Delta Plan sites the Delta Stewardship Council's five core strategies for protecting and enhancing the Sacramento-San Joaquin Delta, which includes "Encourage recreation and tourism that allow visitors to enjoy and appreciate the Delta, and that contribute to its economy" and to "Sustain a vital Delta economy that includes a mix of recreation, commercial and other industries, and vital components of state and regional infrastructure." The Delta Plan states on page 167 that "The Delta provides opportunities for recreation and tourism because of its unique geography, mix of activities, and rich natural resources." The Delta Plan suggests that the Delta's traditions can be honored and its history preserved by including policies that "enhance recreation and tourism," page 167. The Delta Plan also suggests that among the values</p>	<p>Please refer to Master Response 31 regarding the Delta Reform Act, and Master Response 24 regarding "Delta as a Place".</p>

RECIRC Ltr#	Cmt#	Comment	Response
		<p>that make the Delta a distinctive and special place are the fact that "The Delta retains a rural heritage, characterized by farms and small towns linked by navigable waterways and winding country roads," page 167. It also states that "The Delta is a place of multicultural tradition, legacy communities, and family farms. The Delta Plan recognizes that "The Council envisions a future where the Delta's unique qualities are recognized and honored," page 168. And that "Visitors to the region will enjoy recreation on and in its waterways, marshes, resorts, parks, and historic legacy communities."</p> <p>The Delta Plan also notes that "A Healthy ecosystem is also important to the Delta's communities," and that "Visitors drawn to its scenery, waterways, fish, and wildlife support tourism businesses. Protecting the ecosystem maintains these benefits and restoring it can expand them, especially when it can be accomplished in ways that enhance the Delta's working landscape." This all suggests, then, that consistency with the Delta Plan would require that the EIR/S take into account the importance of protecting the Delta's ecosystem, the 9 North Delta Legacy towns, as well as the community character that is exemplified in its Legacy towns and would seek alternatives other than Alternative 4A and Alternative 9 that would not have the severe impacts on the North Delta that are currently proposed in the preferred Alternative 4A and Alternative 9.</p>	
2851	18	<p>9 HISTORIC LEGACY TOWNS IN THE NORTH DELTA</p> <p>The Delta Reform Act of 2009 designated a number of unincorporated legacy communities in the Delta including Freeport, Clarksburg, Hood, Courtland, Locke, Walnut Grove, Isleton, and Rio Vista (as well as Bethel Island and Knightsen). These communities are predominantly in the North Delta and all sit on the banks of the Sacramento River, while exemplifying the Delta's unique cultural history and contributing to the sense of the Delta as a place. These communities enjoy colorful history, and coupled with the river recreation and being a wine tasting region, this area is a tourism draw for Sacramento and the San Francisco Bay Area.</p> <p>The historic legacy of the Delta, particularly through the 9 historic legacy towns of the North Delta, has not been adequately acknowledged and recognized in the BDCP or recirculated draft EIR/S Recreation Chapter 15, nor mitigated for unavoidable significant impacts due to the construction of Alt. 4A and 9 conveyance facilities. Construction of any of these potentially five intake facilities would adversely impact well-established recreational/tourist opportunities and experiences due to reduced access, excessive noise, and visual/aesthetic blight and disruptions that could--and likely would--result in loss of public use during the ten year construction period. This would also significantly impact the economic stability of these communities.</p> <p>The construction would effectively create massive industrial water complexes--some stretching up to 1/2 mile long--with at least three of these located within the five mile stretch from Clarksburg to Hood in the North Delta. If construction of Alternative 9 intake facilities at the Cross-Channels are completed, this would also have a significant adverse impact to the towns of Walnut Grove and Locke, who depend largely on recreation and tourism for their economic stability. The other Delta Legacy towns of Freeport, Courtland, Isleton, Rio Vista and Ryde, would also suffer due to largely</p>	<p>Please refer to Chapter 16, Socioeconomics, Impacts ECON-1, 3, and 5 regarding impacts to regional economics, changes in community character, and effects on recreational economics.</p> <p>Construction traffic is discussed in Impact REC-2, and also in Chapter 19, Transportation, Section 19.3.3.2. Several mitigation measures would be incorporated to reduce impacts as much as possible. Mitigation Measure TRANS-1a would involve preparation of site-specific construction traffic management plans that would address potential public access routes and provide construction information notification to local residents and recreation areas/businesses. Additionally, DWR would provide and publicize alternative modes of access to affected recreation areas as an environmental commitment. Where construction impedes access around or near existing recreation areas (e.g., Clifton Court forebay), the project proponents would provide clear pedestrian, bicycle, and vehicular routes around or across construction sites. These would be designed to be safe, pleasant and would integrate with opportunities to view the construction site as an additional area of interest. These physical facilities would be combined with public information, including sidewalk wayfinding information that would clearly indicate present and future opportunities for access.</p> <p>Mitigation Measure TRANS-1b would limit construction hours or activities and prohibit construction vehicle trips on congested roadway segments and Mitigation Measure TRANS-1c would implement measures to enhance capacity of congested roadway segments.</p> <p>Please also refer to Master Response 31 for further information regarding the Delta Plan.</p>

RECIRC Ltr#	Cmt#	Comment	Response
		clogged and congested highways, and declining recreation and tourism.	
2851	19	ATT1: Figure M15-4: Sheet 1 of 8; Recreation Facilities--Modified Pipeline/Tunnel Alignment (Alternative 4)	This comment describes an attachment to the comment letter that was considered in responding to text above.
2851	20	ATT2: Figure M15-4: Sheet 3 of 8; Recreation Facilities--Modified Pipeline/Tunnel Alignment (Alternative 4)	Please refer to Comment 19 above.
2851	21	ATT3: Figure M15-4: Sheet 4 of 8; Recreation Facilities--Modified Pipeline/Tunnel Alignment (Alternative 4)	Please see comment 19 above.
2851	22	ATT4: Figure M15-4: Index; Recreation Facilities--Modified Pipeline/Tunnel Alignment (Alternative 4)	Please see comment 19 above.
2851	23	ATT5: Chapter 5 Protect and Enhance the Unique Cultural, Recreational, Natural Resource, and Agricultural Values of the California Delta as an Evolving Place; Major Delta Resources and Recreation Sources: California Chambers and Visitors Bureau 2010, California Resources Agency 2007, DPC 2006, Discover the Delta Foundation 2010, California Department of Fish and Game 2009	This comment describes an attachment to was considered with relevant comment above.
2851	24	ATT6: Series of Travel Guides (A through D) for the Delta	This comment describes an attachment that was considered related to recreation and Delta and Place as described in the above responses.
2851	25	ATT7: Series of 122 photos of historic sites in the Delta, cities of Clarksburg, Walnut Grove and others	Please refer to response 24 above.
2852	1	The revised draft EIR/EIS for California Water Fix stated in its executive summary that two public hearings would be held regarding the proposed Delta tunnels project. These hearings, however, were transformed by California state officials into public house events, held science fair style with boards and table displays. This format did not allow for public comments or questions to be addressed in a transparent manner. Even more disturbing, Delta residents were given answers to questions by project consultants regarding water quality and quantity for export through the tunnels that completely contradicts our findings in the DEIR/DEIS and in a presentation given the same day by staff at the Metropolitan Water District in Los Angeles. Officials told our members that there would be no water quality impacts and that no additional water would be taken from the Delta, which contradicts the DEIR/DEIS and the MWD Bay-Delta presentation to its board of July 28, 2015.	<p>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.</p> <p>The commenter raises issues related to the format of the public meetings. There is no specific meeting format required under CEQA or NEPA. An overview brochure as well as the Executive Summary were available as handouts and numerous members of the project team were available to answer specific questions from meeting attendees. For more information on the public outreach efforts made during the BDCP and EIR/EIS process, please see Chapter 32 of the EIR/EIS and Master Response 40. For additional information about how this project has been developed in an open and transparent manner, please refer to Master Response 41.</p> <p>Regarding inconsistent information on water quality impacts, the EIR/EIS water quality analyses in Chapter 8 should be reviewed for specific results and conclusions. Potential changes in water deliveries under the various alternatives can be found in Chapter 5.</p>
2853	1	No! The water tunnels will destroy the Delta, take water from local farmers and send it south. Northern California cities are conserving water and the south is not.	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

RECIRC Ltr#	Cmt#	Comment	Response
			operational flexibility. Refer to Master Response 35 (Southern California Water Supply) and Master Response 6 (Demand Management).
2854	1	We live on a ranch in Lodi, Ca. The drought has caused dry lands throughout the central part of our state. We have dry lawns and dry pastures and thirsty crops. Everything that needs water is suffering due to the lack of water. Here, we are forced to feed our animals as we cannot water our pastures in order to save the wells. Our pastures suffer and our state economy is also suffering. The small ranchers do not need dry wells. The water intakes on the Sacramento River would draw water that we all need in Northern California.	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 amount of water that DWR and Reclamation can divert from the new north Delta facilities is set by Federal and State regulating agencies, ESA compliance, and project design. 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.
2854	2	Drawing water directly from the Sacramento River in ever increasing amounts will surely damage our beautiful delta eventually causing salt water intrusion in the wells throughout the central valley. People cannot drink salt water, animals and crops cannot drink or use salt water. What will be the solution to this problem. Far more damage will be caused to California than solution to water resources. This does not create one drop of more water just a bandage to satisfy a few well connected people living in Southern California.	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.
2854	3	We must not send our Northern California water to the rich farmers in Southern California. These people are not true farmers, they are retired doctors, lawyers, and also retired CEOs from big corporations. They will get richer using our water. Other people that will use our water are the wealthy individuals that have large estates using vast amounts of water to maintain their landscaped yards. We implore you, do not build the water intakes or the tunnels on our Northern California rivers. The states total economy will go down a dry well, just so the rich will get richer.	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 does not seek any new water rights nor include any regulatory actions that would affect water rights holders other than DWR, Reclamation, and SWP and CVP contractors. 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.
2855	1	I believe that taking water away from our estuary would lead seriously impact our ecosystem. Diverting water from one part of California to benefit another is not a statewide solution!	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 (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. 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

RECIRC Ltr#	Cmt#	Comment	Response
			alternatives, and explain why certain potential alternatives were considered but ultimately rejected by the Lead Agencies. Please refer to Master Response 4 (Alternatives) and Master Response 3 (Purpose and Need).
2856	1	I am strongly opposed to the Delta Tunnels. It would be enormously expensive and would be taking water away from the largest estuary on the Pacific coast of both American continents. This would be a short sited solution and would lead to a catastrophic change in the Sacramento River basin's ecosystem. Diverting water from one part of California to benefit another is not a statewide solution to providing "reliable clean water" to all Californians. Southern California should deal with their water needs locally and appropriately for their local environment.	<p>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.</p> <p>DWR's fundamental purpose of the proposed project is to make physical and operational improvements to the SWP system in the Delta necessary to restore and protect ecosystem health, water supplies of the SWP and CVP south of the Delta, and water quality within a stable regulatory framework, consistent with statutory and contractual obligations. By establishing a point of water diversion in the north Delta and new operating criteria with the goal of improving water volume, timing, and salinity, the proposed project is designed to establish a more natural east-west flow for migratory fish, improve habitat conditions, and allow for greater operational flexibility. Please see Master Response 3 for additional information regarding the purpose and need behind the proposed project.</p>
2857	1	As a resident of San Joaquin County, I would like to take this opportunity to voice my opposition to the BDCP/Water Fix ("Delta Tunnels") proposed project. I am extremely concerned as to how this project will impact the citizens, businesses and wildlife of the San Joaquin Valley. Under the Governor's plan this project will cause further harm to the unique and fragile Sacramento-San Joaquin Delta. It is unbelievable to me that such a proposal is being made when this region has been so severely impacted by the current drought. This project does not provide new water to the region yet it is a plan to ship the water we do have south. Southern California has not placed any restrictions on land development or the giant agribusiness corporations. This harkens back to a similar situation, when Los Angeles in the 1800's outgrew its water supply. At that point, water was diverted from the Owen's Valley to Los Angeles via an aqueduct.	<p>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.</p> <p>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.</p> <p>The proposed project Lead Agencies have no power to impose penalties on individual water users. 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.</p>
2857	2	The Delta Tunnels Project is simply another grab for our precious resource. We cannot afford to have such a project similarly impact the Delta region. We cannot afford to have it affect the wildlife of the Delta or affect the approximately 4 million people, including 2,500 farmers who contribute \$2 billion to California's economy each year. At an estimated cost of \$15 billion, we deserve a better solution and a more prudent investment to address the state's water supply needs. I sincerely urge you to reconsider and end the proposal.	<p>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.</p> <p>DWR's fundamental purpose of the proposed project is to make physical and operational improvements to the SWP system in the Delta necessary to restore and protect ecosystem health, water supplies of the SWP and CVP south of the Delta, and water quality within a stable regulatory framework, consistent with statutory and contractual obligations. By establishing a point of water diversion in the north Delta and new operating criteria with the goal of improving water volume, timing, and salinity, the proposed project is designed to establish a more natural east-west flow for migratory fish, improve habitat conditions, and allow for greater operational flexibility. Please see Master Response 3 for additional information regarding the purpose and need behind the proposed project.</p>
2858	1	As a resident of San Joaquin County, I would like to take this opportunity to voice my opposition to the Bay Delta Conservation Plan/California WaterFix ("Delta Tunnels") proposed project. I am extremely concerned as to how this project will impact the citizens, businesses, and wildlife of the San Joaquin Valley. Under the Governor's plan this project will cause further harm to the unique and fragile Sacramento-San Joaquin	<p>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.</p>

RECIRC Ltr#	Cmt#	Comment	Response
		Delta. It is unbelievable to me that such a proposal is being made when this region has been so severely impacted by the current drought. This project does not provide new water to our region yet it is a plan is to ship the water we do have, south. Southern California has not placed any restrictions on land development or the giant agribusiness corporations. This harkens back to a similar situation--when Los Angeles in the 1800's outgrew its water supply. At that point, water was diverted from the Owens Valley to Los Angeles via an aqueduct.	<p>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.</p> <p>The proposed project Lead Agencies have no power to impose penalties on individual water users. 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.</p>
2858	2	The Delta Tunnels Project is simply another grab for our precious resource. We cannot afford to have such a project similarly impact the Delta region. We cannot afford to have it affect the wildlife of the Delta or affect the approximately 4 million people, including 2,500 farmers who contribute \$2 billion to California's economy each year. At an estimated cost of \$15 billion, we deserve a better solution and a more prudent investment to address the state's water supply needs. I sincerely urge you to reconsider and end this proposal.	<p>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.</p> <p>DWR's fundamental purpose of the proposed project is to make physical and operational improvements to the SWP system in the Delta necessary to restore and protect ecosystem health, water supplies of the SWP and CVP south of the Delta, and water quality within a stable regulatory framework, consistent with statutory and contractual obligations. By establishing a point of water diversion in the north Delta and new operating criteria with the goal of improving water volume, timing, and salinity, the proposed project is designed to establish a more natural east-west flow for migratory fish, improve habitat conditions, and allow for greater operational flexibility. Please see Master Response 3 for additional information regarding the purpose and need behind the proposed project.</p>
2859	1	We need to take care of our own farmers first, and allow jobs in California. Next thing you know China will buy all of us and ship our products all over (we are already shipping almonds to Asia) - Californians want fresh healthy products on our table from the state we live in.	<p>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.</p> <p>This comment does not refer to the adequacy of the environmental document.</p>
2859	2	If you really want to put your energy and efforts to a good cause: allocations and fees need to be graduated, on other properties, I never use my allocation but get the same standard fees. If I could only sell the allocation I don't use; let us get a pipeline from other states to bring water in - like Texas.	<p>This comment is an opinion about water supply allocations and the desire to import water supply to California from other states. No issues related to the adequacy of the environmental impact analysis in the EIR/EIS were raised.</p>
2860	1	We need to take care of our own farmers first, and allow jobs in California. Next thing you know, China will buy all of us and ship our products all over (we are already shipping almonds to Asia) - Californians want fresh healthy products on our table from the state we live in.	<p>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.</p> <p>The comment does not raise any environmental issue related to the 2015 RDEIR/SDEIS or the 2013 DEIR/S.</p>
2860	2	If you really want to put your energy and efforts to a good cause: allocations and fees need to be graduated, on other properties, I never use my allocation but get the same standard fees. If I could only sell the allocation I don't use; let us get a pipeline from other states to bring water in - like Texas.	<p>This comment is an opinion about water supply allocations and the desire to import water supply to California from other states. No issues related to the adequacy of the environmental impact analysis in the EIR/EIS were raised.</p>

RECIRC Ltr#	Cmt#	Comment	Response
2861	1	We need to take care of our own farmers first, and allow jobs in California. Next thing you know, China will buy all of us and ship our products all over (we are already shipping almonds to Asia) - Californians want fresh healthy products on our table from the state we live in.	<p>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.</p> <p>This comment does not refer to the adequacy of the environmental document.</p>
2861	2	If you really want to put your energy and efforts to a good cause: allocations and fees need to be graduated, on other properties, I never use my allocation but get the same standard fees. If I could only sell the allocation I don't use; let us get a pipeline from other states to bring water in - like Texas.	This comment is an opinion about water supply allocations and the desire to import water supply to California from other states. No issues related to the adequacy of the environmental impact analysis in the EIR/EIS were raised.
2862	1	We need to take care of our own farmers first, and allow jobs in California. Next thing you know, China will buy all of us and ship our products all over (we are already shipping almonds to Asia) - Californians want fresh healthy products on our table from the state we live in.	<p>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.</p> <p>This comment does not refer to the adequacy of the environmental document.</p>
2863	1	<p>I am 100% opposed to the Delta Tunnels project. California needs water storage projects to address the state's water supply needs.</p> <p>California population has increased dramatically since their water storage infrastructure was built. The Los Angeles basin in particular should not be relying on further siphoning from the Sacramento River.</p>	<p>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.</p> <p>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).</p>
2863	2	The Delta Tunnels project is too costly and absolutely does not deliver enough water to justify its price tag. Delta communities will be adversely impacted by this short-sighted plan.	DWR acknowledges your opposition to the project. Please refer to Master Response 5 for additional details on the costs of project implementation.
2863	3	California needs more water storage, desalination facilities, and just plain better options for the water storage in the state.	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).
2864	1	I am 100% opposed to the Delta Tunnels project. California needs water storage	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

RECIRC Ltr#	Cmt#	Comment	Response
		<p>projects to address the state's water supply needs.</p> <p>California population has increased dramatically since their water storage infrastructure was built. The Los Angeles basin in particular should not be relying on further siphoning from the Sacramento River.</p>	<p>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).</p>
2864	2	<p>The Delta Tunnels project is too costly and absolutely does not deliver enough water to justify its price tag. Delta communities will be adversely impacted by this short-sighted plan.</p>	<p>DWR acknowledges your opposition to the project. Please refer to Master Response 5 for additional details on the costs of project implementation.</p>
2864	3	<p>California needs more water storage, desalination facilities, and just plain better options for the water storage in the state.</p>	<p>The commenter offers an opinion on the merits of a particular water supply augmentation approach (more storage and desalination) and does not raise a specific issue related to the adequacy of the EIR/EIS.</p> <p>While water storage is a critically important tool for managing California's water resources, it is not a topic that must be addressed in the EIR/EIS for the proposed project. This is because the proposed project does not, and need not, propose storage as a project component. Although the physical facilities contemplated by the proposed project once up and running would be part of an overall statewide water system of which new storage could someday also be a part, the proposed project is a stand-alone project for purposes of CEQA and NEPA, just as future storage projects would be. Appendix 1B, Water Storage, of the 2013 Public Draft EIR/EIS, describes the potential for additional water storage. Please see Master Response 37 regarding water storage.</p> <p>Please see Master Response 4 regarding the range of alternatives selected. The alternatives included in the Draft EIR/EIS represent a legally adequate reasonable range of alternatives and the scope of the analysis of alternatives fully complies with both CEQA and NEPA. The Lead Agencies carefully considered all potential alternatives that were proposed during the scoping process and during time of preparation of the Draft EIR/EIS. In response to public input, several new alternatives have been studied in the Recirculated DEIR/EIS and a new preferred Alternative (4A) identified.</p> <p>Please also see Master Response 7 regarding desalination.</p>
2865	1	<p>I am opposed to the Delta Tunnels because:</p> <p>The National Academy of Sciences has already stated that the Delta water supply is overdrawn for the health of the Delta.</p>	<p>The comment does not raise any environmental issue related to the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS. The proposed project was developed to meet the rigorous standards of the federal and state Endangered Species Acts; as such the proposed project is intended to be environmentally beneficial. By establishing a point of water diversion in the north Delta and new operating criteria to improve water volume, timing, and salinity the proposed project is designed to improve native fish migratory patterns and allow for greater operational flexibility.</p>
2865	2	<p>I am opposed to the Delta Tunnels because:</p> <p>The Sacramento Delta is the largest estuary in North and South America on the West Coast and the largest estuary in the United States West of the Mississippi. It is the fountain of life -- equivalent to Mesopotamia or the Amazon-- for species habitat. The Delta must be protected.</p>	<p>No issues related to the adequacy of the environmental impact analysis in the EIR/S were raised.</p>

RECIRC Ltr#	Cmt#	Comment	Response
2865	3	<p>I am opposed to the Delta Tunnels because:</p> <p>the greater Bay Area threw away over a trillion gallons of treated wastewater last year, which could have been recycled and reused for agriculture. The shortfall in the Central Valley was 2.1 trillion, according to UC Davis. This "new" water should be pumped to locations where farmers can use it. Recycled water is high in nitrogen and phosphorus and is neutral pH, so it is better for ag than potable or raw water.</p>	<p>The commenter offers an opinion on the merits of a particular water supply augmentation approach (greater wastewater recycling) and does not raise a specific issue related to the adequacy of the EIR/EIS.</p> <p>The issue of crops and water use is beyond the scope of the proposed project. For more information please refer to the updated draft 2013 California Water Plan's strategy for agricultural water use efficiency, which describes the use and application of scientific processes to control agricultural water delivery and use. Also, refer to Master Response 6 and Appendix 1C for further information on demand management measures, including increasing agricultural water use efficiency and conservation.</p> <p>For more information regarding agricultural beneficial water use please see Master Response 34.</p>
2865	4	<p>I am opposed to the Delta Tunnels because:</p> <p>The Delta Tunnels are predicted to damage the economies of the 5 surrounding counties, creating negative economic effects.</p>	<p>The proposed project is also expected to result in some positive effects. 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. Construction-related employment from the project is estimated to peak at 2,427 FTE jobs in year 3. Total employment (direct, indirect, and induced) would peak in year 12, at 8,673 FTE jobs. Direct agricultural employment would be reduced by an estimated 16 FTE jobs, while total employment (direct, indirect, and induced) associated with agricultural employment would fall by 57 FTE jobs. Throughout the five-county Delta region, population and employment would expand as a result of the construction of water conveyance facilities, as discussed under Impacts ECON-1 and ECON-2. Under Alternative 4A, additional regional employment and income could create net positive effects on the character of Delta communities.</p>
2865	5	<p>I am opposed to the Delta Tunnels because:</p> <p>the United Nations estimates that 40% of our production is lost from farm-to-table. At the same time, approximately 1/3 of global warming is due to agriculture. We have to move as much of our agricultural production as possible into urban areas where recycled water is produced and into greenhouses. Greenhouse growing increase production, reduces water use, provides a steady supply of locally grown fresh produce with better food safety and smaller carbon footprint and less loss from farm-to-table. It is time to do what Europe and countries in dry climates do and bring more of our production into closed environments.</p>	<p>The commenter does not raise a specific issue related to the adequacy of the EIR/EIS. Please see Master Response 3 for additional information regarding the purpose and need behind the proposed project.</p>
2865	6	<p>Please stop the tunnels. Stop this environmental and economic disaster.</p>	<p>The comment does not raise any environmental issue related to the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS.</p>
2866	1	<p>I strongly oppose the Delta Tunnels.</p> <p>The National Academy of Sciences has already stated that the Delta water supply is overdrawn for the health of the Delta.</p>	<p>The comment does not raise any environmental issue related to the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS. The proposed project was developed to meet the rigorous standards of the federal and state Endangered Species Acts; as such the proposed project is intended to be environmentally beneficial. By establishing a point of water diversion in the north Delta and new operating criteria to improve water volume, timing, and salinity the proposed project is designed to improve native fish migratory patterns and allow for greater operational flexibility.</p>
2866	2	<p>I strongly oppose the Delta Tunnels.</p> <p>The Sacramento Delta is the largest estuary in North and South America on the West Coast and the largest estuary in the United States West of the Mississippi. It is the fountain of life--equivalent to Mesopotamia or the Amazon--for species habitat. The Delta must be protected.</p>	<p>No issues related to the adequacy of the environmental impact analysis in the EIR/S were raised.</p>

RECIRC Ltr#	Cmt#	Comment	Response
2866	3	<p>I strongly oppose the Delta Tunnels.</p> <p>The greater Bay Area threw away over a trillion gallons of treated wastewater last year, which could have been recycled and reused for agriculture. The shortfall in the Central Valley was 2.1 trillion, according to UC Davis. This "new" water should be pumped to locations where farmers can use it. Recycled water is high in nitrogen and phosphorus and is neutral pH, so it is better for ag than potable or raw water.</p>	<p>The commenter does not raise a specific issue related to the adequacy of the EIR/EIS. Please see Master Response 3 for additional information regarding the purpose and need behind the proposed project.</p>
2866	4	<p>I strongly oppose the Delta Tunnels.</p> <p>The Delta Tunnels are predicted to damage the economies of the 5 surrounding counties, creating negative economic effects.</p>	<p>The proposed project is also expected to result in some positive effects. 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. Construction-related employment from the project is estimated to peak at 2,427 FTE jobs in year 3. Total employment (direct, indirect, and induced) would peak in year 12, at 8,673 FTE jobs. Direct agricultural employment would be reduced by an estimated 16 FTE jobs, while total employment (direct, indirect, and induced) associated with agricultural employment would fall by 57 FTE jobs. Throughout the five-county Delta region, population and employment would expand as a result of the construction of water conveyance facilities, as discussed under Impacts ECON-1 and ECON-2. Under Alternative 4A, additional regional employment and income could create net positive effects on the character of Delta communities.</p>
2866	5	<p>I strongly oppose the Delta Tunnels.</p> <p>The United Nations estimates that 40% of our production is lost from farm-to-table. At the same time, approximately 1/3 of global warming is due to agriculture. We have to move as much of our agricultural production as possible into urban areas where recycled water is produced and into greenhouses. Greenhouse growing increase production, reduces water use, provides a steady supply of locally grown fresh produce with better food safety and smaller carbon footprint and less loss from farm-to-table. It is time to do what Europe and countries in dry climates do and bring more of our production into closed environments.</p>	<p>The issue of crops and water use is beyond the scope of the proposed project. For more information please refer to the updated draft 2013 California Water Plan's strategy for agricultural water use efficiency, which describes the use and application of scientific processes to control agricultural water delivery and use. Also, refer to Master Response 6 and Appendix 1C for further information on demand management measures, including increasing agricultural water use efficiency and conservation.</p> <p>For more information regarding agricultural beneficial water use please see Master Response 34.</p> <p>The commenter does not raise a specific issue related to the adequacy of the EIR/EIS.</p>
2866	6	<p>Please stop the tunnels. Stop this environmental and economic disaster.</p>	<p>The comment does not raise any environmental issue related to the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS.</p>
2867	1	<p>As a resident of San Joaquin County, I would like to take this opportunity to voice my opposition to the Bay Delta Conservation Plan/California WaterFix ("Delta Tunnels") proposed project. I am extremely concerned as to how this project will impact the citizens, businesses, and wildlife of the San Joaquin Valley. Under the Governor's plan this project will cause further harm to the unique and fragile Sacramento-San Joaquin Delta. It is unbelievable to me that such a proposal is being made when this region has been so severely impacted by the current drought. This project does not provide new water to our region yet it is a plan is to ship the water we do have, south. Southern California has not placed any restrictions on land development or the giant agribusiness corporations. This harkens back to a similar situation-when Los Angeles in the 1800's outgrew its water supply. At that point, water was diverted from the Owens Valley to Los Angeles via an aqueduct.</p>	<p>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.</p> <p>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.</p> <p>The proposed project Lead Agencies have no power to impose penalties on individual water users. 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.</p>
2867	2	<p>The Delta Tunnels Project is simply another grab for our precious resource. We cannot afford to have such a project similarly impact the Delta region. We cannot afford to</p>	<p>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</p>

RECIRC Ltr#	Cmt#	Comment	Response
		have it affect the wildlife of the Delta or affect the approximately 4 million people, including 2,500 farmers who contribute \$2 billion to California's economy each year. At an estimated cost of \$15 billion, we deserve a better solution and a more prudent investment to address the state's water supply needs. I sincerely urge you to reconsider and end this proposal.	more than 600 public meetings, working group meetings and stakeholder briefings. DWR's fundamental purpose of the proposed project is to make physical and operational improvements to the SWP system in the Delta necessary to restore and protect ecosystem health, water supplies of the SWP and CVP south of the Delta, and water quality within a stable regulatory framework, consistent with statutory and contractual obligations. By establishing a point of water diversion in the north Delta and new operating criteria with the goal of improving water volume, timing, and salinity, the proposed project is designed to establish a more natural east-west flow for migratory fish, improve habitat conditions, and allow for greater operational flexibility. Please see Master Response 3 for additional information regarding the purpose and need behind the proposed project.
2868	1	As a young boy in the 1960s, I remember my father was strongly opposed to the building of the aqueduct, under Pat Brown, which stole water from northern California to supply the water hungry citizens and farm conglomerate in southern San Joaquin County and southern California. Now his son, Jerry, is trying to do the same thing.	Since the late 1800s, the Bay-Delta ecosystem has been substantially altered. Changes in key environmental attributes of the Bay-Delta have contributed to the current degraded state of the ecosystem and appear to be proximate causes of declines in desired fishes and increases in non-native species. California WaterFix is not intended to address all the factors that have contributed to the Delta's decline and briefly summarizes a few but not all of those factors. Many factors that have contributed to the decline of the Delta's ecosystem including the conversion of tidal marsh and floodplains to farmland, construction of levees and altering of tide flows, in-Delta and upstream water diversions, contaminant discharges, ammonia and nutrient discharges and changes to the food web, increases in water temperatures, and introduction of non-native and invasive species. The Delta will remain in a highly altered state for the foreseeable future and the project is not intended to address all the past harms or restore the Delta to a pre-altered 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. 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.
2868	2	Having fished the Delta for many years now, I have seen the decline of the striped bass, shad, and smelt because of the lack of fresh water flowing through the Delta. Now you want to take more fresh water and pump it through the twin tunnels. It makes absolutely no sense to do this. How is less fresh water going to restore the Delta, as salt water intrusion is already a serious threat to many of the farms and fisheries located in the Delta region.	DWR's fundamental purpose of the proposed project is to make physical and operational improvements to the SWP system in the Delta necessary to restore and protect ecosystem health, water supplies of the SWP and CVP south of the Delta, and water quality within a stable regulatory framework, consistent with statutory and contractual obligations. By establishing a point of water diversion in the north Delta and new operating criteria with the goal of improving water volume, timing, and salinity, the proposed project is designed to establish a more natural east-west flow for migratory fish, improve habitat conditions, and allow for greater operational flexibility. Please see Master Response 3 for additional information regarding the purpose and need behind the proposed project. Regulatory water quality objectives (or guidance values) exist for these constituents for protection of agricultural water supply, municipal and industrial drinking water supply, and fish and wildlife beneficial uses. (Master Response 34 [Beneficial Uses]). Also see Master Response 26 (Changes in Delta Exports).
2868	3	This is just a water grab by southern California politicians, citizens, and business interests and I have no interest in having my tax dollars to be used to pay for the	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 project does not increase the amount of water to

RECIRC Ltr#	Cmt#	Comment	Response
		building and maintenance of the tunnels.	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 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 also to Master Response 3 (Purpose and Need), Master Response 5 (Funding), and Master Response 34 (Beneficial Use of Water).
2868	4	I oppose any project/plan that would take any additional fresh water out of the Delta. Perhaps you should tax the people of southern California and start building your own dams. When it rains in southern California, all the water runs out to the ocean.	<p>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 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.</p> <p>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.</p> <p>Please refer to Master Response 4 (Alternatives), Master Response 3 (Purpose and Need), and Master Response 37 (Water Storage).</p>
2870	1	The existence and content of the Property Acquisition Plan is concerning on many levels to the LAND [Local Agencies of the North Delta] districts and landowners, many of whom own properties slated to be taken for the Tunnels. LAND member district water supplies will also be adversely affected by the proposed Sacramento River diversions.	The EIR/EIS does not identify any adverse effects on north Delta water supplies associated with operating the proposed conveyance facilities. To the extent that this comment raises environmental issues, those issues are addressed in the following chapters of the Final EIR/EIS: Chapter 5, Water Supply; and Chapter 13, Land Use.
2870	2	The undated Property Acquisition Plan, which lists 300 parcels slated for use in the Tunnels project, calls into question the proper consideration of alternatives by the Bureau of Reclamation ("Bureau") and Department of Water Resources ("DWR"). Under the National Environmental Policy Act ("NEPA"), in particular, a lead agency cannot make a decision on a project before NEPA review is completed. The fact that the NEPA/CEQA lead agencies are moving forward with a Property Acquisition Plan for just one of the alternatives in the WaterFix/BDCP environmental review documents at the same time as other alternatives are supposedly still being considered, indicates that full consideration of the alternatives described in the environmental review documents is not occurring.	<p>A property acquisition plan is intended to guide DWR in identifying the likely parcels that would need to be acquired if the project is implemented. Neither DWR nor Reclamation has made a decision; however, these types of data are appropriate to determine the feasibility of a project. If another alternative is selected, a revised plan would be necessary.</p> <p>To the extent that this comment raises environmental issues, those issues are addressed in the following chapters of the Final EIR/EIS: Chapter 4, Approach to Environmental Analysis; and Chapter 13, Land Use. For more information on consideration of alternatives, please see Master Response Number 4, Alternatives Development.</p>
2870	3	The fact that the Property Acquisition Plan was obtained from MWD [Metropolitan Water District] indicates that the water export contractors are exerting an unusual, and likely impermissible, level of control over what is described as a state and federal public works project. The active participation by MWD (and perhaps other unidentified	<p>The comment concerns the level of influence of water contractors over the project and adverse effects of the project on private property, farmland, and water quality.</p> <p>DWR is responsible for administering the water contracts for the State Water Project water contracts. MWD is one of the water contractors who are part of the SWP. For information on the MWD water supply,</p>

RECIRC Ltr#	Cmt#	Comment	Response
		<p>state and federal water contractors) in the development of plans to take private property for the Tunnels project calls into question the commitment of the state and federal governments to actively manage the development of the Tunnels project in the public interest. While MWD answers only to its ratepayers, BOR [Reclamation] must consider the public interest of the entire nation, and DWR must consider the interests of the entire state. Given the massive negative impacts not only on private property and farmland in the Delta as well as the severe degradation of water quality in the San Francisco Bay-Delta that would occur as a result of the Tunnels, it is imperative that public agencies represent all of their constituents. Moreover, the water contractors should not have an unduly enlarged role in decision-making on the Tunnels project.</p>	<p>please see Master Response 35. Please see RDEIR/SDEIS Appendix A Chapter 14, Agricultural Resources, Impact AG-1 and Impact AG-2 and their associated mitigation measures for complete analysis of how the proposed project will affect and mediate important farmland in the Delta.</p>
2870	4	<p>The fact that the documents were obtained from MWD [Metropolitan Water District] calls into question the commitment of the Bureau and DWR to communicate with affected property owners in the Delta regarding impacts on their homes, farms and communities. It appears that the water contractors are privy to essential information regarding the impacts of the project on specific properties prior to any attempts to provide that information to the affected landowners themselves. In a separate letter submitted to DWR on August 19, 2015, we [Local Agencies of the North Delta (LAND)] have requested all documents pertaining to the development and review of the Property Acquisition Plan so that we may learn more about the apparently flawed process by which the Bureau and DWR appear to be undertaking planning for the Tunnels project. Delta landowners that are impacted by the Tunnels project have a right to know what is planned for their properties, which impacts their decisions as to how to manage their farms and lands in the coming years. Moreover, these property acquisition issues fall within the purview of the Bureau's NEPA cooperating agency process with several LAND districts, yet no attempt to bring this information forward in that process has been made.</p>	<p>To the extent that this comment raises environmental issues, those issues are addressed in the following chapters of the Final EIR/EIS: Chapter 13, Land Use; Chapter 14, Agricultural Resources; Chapter 16, Socioeconomics; and Chapter 32, Public Involvement, Consultation, and Coordination.</p> <p>For more information on consideration of alternatives, please see Master Response Number 4, Alternatives Development. For more information on involvement in the planning process, please see Master Response Number 5, BDCP.</p>
2870	5	<p>Press reports indicate DWR had the Acquisition Plan prepared and it was paid for by certain undisclosed water tunnel contractors.</p> <p>What role, if any, did Metropolitan Water District [MWD], perform in the preparation of the Property Acquisition Plan?</p> <p>Which water contractors or other entities have received the Property Acquisition Plan?</p> <p>It appears a policy decision was made to provide the Property Acquisition Plan only to those who paid for it. If so, who made that policy decision?</p> <p>What is the justification for providing these agencies with this information while withholding it from affected landowners?</p> <p>What policy guidance was followed by DWR or given to DWR that directed the selective disclosure to of the Property Acquisition Plan to MWD and other water contractors?</p> <p>Who, at DWR or other department, agency or office, directed that the Acquisition Plan be prepared?</p>	<p>To the extent that this comment raises environmental issues, those issues are addressed in following chapters of the Final EIR/EIS: Chapter 13, Land Use; and Chapter 32, Public Involvement, Consultation, and Coordination. DWR is responsible for administering the water contracts for the State Water Project water contracts. MWD is one of the water contractors who are part of the SWP. For information on the MWD water supply, please see Master Response 35. For more information on involvement in the planning process, please see Master Response Number 5, BDCP.</p>

RECIRC Ltr#	Cmt#	Comment	Response
		<p>Has DWR approved the Acquisition Plan? If so, who approved it and when?</p> <p>Has DWR informed the prospectively impacted county officials regarding the properties to be taken within their respective jurisdictions?</p> <p>When does DWR intend to inform landowners that their land is slated to be taken for the Tunnels project?</p> <p>What, if any, role has the Bureau had in the development of the Property Acquisition Plan?</p>	
2870	6	A WaterFix Fact sheet released today, August 20, 2015, indicates that there are potentially 192 impacted parcels. What is the reason for the discrepancy between the 300 parcels listed in the Property Acquisition Plan and the 192 parcels referenced in the Fact Sheet? Have any new parcels been "added" to the acquisition list that were not included in the version of the Property Acquisition Plan listing 300 parcels?	This comment is on potential eminent domain process for acquiring private property and does not raise any environmental issue related to the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS. Reference to impacts on 192 parcels or acquisition of 300 parcels in the EIR/EIS could not be found.
2870	7	What are the budget estimates for implementing the Property Acquisition Plan, who prepared those estimates, and what assumptions were used in the tabulations?	This comment relates to property acquisition plan and does not raise any environmental issue related to the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS.
2870	8	We [Local Agencies of the North Delta] respectfully request written responses to these questions as soon possible, along with your respective agencies' responses to the concerns described in this letter.	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.
2871	1	The remaining water in the Delta is critical for the natural habitat. While the natural habitat may not have a lobbying force, it is an essential part of the California economy. Our farms and communities cannot operate without the ecosystem services a functioning estuary provides. Functioning estuaries and healthy rivers clean water, support life that improves air quality, biodiversity, and land which in turn supports human and agricultural health.	<p>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.</p> <p>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.</p> <p>The proposed project would not take away the remaining water in the Delta. Please refer to Master Response 3 regarding the purpose and need for the project.</p>
2871	2	As climate change worsens, in no small part due to actions such as the California Water Fix, healthier estuaries and rivers make California more resilient to extreme weather events, help to decrease the variability in water flows, and sustain a working environment that can adapt to changing conditions.	<p>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.</p> <p>The anticipated hydrologic changes due to climate change (increased temperatures and more years of critical dryness, increased water temperatures, changes in precipitation and runoff patterns, sea level rise,</p>

RECIRC Ltr#	Cmt#	Comment	Response
			<p>and tidal variations) will constrain and challenge future water management practices across the state, with or without the proposed project. The state is addressing climate change through strategies and a decision-making framework as outlined in the California Climate Adaptation Strategy and Adaptation Planning Guide. However, no single project and indeed none of the project alternatives would be able to completely counteract all of the impacts of climate change.</p> <p>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.</p>
2872	1	<p>The importance of estuaries has been recognized as the most scarce component of watershed systems. The proposed Delta Tunnels are so large they could easily drain the entire Delta Estuary of essential freshwater.</p> <p>For decades freshwater diversions from the San Francisco Bay Delta estuary have been a highly contentious issue within the electorate, courts and regulatory agencies because of the potential damage to one of the largest estuaries on the west coast of North America and the impacts to surrounding watersheds, communities and water dependent industries. Past efforts to build similar water export projects were rejected by voters, and with good reason.</p>	<p>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. DWR and Reclamation operate with water rights issued by the State Water Resources Control Board that are junior in priority to many senior water rights holders in the Delta watershed. Under the action alternatives, senior water rights holders would continue to receive the same amount of water as under the No Action Alternative. Conveyance facilities under the action alternatives could only deliver the amount of water diverted under the existing SWP and CVP water rights and in accordance with the existing and future related regulatory requirements based upon river water levels and flow, water available in the system, the presence of threatened and endangered fish species, and water quality standards.</p> <p>The range of alternatives in the EIR/EIS includes alternatives which result in reductions in SWP and CVP water deliveries south of the Delta as compared to the Existing Conditions and the No Action Alternative. The No Action Alternative and Alternatives 4H1, 4H2, 4H3, 4H4; 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). 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 and 5-9). However, SWP and CVP water deliveries would continue under all alternatives.</p>
2872	2	<p>If you are presented with this project, I am sure you will recognize that it cannot be modified to comply with the Clean Water Act.</p>	<p>The commenter does not offer any evidence on how the project would not comply with the CWA.</p>
2872	3	<p>Further resources should not be spent by U.S. Department of the Interior on the Delta Tunnels, but rather focused on the new "EcoRestore" that has been broken out as a separate project.</p>	<p>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.</p> <p>Proposition 1 funds and other state and public dollars will be directed exclusively for public benefits unassociated with any regulatory compliance responsibilities.</p> <p>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, Consumnes, and South Delta. Planning for the Suisun Marsh region is already complete and a process for integrated planning in the Yolo Bypass is underway. The Delta Conservancy will lead the implementation of identified</p>

RECIRC Ltr#	Cmt#	Comment	Response
			restoration projects, in collaboration with local governments and with a priority on using public lands in the Delta.
2872	4	ATT1: RECIRC2648	The comment describes an attachment to the comment letter. The attachment does not raise any additional issues related to the environmental analysis in the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS that are not already addressed in the comment referencing the attachment or the Final EIR/EIS.
2873	1	I support the Governor's California Water Fix!	No issues related to the adequacy of the environmental impact analysis in the EIR/EIS were raised.
2874	1	Corporate Agriculture needs to reform the manner in which water is used i.e. Israel! Our water wasting ways need fixing not enhancing supply for Big Agriculture!	<p>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.</p> <p>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.</p>
2875	1	Please do not agree to this quick fix strategy. Rerouting water only leads to further environmental destruction of local regions and supplies areas with ineffective water use strategies a temporary short cut that does not address overall water shortages within our state.	<p>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.</p> <p>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.</p> <p>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).</p>
2876	1	The California WaterFix, which has been marketed as a way to fix the Delta while protecting the water supply, "is not about, and has never been about saving the Delta. The Delta cannot be saved," according to Jerry Merel	<p>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.</p> <p>The comment does not raise any environmental issue related to the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS. DWR's fundamental purpose of the proposed project is to make physical and operational improvements to</p>

RECIRC Ltr#	Cmt#	Comment	Response
			the SWP system in the Delta necessary to restore and protect ecosystem health, water supplies of the SWP and CVP south of the Delta, and water quality within a stable regulatory framework, consistent with statutory and contractual obligations. By establishing a point of water diversion in the north Delta and new operating criteria with the goal of improving water volume, timing, and salinity, the proposed project is designed to establish a more natural east-west flow for migratory fish, improve habitat conditions, and allow for greater operational flexibility.
2876	2	It is simply a way to fuel Central Valley agribusiness and Southern California development.	DWR's fundamental purpose of the proposed project is to make physical and operational improvements to the SWP system in the Delta necessary to restore and protect ecosystem health, water supplies of the SWP and CVP south of the Delta, and water quality within a stable regulatory framework, consistent with statutory and contractual obligations. By establishing a point of water diversion in the north Delta and new operating criteria with the goal of improving water volume, timing, and salinity, the proposed project is designed to establish a more natural east-west flow for migratory fish, improve habitat conditions, and allow for greater operational flexibility.
2877	1	Please stop the California WaterFix, and review more alternatives that will protect the Delta rather than diverting even more badly needed water from the many species of water creatures who are totally dependent upon it.	<p>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.</p> <p>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. 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, as described in Chapter 5, Water Supply of the EIR/EIS. The proposed project would decrease total exports of SWP and CVP water as compared to Existing Conditions and No Action Alternative in the summer and early fall months; and increase exports in the wet winter months when the river flows are high to improve conditions for aquatic resources in the Delta. The water would be stored at locations south of the Delta during the high flow periods to allow reductions in deliveries to SWP and CVP water users in drier periods.</p>
2877	2	There are many alternative options including expanded groundwater storage, water re-cycling, and decreasing planting of heavily water-dependent crops like cotton in semi-desert areas, and severely limiting water used for fracking, bottled water production, and other harmful practices.	Please refer to Master Response 6 for additional details on demand management. Also, please see Master Response 34 for additional details on the determination of beneficial use.
2878	1	Prospectively another big fix creating as many problems as it solves, the California WaterFix could result with degradation / destruction of the Sacramento Delta and extinction of its endemic flora and fauna.	<p>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.</p> <p>No issues related to the adequacy of the environmental impact analysis in the EIR/S were raised.</p>

RECIRC Ltr#	Cmt#	Comment	Response
			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).
2879	1	This is without question one of the most short sighted and environmentally disastrous approaches to California's water issues that I've ever heard of.	<p>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.</p> <p>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]). 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.</p>
2880	1	Water diversion from north to south is old technology and old mindset. The south of California can develop its own water resources through desalination, recycling waste water, and cleaning up and reusing polluted groundwater. Please no more water transfer infrastructure.	<p>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.</p> <p>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. Additionally, please refer to Master Response 7 for information on desalination and why it was not included as a project alternative and Master Response 35 regarding Southern California's water supply.</p>
2881	1	Proponents are not allowing this to go to vote so they are circumventing the democratic system. Stop the Tunnels.	<p>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.</p> <p>The California Department of Water Resources and U.S. Bureau of Reclamation are leading the CEQA and NEPA processes. Through these planning processes, which include substantial stakeholder involvement, the agencies are developing, analyzing, and selecting the best approach to bringing California's water management into compliance with the state and federal Endangered Species Acts. These laws were enacted by elected officials, and they are implemented by agencies that work under the direction of elected officials.</p>
2882	1	We cannot destroy our environment while not requiring the Central Valley and Southern California to implement a water conservation program that would cut water usage in half.	<p>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.</p> <p>The proposed project is one part of a diverse portfolio of strategies needed to meet California's overall</p>

RECIRC Ltr#	Cmt#	Comment	Response
			<p>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.</p>
2883	1	The South has already stolen more than enough water from us.	<p>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.</p> <p>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.</p>
2884	1	Why not dredge current water ways to let more water from the Sacramento to flow through the Delta? Still need more storage.	<p>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.</p> <p>Please see Master Response 37 regarding why an alternative focused on creating additional storage, either in the Delta or elsewhere, was not included in the BDCP/California WaterFix or FEIR/EIS.</p>
2885	1	<p>The tunnels will deplete the Delta of precious water by changing flows, but will not create any new water for California users. If the tunnels are built, operators will likely pressure the State Water Resources Control Board to maximize exports and cause further harm to the Delta, as they have done during this drought.</p> <p>The San Francisco Bay-Delta is the hub of California's water system. The Delta is a unique and priceless ecosystem that depends on adequate flow through it. Depriving the Delta of flows through a diversion point on the Sacramento River will destroy the Delta habitat and economy.</p>	<p>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.</p> <p>No issues related to the adequacy of the environmental impact analysis in the EIR/S were raised. 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. For more information regarding purpose and need of the proposed project please see Master Response 3.</p> <p>Water delivered to the SWP and CVP water contractors participating in proposed project would be within the existing contract amounts to serve agricultural lands that have been cultivated and existing and planned community populations. As described in Chapter 5, Water Supply, of the EIR/S, it is anticipated that climate change would result in more frequent and more severe rainfall events and less snowfall than under historic conditions. These rainfall events would result in periods of time when the capacity of the existing intakes would not be adequate. Therefore, the proposed project would provide the maximum capacity in the</p>

RECIRC Ltr#	Cmt#	Comment	Response
			<p>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 proposed project would decrease total exports of SWP and CVP water as compared to Existing Conditions and No Action Alternative in the summer and early fall months; and increase flows in the wet winter months when the river flows are high to improve conditions for aquatic resources. The water would be stored at locations south of the Delta during the high flow periods to allow reductions in deliveries in drier periods. The north Delta and south Delta intakes would only be used to 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.</p> <p>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. DWR and Reclamation operate with water rights issued by the State Water Resources Control Board that are junior in priority to many senior water rights holders in the Delta watershed. Under the action alternatives, senior water rights holders would continue to receive the same amount of water as under the No Action Alternative. Conveyance facilities under the action alternatives could only deliver the amount of water diverted under the existing SWP and CVP water rights and in accordance with the existing and future related regulatory requirements based upon river water levels and flow, water available in the system, the presence of threatened and endangered fish species, and water quality standards.</p>
2886	1	<p>You know this model is unsustainable. The dire results are showing up all around us to those who are honest enough to see. We are no longer in a "business as usual" world. You people (you too, Jerry) are tasked to create solutions -- not throw gas on the already growing conflagrations that are our "problems."</p>	<p>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.</p> <p>The comment does not raise any environmental issue related to the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS.</p>
2886	2	<p>Find a better way. Demand conservation (drip irrigation, e.g.); create innovative economies; stop growth!</p>	<p>Please refer to Master Response 6 for additional details on demand management. Also, please see Master Response 34 for additional details on the determination of beneficial use.</p>
2887	1	<p>One such alternative would be to fund water reclamation facilities in local metropolitan areas so we don't waste valuable runoff.</p>	<p>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.</p> <p>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 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. Although conservation components, water storage, 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.</p> <p>Appendix 1C, Water Demand Management, 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</p>

RECIRC Ltr#	Cmt#	Comment	Response
			managing California's water resources.
2888	1	[The WaterFix] is nothing but an extension of the zero-sum policies described so clearly in Mark Reisner's famous book, Cadillac Desert.	<p>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.</p> <p>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.</p>
2889	1	The California WaterFix takes water away from where it is intended to be, the Sacramento Delta.	<p>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.</p> <p>DWR's fundamental purpose of the proposed project is to make physical and operational improvements to the SWP system in the Delta necessary to restore and protect ecosystem health, water supplies of the SWP and CVP south of the Delta, and water quality within a stable regulatory framework, consistent with statutory and contractual obligations. By establishing a point of water diversion in the north Delta and new operating criteria with the goal of improving water volume, timing, and salinity, the proposed project is designed to establish a more natural east-west flow for migratory fish, improve habitat conditions, and allow for greater operational flexibility.</p> <p>Please see Master Response 3 for additional information regarding the purpose and need behind the proposed project.</p>
2890	1	The California WaterFix will not fix anything... it will break environments that deserve protection including lead to the destruction of the Delta. The first step needed is to prioritize agricultural water distribution for crops that require less water and to stop rampant withdrawal of underground water from aquifers.	<p>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.</p> <p>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.</p> <p>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, Demand Management Measures).</p>

RECIRC Ltr#	Cmt#	Comment	Response
2891	1	Please think carefully about this proposal that will deplete the Delta but will not create any "new" water.	<p>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.</p> <p>DWR's fundamental purpose of the proposed project is to make physical and operational improvements to the SWP system in the Delta necessary to restore and protect ecosystem health, water supplies of the SWP and CVP south of the Delta, and water quality within a stable regulatory framework, consistent with statutory and contractual obligations. By establishing a point of water diversion in the north Delta and new operating criteria with the goal of improving water volume, timing, and salinity, the proposed project is designed to establish a more natural east-west flow for migratory fish, improve habitat conditions, and allow for greater operational flexibility. Please see Master Response 3 for additional information regarding the purpose and need behind the proposed project.</p>
2892	1	It [California WaterFix] is a pricey proposition that destroys the natural hub of California's water system while providing no additional water. Not only is it not nice to fool Mother Nature, it is disastrous.	<p>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.</p> <p>Since the late 1800s, the Bay-Delta ecosystem has been substantially altered. Changes in key environmental attributes of the Bay-Delta have contributed to the current degraded state of the ecosystem and appear to be proximate causes of declines in desired fishes and increases in non-native species. California WaterFix is not intended to address all the factors that have contributed to the Delta's decline and briefly summarizes a few but not all of those factors. Many factors that have contributed to the decline of the Delta's ecosystem including the conversion of tidal marsh and floodplains to farmland, construction of levees and altering of tide flows, in-Delta and upstream water diversions, contaminant discharges, ammonia and nutrient discharges and changes to the food web, increases in water temperatures, and introduction of non-native and invasive species. The Delta will remain in a highly altered state for the foreseeable future and the project is not intended to address all the past harms or restore the Delta to a pre-altered state.</p> <p>DWR's fundamental purpose of the proposed project is to make physical and operational improvements to the SWP system in the Delta necessary to restore and protect ecosystem health, water supplies of the SWP and CVP south of the Delta, and water quality within a stable regulatory framework, consistent with statutory and contractual obligations. By establishing a point of water diversion in the north Delta and new operating criteria with the goal of improving water volume, timing, and salinity, the proposed project is designed to establish a more natural east-west flow for migratory fish, improve habitat conditions, and allow for greater operational flexibility.</p> <p>Please see Master Response 3 for additional information regarding the purpose and need behind the proposed project.</p>
2893	1	The California Water Fix will lead to the destruction of the Delta and also punish Delta are farmers who use water from the Delta to irrigate their nearby crops.	<p>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.</p>

RECIRC Ltr#	Cmt#	Comment	Response
			<p>No issues related to the adequacy of the environmental impact analysis in the EIR/S were raised.</p> <p>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.</p> <p>Impacts to agriculture are identified and discussed in Chapter 14; Lead Agencies have proposed measures that would support and protect agricultural production in the Delta by securing agricultural easements and/or by seeking opportunities to protect and enhance agriculture with a focus on maintaining economic activity on agricultural lands. See Master Response 18 (Agricultural Impact Mitigation).</p>
2894	1	You must not divert necessary water from the area needed to keep the Delta healthy and keep the fish and birds alive, not to mention supply farmers for their crops. Northern California is so tired of always being expected to supply the needs of southern California at the expense of our own needs. That is one of the big reasons that some people have advocated dividing California into at least two states instead of one. I don't recommend that, but if southern California continues to try to hog our water, that could change. If it is not broke, do not fix it. The Delta needs more precipitation, but otherwise is doing okay. But if the water is diverted, that's a different story.	<p>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.</p> <p>No issues related to the adequacy of the environmental impact analysis in the EIR/S were raised.</p>
2895	1	California cannot support massive desert populations using water as if they were in Kentucky or Upstate New York! Please stop the California Water Fix (it is a fix the same way extinction is a "fix"), and review real alternatives that will actually protect the Delta.	<p>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.</p> <p>No issues related to the adequacy of the environmental impact analysis in the EIR/S were raised. Refer to Master Response 4 (Alternatives), Master Response 3 (Purpose and Need), Master Response 6 (Demand Management) and Master Response 34 (Beneficial Use of Water).</p>
2896	1	This has got to be the dumbest most ill-conceived idea to solve any water problems in history! Control the human population and come up with a real plan to conserve and protect our environment! Follow the money on this wasteful notion! You can't fool all the people all the time!	<p>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.</p> <p>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 with the goal of improving water volume, timing, and salinity, the project is designed to establish a more natural east-west flow for migratory fish, improve habitat conditions, and allow for greater operational flexibility. Refer to Master Response 3 (Purpose and Need), and Master Response 6 (Demand Management).</p>
2897	1	Please stop the California WaterFix now to save the Delta for the fish, birds and other wildlife. The loss of the largest estuary on the West Coast of North America is not worth a pair of new tunnels.	<p>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</p>

RECIRC Ltr#	Cmt#	Comment	Response
			<p>to the specific substantive portions of the comment letter that were submitted by the commenter.</p> <p>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. No issues related to the adequacy of the environmental impact analysis in the EIR/S were raised.</p>
2898	1	The tunnels are a really bad plan and will shortchange the river, the environment and the State.	<p>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.</p> <p>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. No issues related to the adequacy of the environmental impact analysis in the EIR/S were raised.</p>
2899	1	The Tunnels represent a 20th century model of delivering water that won't work in the climate-change challenged present. Increasing temperatures will dramatically alter flow patterns as diminished snowpack becomes the new normal. Less water will be available for export at the same time that more water must be held to preserve salmon habitat and Delta water quality. Increased reliance on Delta exports that will not be available run contrary to preserving the ecosystem.	<p>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.</p> <p>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.</p> <p>The anticipated hydrologic changes due to climate change (increased temperatures and more years of critical dryness, increased water temperatures, changes in precipitation and runoff patterns, sea level rise, and tidal variations) will constrain and challenge future water management practices across the state, with or without the proposed project. The state is addressing climate change through strategies and a decision-making framework as outlined in the California Climate Adaptation Strategy and Adaptation Planning Guide. However, no single project and indeed none of the project alternatives would be able to completely counteract all of the impacts of climate change.</p> <p>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.</p>