Table 4-1. Responses to Comments			
Ltr#	**Cmt#**	**Comment**	**Response**
1370	1	I see the pressure southern California is facing with reduced deliveries from the Colorado River and Delta exports. I hear about plans to tunnel under the Delta and the need to take water from this area, another "water grab" to benefit the Los Angeles basin. I am afraid the State's recent first visit here could be the first of many others to follow in the future until there is nothing left.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.
1370	2	I will withhold judgement on the Bay-Delta plan as water robbery, if the SWRCB sincerely works hand in hand with the locals whose livelihood is at stake. The SWRCB owes us to explore all other means before applying the nuclear solution of basically taking our water away to other parts of the State.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.
1370	3	With the highest salmon return on record in the Merced River this year, I believe the previously painted urgency of the do or die approach for salmon is not warranted at this time.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.
1370	4	A comprehensive solution based on the spirit of the SAFE plan, previously presented to you, together with systematic scientific observations will lead to an optimal proposal with regard to water releases along the Merced River.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.
1370	5	Sometimes simple solutions only cause complications down the road. If the issue is truly salmon, then please reconsider the whole concept of unimpaired flows and concentrate on what may work in the long run. Warily emerging from a drought and with SGMA looming, the region may not survive another water hit.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.
1370	6	Let's think of a lush and prosperous Merced enjoying its self-funded water projects for generations to come. Let's nor repeat the Owens Valley disaster.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.
1371	1	Please reconsider the 30-40% increased flows in these rivers. It will devastate this Valley and will not benefit salmon that much.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.
1371	2	We depend on the Tuolumne for part of our drinking water and farmers depend on it for their needs. It will also indirectly impact our groundwater supply as more farmers and agencies will have to obtain more water from the aquifers.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.
1371	3	I believe that you have been presented with more up-to-date scientific data concerning the number of salmon in the Tuolumne River by the Turlock Irrigation District (TID) and you should base your judgements on this data. Also, here are other factors affecting salmon such as floods which you have no control over.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.
1371	4	Salmon are important but people are also important! Please consider all that you have heard at town hall meetings!	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.
1372	1	I am writing to express my strongest possible support for the Merced River S.A.F.E. Plan as an alternative to the State Water Resources Control Board's Bay Delta SED Plan.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.
1372	2	Implementation of the Bay Delta SED will cause significant harm to our community's water quality.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.

Table 4-1. Responses to Comments			
Ltr#	**Cmt#**	**Comment**	**Response**
1372	3	Further, Implementation of the Bay Delta SED will devastate our already-disadvantaged community's economy with losses reaching as high as $231 million and nearly 1,000 jobs.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.
1372	4	I respectfully request you consider a multi-benefit, and localized, approach to benefitting the salmon lifecycle. The S.A.F.E Plan (Salmon, Agriculture, Flows, Environment) would support many of your objectives while reducing the impacts to our local community. Further, the S.A.F.E Plan for the Merced River by Merced Irrigation District seeks to address challenges "in our own backyard." This would seem a wiser approach to meeting the State Water Board's goals than diverting water wisely used for 100 years in our community to benefit other areas of the state.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.
1372	5	As proposed, while attempting to improve water quality and decrease saline water in the southern Delta, your plan would in fact create those same problems for our community: we would experience saltwater intrusion in our groundwater, harming our local water quality.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.
1372	6	I have benefited and responsibly used water from the Merced River for many years. I have been a past MID Customer and still benefit from waters of the Merced River recreationally and economically.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.
1372	7	Please consider a multi-benefit approach which would include addressing habitat and increasing salmon production at the Merced River Salmon Hatchery, as is proposed by the Merced River S.A.F.E Plan.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.
1373	1	I believe the proposal to increase water flow in the Stanislaus, Tuolumne and Merced Rivers is unjustified by the boards own research and will be detrimental to all commercial business activity in the northern San Joaquin Valley.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.
1373	2	The proposed water flow reduction as it pertains to agricultural will result in reduced crop yields and in some cases no crops.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.
1373	3	The proposed water flow reduction as it pertains to agricultural will result in reduced jobs in farm labor, product transportation, crop processing and many other allied industries.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.
1373	4	The proposed water flow reduction as it pertains to agricultural will result in reduced product sale results in a reduction in sales and income tax revenue to the local communities and the state.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.
1373	5	One must also ask the question? Is the proposed action in compliance with the State's ground water depilation requirement? The more we reduce our irrigation capabilities the less water that is recharged into the aquifer.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.
1373	6	The final point I'd like to make is that the research used to support this proposal appears to place aquatic products higher on the food chain the California citizens. The report does not provide economic analysis to show aquatic products from these 3 rivers will provide a higher standard of living then that derived from the current level of water usage from the Merced, Tuolumne and Stanislaus rivers.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.
1374	1	I am writing you to stop the proposed Bay Delta Water Quality Control Plan SED and implement alternative plans. Please exhaust all other ideas and prove those don't work over	Please see Master Response 1.1, General Comments for responses to comments that either make a general

Table 4-1. Responses to Comments			
Ltr#	**Cmt#**	**Comment**	**Response**
		a 3-5 year period, before implementing such drastic measures.	comment on the plan amendments or do not raise significant environmental issues.
1374	2	You should increase the limits on predatory, non-native fish.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.
1374	3	You should increase habitat restoration.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.
1374	4	You should assure that limits for capturing the adult fish are maintained.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.
1374	5	You should support the Merced River SAFE plan.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.
1374	6	There is no guarantee that increasing the water flow will increase fish population.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.
1374	7	There are known major consequences and hundreds of additional unintended consequences should you decrease flow: Increased groundwater pumping at a time when our groundwater is already stressed (I am on a waiting list for a new well for my residence).	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.
1374	8	There are known major consequences and hundreds of additional unintended consequences should you decrease flow: Decrease in agriculture production and taxes revenue for the state.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.
1374	9	There are known major consequences and hundreds of additional unintended consequences should you decrease flow: Loss of up to $231 million and 1,000 jobs.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.
1374	10	Please spend 3-5 years and implement the SAFE plan and other measures to see if these will work first.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.
1375	1	I am writing to ask you to stop the proposed Bay Delta Water Quality Control Plan SED and instead consider implementing the Merced River SAFE Plan.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.
1375	2	We are farmers in Merced County and rely on the Merced River to water our crops and feed our families. Agriculture is the life blood of our community. Without enough water we will continue to pump ground water which will lower water tables and salt poison our land.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.
1376	1	I am writing to address the current inadequate flow regime for the Sacramento-San Joaquin River Delta. I urge you to set flows at 60 percent to ensure the salmon and the Delta ecosystem survive.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.
1377	1	[ATT 1: Ballico-Cortez Water District Resolution. November 2016]	The commenter provided this attachment for reference purposes in support of their comments. Those comments are addressed in these responses to comments; therefore, no additional response is required.
1377	2	[From ATT 1] Flows described in the SED will create "significant and unavoidable" lasting impacts that will harm the socioeconomic welfare of those within Stanislaus, San Joaquin and Merced Counties.	Please see Master Response 1.1, General Comments regarding economic considerations and discussion regarding other environmental resources evaluated in the SED.

Table 4-1. Responses to Comments			
Ltr#	**Cmt#**	**Comment**	**Response**
1377	3	[From ATT 1] Water supply impacts of flows described in the SED include the loss of hundreds of thousands of acre-feet of surface water that is used to keep agriculture-the region's economic engine-stable. This loss of water would result in the fallowing of some of the most prime farmland in California.	Please see and Chapter 11, Agricultural Resources, Section 11.5, Impacts and Mitigation Measures, Impact AG-1 for information about the conversion of farmland to nonagricultural uses. Please see Master Response 8.1, Local Agricultural Economic Effects and the SWAP Model, for information about grower economics.
1377	4	[From ATT 1] If the SED's unimpaired flows were in effect in 2015, in addition to already-incurred impacts from the fourth year of a drought, the economic impacts of the SED would have included $1.6 billion in economic output loss, $167 million farm-gate revenue loss, $330 million in labor income loss, and 6,576 jobs would have been lost, all within the region served by Modesto and Turlock irrigation districts.	Please see Master Response 1.1, General Comments, for general information regarding the economic analysis. Also, please see Master Response 8.2, Regional Agricultural Economic Effects, for discussion of economic analysis performed by Turlock and Modesto Irrigation Districts.
1377	5	[From ATT 1] Groundwater impacts of flows described in the SED include increased groundwater pumping at a time when California is working to implement the landmark Sustainable Groundwater Management Act. Impacts from flow increases described in the SED include a severely hampered ability to conjunctively use surface water on farms to provide adequate groundwater recharge.	Please see Master Response 3.4, Groundwater and the Sustainable Groundwater Management Act, for discussions regarding groundwater recharge and SGMA in the context of the plan amendments.
1377	6	[From ATT 1] Growers within the Ballico-Cortez Water District, approximately 160 farms on 7000 acres, many of which also live in the District, rely solely upon groundwater for their water supplies. Groundwater in the basin has historically been recharged to a great extent from surface water irrigation within the Turlock Irrigation District. As a result of reduced surface water supplies within the Turlock Irrigation District, water supplies within Ballico-Cortez Water District and other areas to the east, that do not have access to surface water supplies, will also be significantly impacted.	As discussed in the impact analysis of SED Chapter 13, Service Providers, Under LSJR Alternatives 2 (with adaptive implementation), and 3 and 4 (with and without adaptive implementation), service providers that rely primarily on groundwater could experience substantial reductions in their groundwater supply, particularly over the long term and in dry years. The magnitude or severity of the effect would depend on additional factors such as the size of the population being served, the number of active municipal wells in their service area, the range of differences between well depths and depths to groundwater and other factors (e.g., physical condition of wells). The reductions in surface water supply to service providers would likely require these entities to construct new and expanded water treatment facilities or water supply infrastructure to replace reduced surface water supplies.
1377	7	[From ATT 1] Power impacts of flows described in the SED include public power agencies being resigned to generating more hydropower at a time of low demand, meaning less water is available to generate hydropower in summer when power demand is at its peak. This has economic impacts to public power agencies, and such impacts bear a direct relation to customer electric rates.	The analysis contained within the SED acknowledges and accounts for the effects of hydropower generation shifts from late summer to late spring, including the difference in respective prices that are likely to take place as a result of the plan amendment. However, as noted on page 20-57, the reduction in annual hydropower revenues are unlikely to result in any perceptible impact to consumer electric rates.
1377	8	[From ATT 1] Growers within Ballico-Cortez Water District also fall within the Turlock Irrigation District's electrical service area, the increased electrical costs resulting from reduced hydropower generation, at the same time as reduced groundwater supplies, will doubly impact Ballico-Cortez growers who have no other choice than to pump groundwater for their supply.	Please see Master Response 1.1, General Comments, for responses to comments that do not raise significant environmental issues or make a general comment regarding the plan amendments and general information regarding the economic analysis. Please see Master Response 8.4, Non-Agricultural Economic Considerations, for discussion of potential effect on hydropower generation.
1377	9	[From ATT 1] There is reasonable and significant doubt that the flows described in the SED will benefit native fish populations or promote ecosystem restoration.	As described in Appendix C, Technical Report on the Scientific Basis for Alternative San Joaquin River Flow and Southern Delta Salinity Objectives, and Chapter 19, Analyses of Benefits to Native Fish Populations from Increased Flow between February 1 and June 30, scientific evidence demonstrates that increased and more variable flow is the foundation for survival for fish. Please see Master Response 3.1, Fish Protection, for additional information. The State Water Board recognizes that non-flow measures have a complementary role to flow-based restoration. Please see Master Response 5.2, Incorporation of Non-Flow Measures, regarding the role of non-flow measures in the overall health of the tributaries and how non-flow measures relate to the plan

Table 4-1. Responses to Comments			
Ltr#	**Cmt#**	**Comment**	**Response**
			amendments.
1377	10	[From ATT 1] The SED focuses narrowly on flows as a solution to environmental concerns while ignoring non-flow alternatives such as predator suppression and fish habitat restoration. Such non-flow management measures are often less costly and more effective.	The State Water Board does consider non-flow measures in SED and recognizes the importance of implementing non-flow measures for protecting fish and wildlife. Therefore, non-flow measures are included in the program of implementation as recommendations and, if parties choose to implement them, non-flow measures may inform adaptive implementation of the flow water quality objectives. As stated in Appendix K, Revised Water Quality Control Plan, the recommended non-flow measures are complementary to the LSJR flow objectives for the protection of fish and wildlife. Please see Master Response 5.2, Incorporation of Non-Flow Measures, for further discussion on the State Water Board's authority related to flow actions, and cost of non-flow measures. Please see Master Response 3.1, Fish Protection, for a discussion regarding the scientific justification for flow in protecting fish and wildlife, and a detailed clarification of predation as the non-contributing factor to salmon population decline.
1377	11	[From ATT 1] The State Water Resources Control Board should pursue a comprehensive solution. This solution must prioritize non-flow measures to protect native fish species, such as predation reduction programs, before requiring flow increases that would threaten the economic vitality of our region's counties, cities and small family farms.	Please see response to comment 1377-10.
1378	1	On behalf of the Bay Area Caucus (BAC), we are writing to express our concerns with the State Water Resources Control Board's (SWRCB or Board) proposal to update California's 2006 Bay-Delta Plan, specifically the Revised Substitute Environmental Document (SED). As such, the BAC respectfully requests that you extend the comment deadline for the SED one last time, beyond March 17, 2017, by 60 days. We ask for this final delay to strongly encourage the SWRCB to collaborate with the Natural Resources Agency and the Department of Fish & Wildlife to push for voluntary settlements with key stakeholders.	Please see Master Response 1.1, General Comments, regarding the public comment period. Note that the public comment period was extended for a total duration of 6 months. Additionally, please see Master Response 1.1, General Comments, for information regarding voluntary agreements.
1378	2	While we commend the efforts of the SWRCB and support the intent behind the proposed SED, i.e., to increase the San Joaquin River flows to improve water quality and protect fish and wildlife, we are concerned that an unimpaired river flow increase of 30-50% will have a detrimental impact on the water supply for San Francisco and the Bay Area.	Please see Master Response 1.1, General Comments, for responses to comments that either make a general comment regarding the plan amendments or do not raise significant environmental issues.
1378	3	We believe that there are alternatives to simply increasing the flow of water that would protect wildlife with a lower amount of water being added to the San Joaquin.	Please refer to Master Response 1.1, General Comments, for responses to comments that either make a general comment regarding the plan amendments or do not raise significant environmental issues.
1378	4	We support efforts to spend money to increase the efficiency of water used locally by farmers and residents, so that less water would need to be taken from urban users.	The commenter provides general support of projects to increase the efficiency of water. Please see Master Response 1.1, General Comments, for responses to comments that either make a general comment regarding the plan amendments or do not raise significant environmental issues.
1378	5	If approved, the SWRCB's current plan would substantially cut water supplies to 2.6 million Bay Area residents in San Francisco, Silicon Valley, and the East Bay by up to 50% at the first sign of any future drought. Bay Area residents are active supporters of water efficiency and are diligent about protecting our state's water supplies. As such, water users in the Bay Area already use less water per capita than anywhere else in California, at just 54 gallons per day versus the statewide average of 82 gallons.	Please see Master Response 1.1, General Comments, for responses to comments regarding community concerns and elected representative concerns. Please see Master Response 8.5, Assessment of Potential Effects on the San Francisco Bay Area Regional Water System, regarding the State Water Board's evaluation of potential reductions in water supply and associated economic considerations and other impacts within the SFPUC Regional Water System (RWS) service area with implementation of the plan amendments. The master response identifies the main points of disagreement or differing assumptions between the SED and the comments. As described in Master Response 8.5, the SED identified reasonably foreseeable actions that could be taken by affected entities to comply with the plan amendments and in response to reduced surface water supplies. These actions did not include the severe mandatory rationing described by SFPUC because

Table 4-1. Responses to Comments			
Ltr#	**Cmt#**	**Comment**	**Response**
			it was not reasonably foreseeable that a water supplier would impose drastic mandatory water rationing on its customers without first attempting other actions to replace any reductions in water supplies with alternative sources of water, such as through water transfers. To the extent that this comment raises similar issues or the same issues raised by SFPUC or BAWSCA, please refer to letter 1166 or letter 1191 to review responses to those letters.
1378	6	Bay Area residents are strong advocates for protecting wildlife and the environment, and therefore the BAC (Bay Area Caucus) supports the Board's proposal to allocate and "environmental water right," or a share of water for the environment. We believe having an environmental water right will ultimately result in better outcomes for our fish species if it is managed effectively. The BAC encourages further consideration of the environmental water right, including greater flexibility to manage this water supply.	Please see Master Response 1.1, General Comments, regarding support for the plan amendments. Additionally, as explained in Appendix C, Technical Report on the Scientific Basis for Alternative San Joaquin River Flow and Southern Delta Salinity Objectives, and Chapter 19, Analyses of Benefits to Native Fish Populations from Increased Flow between February 1 and June 30, the overwhelming body of evidence demonstrates that increased and more variable flow is the foundation for survival for fish. Please also refer to Master Response 3.1, Fish Protection, for additional information regarding the adequacy of the plan amendments for providing fish protection. Please also refer to Appendix K, Revised Water Quality Control Plan, for a description of methods that will be used to make adaptive adjustments to the February through June unimpaired flow requirements. Please also refer to Master Response 2.2, Adaptive Implementation, for more clarification of adaptive implementation.
1378	7	We recognize the Board is responsible for striking a delicate balance among all stakeholders at the negotiating table, and at some point, a final decision on the SED must be made. However, the BAC (Bay Area Caucus) requests that you extend the SED comment deadline this one last time of March 17, 2017 by an additional 60 days. We believe this additional time will allow key stakeholders to actively continue voluntary settlements, e.g., habitat restoration projects and other alternatives aimed at protecting fish and wildlife, aside from simply increasing the San Joaquin River's water flow.	Please see Master Response 1.1, General Comments, regarding the public comment period. Note that the public comment period was extended for a total duration of 6 months. Additionally, please see Master Response 1.1, General Comments, for information regarding voluntary agreements. Please refer to Master Response 5.2, Incorporation of Non-Flow Measures regarding the role of the non-flow measures such as habitat restoration and predator control, in the plan amendments.
1379	1	I am in favor of the State Water Board's proposal to increase river flows to 40% of the unimpaired flows that would naturally be in the Tuolumne, Merced and Stanislaus Rivers if agriculture and other users did not divert so much water. I support KEEPING MORE WATER IN THESE RIVERS for the benefits to the fish, for maintaining water temperatures, and for water quality.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.
1380	1	I am writing today to plead with you to stop the proposed Bay Delta Water Quality Plan SED and instead to consider implementing the alternative Merced River SAFE Plan. This plan will support salmon and the environment without devastating our local water supply and our local economy.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.
1380	2	For Summer 2014, we had a very limited supply of water from our district which decreased our farmable acres significantly. Summer 2015 had an even more devastating effect on our operation. We had zero surface water for the summer and our one deep well dropped off in flow by planting time to the point where we could not plant and sustain a crop. We had put in for a new irrigation well late in 2014 but it was not completed until November of 2015. The growing season was over. All of our corn silage (6000 Ton) then had to be purchased from other farms at a very high price due to market conditions. We estimate the combined extra costs for these two years on our farm was nearly four hundred thousand dollars, an expense from which we have not recovered. Additional high costs for other feeds to fill the void also contributed to this added expense. Many farmers felt the same pain that we did. It has put our operation's future in doubt	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.

Table 4-1. Responses to Comments			
Ltr#	**Cmt#**	**Comment**	**Response**
		along with the livelihood of our employees and their families. 2016 provided a normal water supply available from the district, from which we purchased nearly all of our water, saving the groundwater supply. The addition of a high-volume irrigation well has eased our worries for supply but increased our concerns for the groundwater overdraft and long term groundwater availability and quality. The Bay Delta Plan has the potential to create these problems of decreased surface water availability and subsequent groundwater pumping increases again. The economic effects will be devastating to our farming community and will create environmental issues as well. None of these things make us very comfortable. The last thing I want to do is run my well solely to sustain a crop when there is limited or no surface water. I do not want to add to the groundwater overdraft problem. However, I will do that if it means putting food on my plate and the dinner tables of my employee's families. Ethics and livelihood will play into these decisions.	
1380	3	I fed the long term effect of the Bay Delta Plan will have a negative impact on the economic and environmental conditions in our area. We urge you to reconsider this and adopt the more reasonable Merced River SAFE Plan.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.
1381	1	The Coalition for a Sustainable Delta is concerned that the State Board has not adequately weighed the adverse impacts of the proposed flow objectives, including potentially significant economic harm, against the perceived benefits to the species.	Please see Master Response 1.2, Water Quality Control Planning Process, regarding State Water Board consideration of beneficial uses within the context of the water quality control planning process. Please see Master Response 2.1, Amendments to the Water Quality Control Plan for responses to comments regarding the science and policy justification for the LSJR and SDWQ plan amendments. For information on SED consideration of the economic effects of the plan amendments, please see Appendix G, Agricultural Economic Effects of the Lower San Joaquin River Flow Alternatives: Methodology and Modeling Results; Chapter 20, Economic Analyses; and Master Response 8.2, Regional Agricultural Economic Effects.
1381	2	The SED's conclusions regarding unimpaired flows—namely that unimpaired flows will provide environmental benefits and improve salmonid viability—are not supported by the scientific literature. Without these analyses and support, the SED is inadequate.	Please refer to Master Response 1.2, Water Quality Control Planning Process, Master Response 3.1, Fish Protection, and Appendix C, Technical Report on the Scientific Basis for Alternative San Joaquin River Flow and Southern Delta Salinity Objectives, Section 3, Scientific Basis for Developing Alternate San Joaquin River Flow Objectives, regarding the scientific basis of the plan amendments. Also see Master Response 2.2, Adaptive Implementation, and Master Response 3.1 regarding functional flows and the benefits of the plan amendments with adaptive implementation.
1381	3	In addition, the Coalition for a Sustainable Delta is concerned that the State Board's analysis fails to take into account the best available science, both with respect to Central Valley steelhead and Chinook salmon. The State Board relies principally on purported benefits to these two species to justify the proposed flow objectives, but the scientific evidence supporting such benefits is lacking, in large part because benefits to steelhead are assumed and benefits to Chinook salmon are primarily based on gray literature that is misinterpreted by State Board staff and that yields highly uncertain results.	The State Water Board used the best available science for the analyses presented in the SED, which included: quantitative data from peer-reviewed published literature on topics specific to the plan area; peer-reviewed published literature outside the plan area but on topics relevant to the plan amendments; unpublished quantitative data from within the plan area and from outside of the plan area; qualitative data or personal communication with topical experts; and expert opinion if no other sources were available. Please refer to Master Response 3.1, Fish Protection, for a discussion of use of the best available science and regarding the use of surrogates (e.g., Chinook salmon and steelhead) in the analyses.
1381	4	The SED lacks a meaningful cost-benefit analysis. The Coalition for a Sustainable Delta acknowledges that the SED contains various economic analyses addressing the direct and regional economic impacts associated with the proposed flow alternatives. See, e.g., SED Chapter 20, Economic Analyses; SED Appendix G, Agricultural Economic Effects of Lower San Joaquin River Flow Alternatives: Methodology and Modeling Results. While useful, these analyses stop short of accomplishing what is necessary to support the State Board's	Please see Master Response 1.1, General Comments, and Master Response 1.2, Water Quality Control Planning Process, regarding the consideration of beneficial uses. Please see Chapter 20, Economic Analyses, Section 20.1, Introduction and Master Response 8.0, Economic Analyses Framework and Assessment Tools, for a description how economics are considered in the SED and the tools used. As described in Chapter 20, "The purposes of and the analytical framework for these analyses are (1) to compare potential changes in surface water diversion-related economic effects of the LSJR alternatives, and (2) to describe the potential

Table 4-1. Responses to Comments			
Ltr#	**Cmt#**	**Comment**	**Response**
		proposed flow objectives. Specifically, the analyses assess the potential economic effects of the proposed alternatives based on how the use of certain resources may change. See, e.g., SED at 20-3. But the SED does not weigh the adverse economic impacts of the flow objectives against the perceived benefit to the species. That is, while certain costs and beneficial effects are identified, there is no comprehensive comparison of these impacts, whereby the costs are balanced against the perceived benefits. As a result, the net impacts associated with the proposed flow objectives are currently unknown, and therefore not addressed. The Coalition requests that the SED be revised to include a meaningful cost-benefit analysis, whereby the adverse impacts of the flow objectives are weighed against the perceived benefit to the species.	costs of compliance with updated water quality objectives for the southern Delta. Although the analyses conducted to address these two purposes are presented together in this chapter, this should not be interpreted as an attempt to compare relevant costs and benefits of the LSJR alternatives or of the SDWQ alternatives." Please see Chapter 20, Section 20.3.5, Effects on Fisheries and Associated Regional Economies and Section 20.3.6, Effects on Recreational Opportunities, Activity, and the Regional Economy, for quantification and evaluation of the commercial and recreational benefits associated with the plan amendments. Finally, please see Master Response 8.4, Non-Agricultural Economic Considerations, for a discussion regarding ecosystem services and potential benefits.
1381	5	The SED's conclusions regarding unimpaired flows are unsupported. The SED states that the proposed flow objectives are intended to provide flows that "more closely mimic the natural hydrographic conditions (including frequency, timing, magnitude, and duration of natural flows)" in the Lower San Joaquin River and three eastside tributaries. SED at ES-9. The proposed flow objectives are based on the premise that unimpaired flows will provide environmental benefits and increase salmonid viability. E.g., SED Appendix 3, 3-29, 3-41. The scientific literature, however, does not support this conclusion. Rather, the results of several studies are mixed, particularly in highly altered systems such as the Delta. E.g., Poff et al. (1997); Hart and Finelli (1999); Bunn and Arthington (2002); Poff and Zimmerman (2010). In fact, the literature indicates that targeted unimpaired flows may be a useful management tool, but only when attempting to attain a particular ecological benefit. Id. Here, however, the SED does not explain how the specific flow regime being proposed (as opposed to flows in general) will provide fishery benefits through restored flow functions. Without an analysis that shows expected improvements in specific ecological functions, the SED lacks the information to support its conclusion that the proposed flow objectives are necessary to benefit salmonids. Likewise, the SED cites Brandes and McLain (2001), among others, to assert that the "primary limiting factor for tributary abundances are reduced spring flow, and that salmonid populations on the tributaries are highly correlated with tributary, Vernalis, and Delta flows." SED at 3-29. In Brandes and McLain (2001), however, the authors offer no support for that assertion. In fact, no evidence of such a relationship exists, and no ecological mechanism has been identified that explains how managed river flows could influence juvenile salmonid survival during passage through the Delta. In sum, the SED assumes, without support, that natural flow regimes are best and that water project operations that alter natural flow conditions should be minimized to the extent possible. That paradigmatic assertion is not justified and the analyses supporting it are flawed, and certainly cannot be applied in a severely altered and conflicted management environment such as the Delta. Providing a reliable water supply, while also protecting, restoring, and enhancing the Delta ecosystem, requires an approach that can account for the conditionally unique and nuanced circumstances that attend a complex and highly disturbed system. Because the proposed flow objectives singularly focus on unimpaired flows, the approach	The scientific basis for the plan amendments providing fish protection is found mainly in Chapter 19, Analyses of Benefits to Native Fish Populations from Increased Flow between February 1 and June 30, and in Appendix C, Technical Report on the Scientific Basis for Alternative San Joaquin River Flow and Southern Delta Salinity Objectives (see Section 3, Scientific Basis for Developing Alternate San Joaquin River Flow Objectives). As described in Chapter 19 and Appendix C, the unimpaired flow approach is intended to capture allow higher flows, and capture the natural pattern of variability and retain the attributes of the natural flow regime to which native LSJR basin fish and wildlife adapted, and that is important to support key ecosystem processes. More recent studies (e.g. Sturrock et al. 2015; State Water Board 2017; TID and MID 2013; USFWS 2014; Zueg et al. 2014) continue to provide evidence of the importance of suitable flow and related habitat conditions during the spring time period. Finally, the analyses provided in Chapter 19, show that improving flows that mimic the natural hydrographic conditions including related temperature and floodplain regimes to which native fish species are adapted, are expected to provide many juvenile salmonids with additional space, time, and food resources which are necessary for required growth, development, and survival. Please refer to Master Response 3.1, Fish Protection, for more information regarding benefits of the unimpaired flow approach, the use of best available science, and the current pattern of fish decline and the need for increased and more variable flows. As described in Appendix K, Revised Water Quality Control Plan, the unimpaired flow approach is intended to be implemented in a flexible manner whereby a quantity of water can be "shaped" or "shifted" around between February through June to provide more optimal flow patterns and more functionally useful flows such as increased habitat, more optimal temperatures, or a migration cue to increase benefits to fish and wildlife. Please refer to Master Response 2.2, Adaptive Implementation, and Master Response 3.1, Fish Protection, for more information. See Master Response 1.2, Water Quality Control Planning Process, for a discussion of the phased approach. In the Sacramento Bay-Delta watershed update, the State Water Board is reviewing and considering updates to other elements of the Bay-Delta Plan, including requirements for flows and cold water habitat in the Sacramento River, its tributaries and tributaries to the Delta (the Mokelumne, Cosumnes, and Calaveras Rivers); Delta outflows; and water project operations in the interior Delta. The comments are noted; however, some of the comments include inaccuracies. The plan amendments do not singularly focus on flows, but also include recommendations for complementary non-flow measures including, but not limited to, habitat enhancement, reducing predation, expanding fish screening, and improving passage above dams. Please see Appendix K, for a list of the recommended non-flow measures, and Chapter 16, Lower San Joaquin River Alternatives–Non-Flow Measures, for a description of these actions and their associated costs and potential environmental impacts. Please also see Master Response 5.2, Incorporation of Non-Flow Measures, for a discussion of the role of non-flow measures and their

Table 4-1. Responses to Comments			
Ltr#	**Cmt#**	**Comment**	**Response**
		leaves no room for a necessarily customized management response to the highly constrained hydrodynamics of the contemporary San Joaquin River and south Delta.	relationship to the plan amendments.
1381	6	The best available science does not support the SED's conclusion that conditions that benefit fall-run Chinook salmon also benefit steelhead. In several instances, the SED concludes that certain flow objectives intended to benefit salmon will equally benefit steelhead. For example, the SED states: "Central Valley steelhead co-occurs with fall-run Chinook salmon in the [San Joaquin River] basin and both species have somewhat similar environmental needs for river flows, cool water, and migratory corridors. As a result, conditions that favor fall-run Chinook salmon are assumed to provide benefits to co-occurring steelhead populations, and other native fishes." SED Appendix C at 3-13 (emphasis added). The best available science does not support this assumption—namely, that steelhead respond to flows in the same manner as salmon. Indeed, there is significant scientific support for the proposition that hatchery fall-run Chinook salmon is an improper surrogate species or proxy for wild Central Valley steelhead.	Please see Master Response 3.1, Fish Protection, regarding use of surrogates.
1381	7	The SED fails to take into account relevant scientific information. As an initial matter, it appears that the SED does not take into account all readily available, relevant, and high quality scientific information relating to the use of surrogates. Specifically, the SED ignores the numerous publications discussing how and when the use of surrogates is appropriate, including the publications set forth in the attached Exhibit A [ATT1]. The Coalition for a Sustainable Delta requests that these publications be taken into account, to ensure that the analyses in the SED reflect the best available science.	Please see Master Response 3.1, Fish Protection, regarding use of surrogates and best available science.
1381	8	Any use of surrogates must be rigorously analyzed. The use of surrogate (or substitute) species in conservation planning has been debated vigorously by scientists. E.g., Landres (1992); Andelman & Fagan (2000); Wenger (2008). 25 years ago, Peter Landres concluded that the use of surrogates is "financially not practical, conceptually inappropriate, and empirically unsupported potentially leading to inaccurate longterm management and assessment decisions." Landres (1992). Tim Caro (who is among the foremost experts on the use of surrogate species) and his colleagues have drawn the following conclusion: "the assumptions required to use substitute species in conservation biology are too onerous when applied to trying to predict population responses to anthropogenic disturbance. Where at all possible, we advocate making every possible effort to examine the target species directly before resorting to substitute species." Caro et al. (2005). In other words, use of surrogate species should be a tool of last resort. In general, when the response of one species to an environmental disturbance is being used to predict the response of another species to a similar disturbance, it is critical that a rigorous analysis be used to select an appropriate surrogate. Murphy et al. (2011); Landres et al. (1988). One approach to such an analysis involves the following: (1) establish the relationship between levels of environmental disturbance and demographic vital rates for the surrogate species; (2) identify the key traits that affect demographic viability in both the surrogate and target species with regard to the environmental disturbance; and (3) establish the relationship between the key trait and the disturbance threshold. Caro et al. (2005). Put simply, stating that "both species have somewhat similar environmental needs for river	Please see Master Response 3.1, Fish Protection, regarding use of surrogates.

Table 4-1. Responses to Comments			
Ltr#	**Cmt#**	**Comment**	**Response**
		flows, cool water, and migratory corridors" is insufficient to support the use of salmon as surrogates for steelhead for purposes of conservation planning for the latter species. E.g., Summary Report, Peer Review of Technical Guidance on Selecting Species for Landscape Scale Conservation, U.S. Fish and Wildlife Service, June 20, 2014, available at https://www.fws.gov/science/pdf/Final-Summary-Report-Complete-Technical-Guidance-on-Selecting-Species-for-Landscape-Scale-Conservation.pdf (explaining that, in the context of landscape scale conservation, environmental documents must progress "beyond generalities" to provide detailed support for the use of surrogates in making management decisions). Without a rigorous analysis showing that steelhead respond ecologically and behaviorally to unimpaired flows in the same manner as fall-run Chinook salmon, the SED's assumption is improper. Furthermore, the SED appears to rely solely on the National Marine Fisheries Service's 2009 salmonid biological opinion ("NMFS BiOp") to assert that fall-run Chinook salmon is an appropriate surrogate for steelhead. SED Appendix C at 3-13. This reliance is misplaced. The NFMS BiOp does not provide evidence that steelhead and salmon behave similarly in certain conditions. Rather, the NMFS BiOp makes the same flawed assumption as the SED. BiOp App. at 5 at 12; see also BiOp at 62. As important, the SED fails to reference articles and peer review reports that contradict the assumption made in the NMFS BiOp. Murphy et al. (2011); Hankin et al. (2010). Hankin and his colleagues note that "[l]ife history differences between Chinook salmon and steelhead are striking," and go on to state that the performance (i.e., survival) of juvenile Chinook salmon does not provide a reliable basis for inference concerning performance of steelhead. Without a robust analysis of whether steelhead respond to environmental disturbances in the same manner as salmon in the San Joaquin River and south Delta, assuming that they do so is improper, especially given that available data and analyses support the contrary conclusion. In sum, NMFS has failed to undertake a rigorous analysis, or any analysis whatsoever, to ensure that steelhead respond similarly to fall-run Chinook in similar conditions. Indeed, as described below, there is evidence suggesting that salmon is not a valid surrogate for steelhead due to differences in life history, size, and overall strength. Accordingly, the Coalition for a Sustainable Delta requests that the SED be revised to provide supporting information for its assumption that the use of fall-run Chinook as a surrogate for steelhead is appropriate, including specific evidence regarding behavior, movement, size, feeding habits, predation data, and other life history characteristics, particularly as those characteristics relate to unimpaired flows.	
1381	9	The SED fails to consider data from the six-year acoustic tag experiment. The NMFS BiOp's reasonable and prudent alternative (action IV.2.2) requires a six-year acoustic tag experiment that is intended to assess the behavior and movement of outmigrating steelhead and salmon. Specifically, the study was intended to evaluate the survival of emigrating smolts from tributaries into the mainstem of the San Joaquin River, from the mainstem San Joaquin River downstream into the Delta, and from the Delta to Chipps Island. Despite difficulties implementing the study in certain years, the study was conducted from 2011 through 2016. As we understand it, at least two years of data (2011 and 2012) are currently available, while the additional data are being analyzed. Accordingly, the Coalition for a Sustainable Delta requests that, at a minimum, the available data be included	The State Water Board has strived to use the best available science throughout the scientific basis and benefits analyses, consistent with the requirements of the certified regulatory planning process, and, in accordance with CEQA, used its best efforts to find out and disclose what it reasonably can. Please see Master Response 3.1 regarding the best available science.

Table 4-1. Responses to Comments			
Ltr#	**Cmt#**	**Comment**	**Response**
		and assessed as part of the SED.	
1381	10	The conclusions in the Collaborative Adaptive Management Team's Salmon Scoping Team Gap Analysis Report are contrary to the SED's assumptions. The Collaborative Adaptive Management Team's ("CAMT") Salmon Scoping Team ("SST") recently finalized its report entitled: "Effects of Water Project Operations on Juvenile Salmonid Migration and Survival in the South Delta" ("SST Report"). The report is comprised of two volumes, with the first describing findings and recommendations, and the second describing the SST's response to eight management questions posed by CAMT. The SST Report presents the results of a collaborative scientific assessment of (1) juvenile salmonid migration behavior primarily based on tracking acoustically tagged juvenile Chinook salmon and steelhead released into the lower San Joaquin River, and (2) the survival of juvenile Chinook salmon and steelhead as they migrate downstream through the lower San Joaquin River and central and south regions of the Delta. Information on salmonid migration was primarily derived from acoustic tag studies conducted in 2011 and 2012 (as part of the six-year acoustic study described above). Among other things, the report describes the following: - Smaller fish (e.g., fall-run Chinook) respond to conditions differently and usually experience lower survival than larger fish (steelhead). See, e.g., SST Report at 3-35, 3-86, 3-87. Larger fish have higher survival in the Delta. Id. - Survival data preliminarily suggests that steelhead have a higher survival rate in the Delta than fall-run Chinook. For example, based on data from 2011 and 2012, the SST concluded that survival of acoustic-tagged juvenile steelhead migrating from the San Joaquin River (0.32 to 0.54) has been greater than that of fall-run Chinook salmon from the same years (0.02 to 0.03). SST Report, Appendix E, Section E.2.1, Table E.2-3; see also id., Appendix E, Section E.2.1, Table E.2-2. - The use of surrogates should be accompanied by a description of the evidence that supports their use (citing Murphy and Weiland (2014)). SST Report at 3-73, 3-74. - The biological differences between species, including habitat preferences, ability to avoid prey, size, strength, etc. likely impact through-Delta survival. See generally, SST Report at 3-77. The Coalition for a Sustainable Delta therefore requests that the SED be revised to take into account the conclusions and analyses set forth in the recently issued SST Report. As a participant in the Collaborative Science and Adaptive Management Program and CAMT, the State Board has access to the SST Report.	Please see Master Response 3.1, Fish Protection, regarding use of surrogates and protection through the Delta.
1381	11	Benefits to fall-run Chinook salmon from the proposed flow objectives are uncertain. The SED relies on unpublished data and comment letters. Appendix C to the SED sets forth the scientific basis for the State Board's proposed flow and salinity objectives. See SED, Appendix C, Technical Report on the Scientific Basis for Alternative San Joaquin River Flow and Southern Delta Salinity Objectives. The analysis in Appendix C, however, is largely based on unpublished data, draft papers, and comment letters that are neither peer-reviewed nor published. For example, Appendix C relies on, among others: - Mesick, C.F. 2001b. Unpublished. Factors that Potentially Limit the Populations of	The State Water Board used the best available science throughout the SED. A variety of data were obtained for the water quality planning process: quantitative data from peer-reviewed published literature on topics specific to the plan area; peer-reviewed published literature outside the plan area but on topics relevant to the plan amendments; unpublished quantitative data from within the plan area and from outside of the plan area; qualitative data or personal communication with topical experts; and expert opinion if no other sources were available. The State Water Board acknowledges that uncertainty is inherent in any programmatic planning effort of

Table 4-1. Responses to Comments			
Ltr#	**Cmt#**	**Comment**	**Response**
		Fall-Run Chinook Salmon in the San Joaquin River Tributaries; - San Joaquin River Technical Committee (SJRTC). 2008. Draft Summary Report of the Vernalis Adaptive Management Plan (VAMP) for 2000-2008. Prepared for the Advisory Panel Review Conducted by the Delta Science Program; - Mesick, C.F., J.S. McLain, D. Marston, and T. Heyne. 2007. Limiting Factor Analyses & Recommended Studies for Fall-Run Chinook Salmon and Rainbow Trout in the Tuolumne River California Department of Fish and Game. Prepared for the U. S. Fish and Wildlife Service. Draft Report; - Mesick, C.F. and D. Marston. 2007. Provisional Draft: Relationships Between Fall-Run Chinook Salmon Recruitment to the Major San Joaquin River Tributaries and Stream Flow, Delta Exports, the Head of the Old River Barrier, and Tributary Restoration Projects from the Early 1980s to 2003; - California Department of Fish and Game (DFG). 2005a. California Department of Fish and Game Supplemental Comments and Recommendations on the Vernalis Flow and Salmon Doubling Objectives in the 1995 Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin River Delta Estuary; and - California Department of Water Resources (DWR). 2007b. Comments on SWRCB Southern Delta Salinity Standards Modeling Requests (Tara Smith, Parviz Nader-Tehrani, Erik Reyes, Mark Holderman) May 2007. SED Appendix C (emphasis added). The analyses in the SED, including the discussions relating to the anticipated benefits to fall-run Chinook, do not take into account the uncertainty associated with, among others, the above-referenced sources. Thus, the Coalition requests that, at a minimum, the analysis in Appendix C be revised to take into account the fact that these sources are not peer-reviewed and not published, in order to ensure that the SED appropriately addresses the uncertainty surrounding the conclusions derived therefrom.	this geographic and temporal scale. Please see Master Response 3.1, Fish Protection, regarding use of the best available science and addressing uncertainty.
1381	12	The SED's alternatives analysis is inadequate. The Lower San Joaquin River Alternatives include the following: Alternative 1 (no action alternative); Alternative 2 (range of unimpaired flows between 20 and 30 percent, with 20 percent as the starting point, from February-June); Alternative 3 (range of unimpaired flows between 30 and 50 percent, with 40 percent as the starting point, from February-June); and Alternative 4 (range of unimpaired flows between 50 and 60 percent, with 50 percent as the starting point, from February-June). These alternatives are inadequate because the only variation between the alternatives relates to the percentage of unimpaired flows. The State Board can meaningfully consider other aspects of flow, including pulse flows. Indeed, the SED admits that pulse flows are an important factor for juvenile salmonid migration. SED Appendix C, 3-29. The State Board can also establish flow objectives for different time periods, rather than the full February through June period for each alternative. Yet no alternative includes such options. The Coalition for a Sustainable Delta therefore requests that the alternatives be	Please see Master Response 2.4, Alternatives to the Water Quality Control Plan Amendments, regarding the reasonable range of feasible alternatives evaluated in the SED. Please see Master Response 3.1, Fish Protection, regarding the necessity of providing unimpaired flows during February–June to protect fish and wildlife beneficial uses in the SJR Basin. Please see Master Response 2.2, Adaptive Implementation, regarding incorporation of adaptive implementation into the plan amendments such that the plan attributes can be adjusted to allow for changing conditions.

Table 4-1. Responses to Comments			
Ltr#	**Cmt#**	**Comment**	**Response**
		expanded to include variables other than just changes in percentages of unimpaired flows.	
1381	13	[ATT1:] Exhibit A, Relevant Publications	The commenter provided this attachment for reference purposes in support of their comments. Those comments are addressed in these responses to comments; therefore, no additional response is required.
1382	1	I have read in the Calaveras Enterprise, usually a reliable source that, "According to the state agency, a total of 1,103 salmon would benefit from increasing water flows from the Stanislaus and Tuolumne Rivers to 40 percent of the river flow, which is estimated to cost the region $260 million in economic damage." That amounts to over $250,000 a fish which is obviously absurd. Who is benefiting from the increase flow? Any people or just hatchery fish? Fish don't vote!	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.
1383	1	My hope is that all of you will leave a legacy of hope and wellbeing by protecting our Sacramento-San Joaquin Delta Ecosystem by ensuring enough water flow within the Delta. Please be the voice for the wildlife and all of us people who want to see the Delta saved by ensuring enough water flow. Please step up and be defenders and super heroes for the delta and for the fish, birds, wildlife, plants, and our children and for the people who need the delta for their jobs, water, and souls. Please ensure that the delta has the water flow needed!!! Enough water for fish to live (save our fish), for birds to live (save our birds), and for the plants needed by all wildlife to thrive (save our wildlife). The Bay Delta has been suffering from: Greed – Board Members, battle this awful disease on our planet; short sightedness; Bad business – Board Members, let's do business that protects what is left of the Delta; Inadequate flows resulting in unfavorable conditions for salmon; No salmon = no jobs, revenue, and No nutrients from the ocean to inland rivers, and endangering salmon puts more than 100 species in harm's way. Board Members, please join the voices of John Muir and President Roosevelt, as well as millions of Californians who want to see enough water flow continue in one of California's most precious resources, that of the great Sacramento-San Joaquin Delta Ecosystem.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.
1384	1	Concerns with the 2016 Bay-Delta Plan Amendment and SED As an operator of a Public Water System, the City of Turlock has a number of concerns with the 2016 Bay-Delta Plan Amendment and SED which are summarized below: 1. Failing to comply with the coequal goals of ecosystem restoration and water supply reliability as required by the California Water Code. 2. Deliberately reducing drinking water supply reliability and degrading drinking water quality. 3. Denying thousands of Californians the right to safe, clean, affordable and accessible water. 4. Failing to mitigate the environmental impacts of the flow proposals.	Please see Master Response 1.1, General Comments, for responses to comments that either make a general comment regarding the plan amendments or do not raise a significant environmental issue. Please refer to the section describing the Delta Plan and Delta Reform Act exemptions such as the adoption of a water quality control plan by the State Water Board. Please see the mitigation section in Master Response 1.1, General Comments, for a discussion of mitigation measures. Please see Master Response 3.6, Service Providers, for responses to comments regarding municipal water supply (drinking water). Please refer to sections describing availability of municipal water supply and minimum health and safety needs.

Table 4-1. Responses to Comments			
Ltr#	**Cmt#**	**Comment**	**Response**
		5. Illegally delegating the State's obligation to mitigate the impacts of its flow proposals to local agencies.	
1384	2	Coequal Goals The SED does not provide balanced analysis of how the proposed regulatory scheme of unimpaired flows achieves a balance of ecosystem restoration on one hand and water supply reliability on the other. The SED clearly recognizes the potential ecological benefits but tends to generalize, downplay and de-emphasize the potential adverse impacts on water supply reliability and sustainability. For instance, California recognizes water for domestic purposes as the most important use of water; however, the State Board's document states (p. 13-67): substantial reductions in groundwater supplies would, in turn, impact service providers…who are relying heavily or primarily on groundwater sources for municipal and domestic uses. These entities would likely experience significant reductions in their groundwater supply, particularly over the long term and in dry years. Similarly, "Drinking water sourced from domestic wells would be affected…, and it is assumed that those affected would need to find an alternative drinking water supply such as bottled water or drill additional groundwater wells, and impacts would be significant" (page 13-65). It is not acceptable mitigation to require our region to find an alternative drinking water supply, such as bottled water; this is inconsistent with CWC §106. It does not represent a balance; it puts fish ahead of humans. The document fails to adequately identify or quantify the benefits to fish and wildlife uses at the expense of water supply reliability for agricultural or potable uses. The SED does not demonstrate a rational connection between the factors the State Water Board is required to consider when establishing water quality control objectives (See Water Code sections 174, 13000, and 13241).	Please see Master Response 1.2, Water Quality Control Planning Process, regarding State Water Board consideration of beneficial uses within the context of the water quality control planning process and for a discussion regarding domestic and municipal uses of water. Please see Master Responses 2.1, Amendments to the Water Quality Control Plan, regarding State Water Board consideration of human right to water. Appendix K, Revised Water Quality Control Plan, states that the Board "will also take actions as necessary to ensure that the implementation of the flow objectives does not impact supplies of water for minimum health and safety needs, particularly during drought periods." Please see Master Response 1.1, General Comments, regarding development of flow criteria for the Sacramento-San Joaquin Delta ecosystem, and Master Response 3.1, Fish Protection, regarding the benefits of increased flow to fish. Chapter 19, Analyses of Benefits to Native Fish Populations from Increased Flow between February 1 and June 30, identifies biologically important and measurable benefits of providing higher and more variable flow. Chapter 11, Agricultural Resources, and Chapter 13, Service providers, identify potential impacts of the plan amendments on agriculture and municipal uses, respectively. For further discussion on the methodology and criteria used to analyze agricultural resources, please see Master Response 3.5, Agricultural Resources. For further discussion on the potential impacts of the plan amendments on service providers, including the availability of municipal water supply, please see Master Response 3.6, Service Providers.
1384	3	Drinking water supply reliability and degrading drinking water quality The potential impacts of the flow proposals in the SED on our region's municipal water supplies is staggering. The document notes that groundwater supplies and groundwater impacts will be severely impacted. "The average annual groundwater balance is expected to be substantially reduced in the Modesto, Turlock, and Extended Merced Subbasins…which would eventually produce a measureable decrease in groundwater elevations. These substantial reductions in groundwater supplies would, in turn, impact service providers and private groundwater users. These entities would likely experience significant reductions in their groundwater supply, particularly over the long term and in dry years. Service providers at particular risk include those that have a higher potential for a well to run dry in the future. For example, Hickman, Hilmar CWD, Hughson, and Keys [sic] CSD in the Turlock SubbasinI" (page 13-67). Therefore, the SED further exacerbates our region's drinking water supply and water quality problems. The City of Turlock is entirely reliant upon groundwater. The SED notes on page 13-79: "The potential reduction in groundwater quality…could degrade drinking water quality for those	Please refer to Master Response 3.6, Service Providers, regarding compliance with SGMA and the plan amendments, local resiliency and drinking water quality, availability of municipal water supply, and water for minimum health and safety needs.

Table 4-1. Responses to Comments			
Ltr#	**Cmt#**	**Comment**	**Response**
		service providers relying entirely, or in large part, on groundwater for municipal supply." The City of Turlock is one of those service providers. The State Water Board is deliberately and consciously undermining the drinking water supply and security in the City of Turlock and our entire region. The City of Turlock is a member of the Stanislaus Regional Water Authority. Together with the City of Ceres, we are attempting to develop a surface water supply of drinking water in partnership with the Turlock Irrigation District. Preliminary estimates indicate that the SRWA water treatment project will cost $200 million. For our two communities this is our single largest infrastructure investment since our communities incorporated. But recognizing how critical a surface water supply is to our communities, the Turlock and Ceres City Councils embarked on this forward-thinking and ambitious project. Unfortunately, preliminary estimates from TID indicate that they will lack an adequate supply of Tuolumne River water to make the SRWA's drinking water project viable. The bottom line is this: Ceres and Turlock lack the resources to invest millions of dollars with no assurance that a surface water supply will be available. Furthermore, the SED is taking away the City of Turlock's main opportunity to comply with SGMA and attain groundwater sustainability in our region. Finally, and ironically, one of the advantages of the SRWA project was that it increased flows in a 20-mile stretch of the Tuolumne River that is salmon spawning habitat. Now that project and its potential fisheries benefit is unlikely to occur.	
1384	4	Denying Californians the Human Right to Water The document acknowledges California Water Code section 106: "It is hereby declared to be the established policy of this State that the use of water for domestic purposes is the highest use of water and that the next highest use is for irrigation." On February 14, 2107, the SWRCB launched its Human Right to Water web portal. The City of Turlock currently operates a Public Water System that is listed as having current exceedance/compliance issues on that very website. While the human right to water is a state law, the SED, by its own admission, could mimic the crisis situation from East Porterville and replicate it on a vast scale throughout this region. Unfortunately, the situation in East Porterville has been overshadowed by the tragic events in Flint, Michigan. A Washington Post article by Darryl Fears entitled "No running water and no solutions as California's driest county despairs", (February 2016) provides distressing examples from East Porterville where residents have been without running potable water for two years or more. • Residents can only drink bottled water • Toilets are flushed with water from a bucket • 3,000 gallon emergency tanks provide non-potable water; they often run dry on week-ends and holidays. ("The igloo-shaped containers dominate browning front yards.") • A water delivery worker states: "The struggle is affecting relationships between spouses and kids. It's a stress and a burden on them. The kids are dirty. Feces stays in toilets. You can sense the tension. You can feel it and see it in their eyes." • Children don't want to go to school because they are embarrassed that their clothes have	Please refer to Master Response 2.7, Disadvantaged Communities, regarding SGMA's role in the protection of disadvantaged communities, and consideration of human right to water. Please see Master Response 3.6, Service Providers, regarding water for minimum health and safety needs. Please see Master Response 2.1, Amendments to the Water Quality Control Plan, regarding water available for public health and safety as identified by the program of implementation.

Table 4-1. Responses to Comments			
Ltr#	**Cmt#**	**Comment**	**Response**
		not been laundered • Residents take showers at two trailers located in a church parking lot. Last summer, the Sacramento Bee wrote: "California has leapfrogged France and Brazil to become the world's sixth-largest economy, according to figures released Tuesday by Gov. Jerry Brown's administration." California has a larger economy than France or Brazil and the State Water Resources Control Board is deliberately and consciously creating a Third World water supply situation. We would not tolerate this in coastal California; it should not be acceptable for the San Joaquin valley. The document needs to further analyze the social and economic impacts of depriving access to drinking water in the San Joaquin Valley. But this is not just a groundwater issue. Even those communities not entirely reliant on groundwater will lack access to an adequate drinking water supply. On page 13-61, the document states:"...if other water districts that supply domestic uses are receiving water through contracts with irrigation districts, then these uses would not necessarily be protected. For example, if MID experiences water shortages, its deliveries to service providers serving urban uses (e.g., City of Modesto) could be cut back proportionally, as described in MID's various plans and policy documents." Again, the SED fails to comprehensively analyze the social and economic impacts that will result from an inadequate drinking water supply that denies our region a basic human right.	
1384	5	Failing to mitigate the environmental impacts of the flow proposals The SED states (p. 13-67) that there is a significant impact on drinking water providers as follows: "These substantial reductions in groundwater supplies would, in turn, impact service providers (Tables 13-3a and 13-3b) and private groundwater users in these subbasins who are relying heavily or primarily on groundwater sources for municipal and domestic uses. These entities would likely experience significant reductions in their groundwater supply, particularly over the long term and in dry years." Furthermore, on page 13-64, the document notes: "An SED must identify feasible mitigation measures for each significant environmental impact identified in the SED. (Cal. Code Regs., tit. 23, § 3777, subd. (b)(3).)" Yet whenever there is an opportunity for the State Water Board to mitigate the impacts of the project, the SED takes the following approach: "Since the State Water Board would not be responsible for or have discretionary authority to approve the construction of any new or modified facilities or infrastructure, it is not feasible for the State Water Board to impose the possible mitigation measures listed in Table 16-38" (page 13-64). Effectively, the State is proposing a regulatory scheme with significant environmental impacts and is accepting no responsibility to mitigate those impacts. This is not permitted under CEQA. To mitigate the various significant impacts on domestic water supply, the State proposes a two-pronged approach: 1. Require local agencies to control groundwater through the authority granted under the	In accordance with CEQA, the State Water Board identified the environmental impacts associated with actions that service providers may take in response to the proposed plan amendments, such as constructing new water treatment facilities or water infrastructure, and identified mitigation measures to reduce the significant environmental impacts of those actions (see Table 16-38 in Chapter 16, Evaluation of Other Indirect and Additional Actions). The State Water Board cannot impose mitigation measures related to, for example, the construction of a new water treatment facility because the State Water Board is not responsible for and does not have the discretionary approval authority over such a construction project. The public agency who chooses to implement or approve such a project can and should impose the mitigation measures the State Water Board has identified. Please refer to Master Response 3.4, Groundwater and the Sustainable Groundwater Management Act, regarding SGMA, local SGMA compliance and mitigation related to groundwater resources. Please refer to Master Response 2.7, Disadvantaged Communities, regarding technical and financial assistance programs for small water systems and disadvantaged communities. Also see Master Response 3.6, Service Providers, regarding water for minimum health and safety needs. The other indirect actions that entities may take in response to indirect effects of the LSJR alternatives (e.g., surface water supply reduction) are addressed in the SED (Chapter 16, Evaluation of Other Indirect and Additional Actions) because they have been taken in the past within the plan area and within the Central Valley. Thus these actions are not speculative. The plan amendments do not mandate or require that any specific action be implemented. As identified in Chapter 16, the different types of other indirect actions that could be taken in response to each of the alternatives are unknown; therefore, specific combinations of actions cannot be predictably matched with each alternative. While entities could take one or more of these

Ltr#	Cmt#	Comment	Response
		Sustainable Groundwater Management Act (SGMA). 2. Develop a number of alternative water supplies which are analyzed in Chapter 16. First, assuming local agencies acting under their SGMA authority could effectively address impacts to drinking water supplies on a vast scale is speculative and disingenuous, "…local agencies can and should nevertheless exercise their authorities under SGMA to prevent and/or mitigate any degradation of groundwater quality from the migration of contaminants." (p. 13-80). In the high profile case of East Porterville, even with State intervention, local agencies lacked the resources to address the water supply shortages. Residents in East Porterville have lacked a reliable drinking water supply for more than two years. Rather than relying on local agencies to address the adverse impacts of the SED, the State Water Resources Control Board must step up to ensure that it mitigates groundwater impacts as it is statutorily obligated to do. Second, some of the alternative water supplies make for interesting reading: • Transfer/Sale of Surface Water • Substitution of Surface Water with Groundwater • Aquifer Storage and Recovery • Recycled Water Sources for Water Supply • In-Delta Diversions • Water Supply Desalinization • New Surface Water Supplies There is no real analysis of where the additional water supplies would come from, particularly for water transfers, new surface water supplies, and Aquifer Storage and Recovery (ASR). These projects are very speculative and fail to consider how water could be wheeled to the region. Further, the document notes (pp 16-8 and 16-9): "Water transfers involving reservoir storage releases in excess of what would normally be released annually is less likely to occur…because most of the water rights associated with existing reservoirs would be fully used and the reservoir releases would occur regardless of the water transfer." What will be the source of the additional surface water necessary to develop many of the projects the SWRCB lists in Chapter 16 (transfers, etc.)? Such issues must be analyzed. Remarkably absent is an analysis of developing additional storage in existing reservoirs on the Merced, Tuolumne and Stanislaus Rivers. Such a concept is not found in the document, not even in the "New Surface Water Supplies" section which is limited to a discussion of new locations for dams and reservoirs. The document should investigate enhancing storage by increasing the heights of New Exchequer Dam, New Don Pedro Dam, and New Melones	actions, the combination of actions that entities would take under each alternative is speculative and unknowable. It is reasonable to these actions in a portfolio of possible actions because they were considered in the past and may be appropriate for further consideration depending on how circumstances change. Furthermore, if these actions do not occur, the potential environmental impacts and estimated costs associated with these actions, as disclosed in Chapter 16, would not occur. The list of the indirect actions recommended in Chapter 16, Lower San Joaquin River Alternatives—Other Indirect Actions, is not exclusive. As stated in Chapter 13, Section 13.4.2, Methods and Approach, service providers may choose any approach described in Chapter 16, or a combination of approaches, or they may identify another as-yet unknown approach to meet their own unique needs. Potential new water supply facilities or infrastructure are described in Chapter 16 and include, but are not limited to, substitution of surface water with groundwater, aquifer storage and recovery, and recycled water sources. Enhancing storage by increasing the heights of the New Exchequer, New Don Pedro, and New Melones Dams is not considered a reasonably foreseeable or feasible action for the following reasons: • Consideration of raising the height of the dams to enhance storage was not found in recent documents relating to planning, management and licensing application of the dams (Final Environmental Impact Statement for Hydropower Licenses [Merced River Hydroelectric Project—FERC Project No. 2179-043 and Merced Falls Hydroelectric Project—FERC Project No. 2467-020], 2015); Don Pedro Hydroelectric Project, FERC NO. 2299 Final License Application, Exhibit E- Environmental Report, 2014; The Merced River S.A.F.E. Plan (Salmon, Agriculture, Flows, and Environment), http://www.mercedriversafeplan.org/, Accessed August 14, 2017; New Melones Lake Area Resource Management Plan and Environmental Impact Statement Final Scoping Summary Report, 2007) • New water rights acquired for the resulting additional storage would be the most junior among those for the entire reservoir. The water stored in the reservoir would have to be used to meet the demand of other beneficial uses with more senior water rights first. There might not be any water left to be released for fish and wildlife benefits, especially in dry years, when the flow is badly needed downstream for fish. Furthermore, retaining more water for other beneficial uses would result in even less flow released downstream, resulting in an even worse situation for fish. The construction of new and expanded water supply or wastewater treatment facilities discussed in Chapter 13 would not be mitigation for any potential reductions in surface water supplies resulting from implementing the LSJR alternatives. Accordingly, the State Water Board does not need to consider the feasibility of constructing these facilities. Please refer to Master Response 1.1., General Comments, regarding the State Water Board's obligations under CEQA to mitigate for the significant environmental impacts identified in the SED, and regarding mitigation measures proposed throughout the SED.

Table 4-1. Responses to Comments			
Ltr#	**Cmt#**	**Comment**	**Response**
		Dam. Unfortunately, the document states on page 13-64, "The storage capacities for the reservoirs is fixed." This is not true. Increasing storage may be an appropriate means of meeting fishery flows and retaining enough water to offset the impact of increased flows to irrigation and municipal users. To offset the impacts of the flow proposals, the document acknowledges in Chapter 13 that local agencies would have to spend millions of dollars on new water and wastewater infrastructure projects. The SED highlights the new and expanded water/wastewater facilities that would be required but does not consider their economic or regulatory feasibility. All of these facilities are projects under CEQA with potential impacts (p. 13-63). The document must consider the feasibility of these necessary alternative water/wastewater projects (financial, political, and regulatory). Without them, the human population of the San Joaquin Valley will lack access to an adequate supply of safe drinking water. Therefore, they cannot be considered mitigation. Similarly, the State continues to make the argument that it cannot mitigate the impacts of the Project. For instance, (page13-64) "...there is no feasible mitigation the State Water Board can implement to reduce environmental impacts resulting from the need for new or modified facilities or infrastructure. Impacts would be significant and unavoidable." However, that is factually incorrect as under its Division of Drinking Water and its Division of Financial Assistance, the SWRCB has the ability to make sure that these projects are constructed.	
1384	6	Delegating the State's obligation to mitigate the impacts of its flow proposals to local agencies The responsibility to mitigate impacts under CEQA is the duty of the lead agency, even when the lead agency is a state agency, in this case the State Water Resources Control Board. Under the Marina Dictum [City of Marina v. Board of Trustees of California State University (2006) 39 Cal.4th 341], a State agency is required to ask the State Legislature to appropriate funding to mitigate a project's impacts. This ruling was affirmed by the California Supreme Court in City of San Diego, et al. v. Board of Trustees of the California State University (2015) 39 Cal.4th 341, 2015 WL 4605356 (Case No. S199557). We ask that you provide the funding to help us construct the water and wastewater projects to help mitigate the impacts of the unimpaired flow proposals. Page 13-64, the SWRCB tries to argue that it lacks the legal authority to implement some of the mitigation measures. Under the Marina Dictum, a state agency cannot determine mitigation infeasible because it lacks discretionary authority to construct or approve a public improvement that could mitigate a project's impacts. The SWRCB cannot require local agencies to mitigate the impacts of its flow proposals.	Please see Master Response 1.1, General Comments, regarding mitigation measures proposed throughout the SED. The State Water Board has not improperly delegated its mitigation obligations to other entities. In accordance with CEQA, the State Water Board identified the environmental impacts associated with actions service providers may take in response to the proposed plan amendments, such as constructing new water treatment facilities or water infrastructure, and identified mitigation measures to reduce the significant environmental impacts of those actions (see, e.g., Table 16-38 in Chapter 16, Evaluation of Other Indirect and Additional Actions). The State Water Board cannot impose mitigation measures related to, for example, the construction of a new water treatment facility because it is not responsible for and does not have the discretionary approval authority over such a construction project. The public agency who chooses to implement or approve such a project can and should impose the mitigation measures the State Water Board has identified. The case City of Marina v. Board of Trustees of the California State University, (2006) 39 Cal.4th 341, does not support the commenter's argument that the State Water Board must pay for water infrastructure projects "to help mitigate the impacts of the unimpaired flow proposals." First, funding water infrastructure projects is not a mitigation measure for significant physical environmental impacts of the plan amendments. A reduction in surface water supply to an irrigation district or other entity, in and of itself, is not an impact on the physical environment requiring mitigation, such as through new or expanded infrastructure (Master Response 1.1, General Comments). Second, the commenter's characterization of the Marina dictum is incorrect and the Supreme Court clarified any misconceptions in the City of San Diego v. Board of Trustees of the California State University, (2105) 61 Cal.4th 945. (The Marina dictum states, in part, that "a state agency's power to mitigate its project's effects through voluntary mitigation payments is ultimately subject to legislative control; if the Legislature does not appropriate the money, the power does not exist." (Marina, supra, at p. 367.)) The court held that the Board of Trustees of the California State University cannot, under

Table 4-1. Responses to Comments			
Ltr#	**Cmt#**	**Comment**	**Response**
			the Marina dictum, find that mitigation of its projects' off-site impacts through the payment of fair share fees is legally infeasible unless the Legislature appropriates funding specifically earmarked for that purpose. It also held that "[m]itigation is the rule" under CEQA, under which "[e]ach 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." (San Diego, supra, at pp. 892-893, citing Pub. Resources Code, § 21002.1, subd. (b)). The case, therefore, affirms the long-standing CEQA requirement to mitigate impacts whenever feasible, which the State Water Board has done. The case does not stand for the proposition (nor can it) that public agencies fund mitigation measures for impacts unrelated to the physical environment or disregard all references to feasibility in CEQA.
1384	7	The City of Turlock is very concerned that the flow proposals will cause significant harm to our region and our residents without achieving the stated objective; it is inconsistent with the concept of "co-equal goals." Like you, the City of Turlock is concerned with the declining salmon population; however, it appears that you are using faulty science to justify a one-sided approach to the problem. Like many others (including the local irrigation districts and the PPIC in their recent paper), we request that the Board take a more scientific, comprehensive and balanced approach to the declining salmon populations. Furthermore, the State Water Board must seriously consider the human impact of the proposed project and SED on the citizens of the City of Turlock and the entire San Joaquin Valley. The SED notes that impacts will be significant; the question is: are they unavoidable?	The State Water Board used the best available science to develop the proposed plan amendments and in the supporting SED. A variety of data were obtained for the water quality planning process and establishing flow objectives that are protective of native fish populations migrating through the Delta and balancing water supply impacts, including, but not limited to, qualitative data from peer-reviewed published literature on topics specific to the plan area; peer-reviewed literature outside the plan area but on topics relevant to the proposed plan amendments; and qualitative data or personal communication with topic experts. Please see Master Response 1.1, General Comments, and Master Response 1.2, Water Quality Control Planning Process, for a discussion of the water quality control planning process and Bay-Delta proceedings, including the State Water Board's consideration of beneficial uses. Please see Master Response 3.1, Fish Protection, for a discussion of the use of best available science in the SED. Please also see Master Response 3.6, Service Providers, for information regarding water supplies.
1385	1	Instead of selecting one of the currently proposed alternatives, I propose that the Board consider putting the unimpaired flow for the lower San Joaquin, Stanislaus, Tuolumne, and Merced Rivers at 75%. While this may sound like a radical choice, I feel that it is important for the Board to put the health of our waterways as their top priority when making this decision. In fact, I will argue that setting unimpaired flow at 75% is one of the most rational choices that the Board can make and one that can be easily justified. The public trust doctrine, the California Constitution, and both State and Federal Endangered Species Acts (ESA) will point to having a 75% unimpaired flow as being the best choice. Protecting these waterways is important to public trust.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.
1385	2	The current levels of water being diverted from these three rivers (Stanislaus, Tuolumne, and San Joaquin) is infringing on the public's ability to enjoy these waterways. The 2010 expert report on the San Francisco Bay-Sacramento San Joaquin Delta concluded that 75% unimpaired flow, as the measure of total outflow, was required to "protect public trust values" of the wildlife and waterways. The flow criteria report found that for the lower San Joaquin River and its tributaries, unimpaired flow needed to be an absolute minimum of 60%. Currently our unimpaired flow of the Stanislaus, Tuolumne, and Merced Rivers varies, from 20% in dry years to 50% in wet ones. At the very least this should signal to the Board that public trust resources are not being properly weighed under the current policy, since the recommended unimpaired flow is way above current flows. The amount of water these rivers are getting is well below what they would naturally be getting, which is having a significant impact on their ecosystem.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.
1385	3	I understand that it is difficult to figure what is the best option in a situation like this because of the fact that so many people depend on the diverted water from these rivers.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.

Table 4-1. Responses to Comments			
Ltr#	**Cmt#**	**Comment**	**Response**
		The flow helps to provide a variety of beneficial uses, both in agricultural and urban areas. In particular, many farmers in both the Central Valley and within the Delta need the water that comes from these rivers in order to grow their crops. However, it should be noted that a large amount of the water going to the Central Valley is going to farmers who are growers of almond trees. Recently there has been much debate over the growing of almonds. They take an extraordinary amount of water, about one gallon per almond for a combined use of 10% of total agricultural water use. Despite this, more almond farms have been planted within the last few years as more people realize their profit potential. These people would argue that growing these trees is a good use of water, and that the benefits that these trees provide outweigh the negative repercussions that the public will face.	
1385	4	Table ES-2 on page ES-22 of the executive summary of changes to the WQCP now being considered shows that if the flow objectives were set at 60% of unimpaired flow, the loss to farmers would be 689,000 acre-feet of water annually. Table 11-2 on page 11-42 shows that 115,054 acres that would "lose" water are planted in almonds and pistachios. The choice is not one between saving the salmon and their ecosystem and depriving farm families of their livelihood. Rather, the choice is whether agribusiness and hedge funds will continue to reap exorbitant profits from almonds, or whether the affected acreage will be re-planted with crops that are reasonably grown in an arid climate thus allowing the salmon to recover. Viewed in this light, the choice before the Board is not difficult.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.
1385	5	I will agree that the public trust doctrine is in the end about trying to balance the public interests with private ones. In this case though, I believe that the livelihood of the environment should be held to the uttermost importance. Protecting the environment will help the public overall, while farmers are in the end private interests whose livelihood helps fewer people. These farmers will, of course, still get water, but their interests have to be put second if we are to make any significant improvements to the Bay-Delta's health. While the public trust doctrine does not put itself above other laws in California, I believe that the California Constitution can help support my argument for a 75% unimpaired flow further.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.
1385	6	In the California our water is so important to us that we have a section of our Constitution dedicated to it. In particular, Article 10 Section two says that water is to "be put to beneficial use to the fullest extent of which they are capable, and that the waste or unreasonable use … of water be prevented, and that the conservation of such waters is to be exercised … in the interest of the people and for the public welfare." While this could be interpreted as saying that water should be taken out of waterways in order to get the most benefit out of it, I will instead put forth the argument that this section proves that keeping water in the rivers is the best course of action. Part of the reason I argue this is again; decisions about water should keep the public welfare in mind. Harm to the public should be kept to a minimum when using water and any unreasonable use of water should not be tolerated.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.
1385	7	Does farming reflect the most beneficial use of water? Of course the argument could be made that we all need to eat and so that some food needs to be grown no matter what. And according to the California Department of Food and Agriculture (CFDA), farms and ranches made around $47 billion in 2015. Almonds in particular are the 2nd most profitable agricultural product in the state with over $5 billion in profits. So agriculture makes a fair profit, and so that water is now being used in an economic way. Overall this makes using	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.

Table 4-1. Responses to Comments			
Ltr#	**Cmt#**	**Comment**	**Response**
		water for farming seem like a reasonable use of water. However, there are a few problems with this line of thinking. One is that the profits made from farming do not make up a large amount of our overall economy. California's overall GDP is $2.46 trillion. This makes agriculture around 19% of our GDP, and almond growing in particular a mere 2% of it. In addition, about 80% of almonds are exported out of California. So not only is growing something as water intensive as almonds harming the ecosystem of the Bay-Delta, but it is doing so to the benefit of a few, including hedge funds, and for an amount of money that in actuality doesn't add much to the overall economy. Instead, it makes a few rich people richer. And since Californians consume only 20% of almonds grown here, they will feel the negative repercussions of almond farming more than the benefits they provide. In contrast, keeping a larger unimpaired flow of water in the three rivers will have more overall benefit to the public. It will help preserve the environment, for which future generations can experience and enjoy. This will also help protect and preserve the various fish populations in the rivers. Protecting the fish populations also has economic value as well, since the fishing industry depends on them. Therefore using water to grow crops has a purely economic benefit, while keeping the river system healthy has multiple benefits that help a larger amount of people. I am not saying that farming in California needs to be stopped in order to preserve the Bay-Delta or obey the mandate to double the salmon population But I am arguing that the growing of a large amount of high water intensity crops, like almonds, is not a reasonable use of water in a state like ours. Farmers just have to be more responsible when choosing what crops to grow. While others may argue for the opposite, I feel that a compelling case can be made from just the public trust doctrine and the California Constitution to support my recommendation of 75% unimpaired flow.	
1385	8	Various fish within the Bay-Delta fall under both State and Federal protections, like the Chinook Salmon, Steelhead Trout, and Delta Smelt. All these fish need a certain amount of fresh water to survive and breed. Unfortunately, the amount of water we are giving them is not enough. The fish populations within the Bay-Delta have not recovered since 1995 when the Bay-Delta Water Quality Control Plan was first put into effect. In fact the salmon populations for 2008 and 2009 were so low that commercial salmon fishing had to be cancelled completely. This is a sign that more must be done to protect them, and achieve the mandate of doubling production, as what we are currently doing is barely keeping these fish populations from disappearing completely. If we permanently lose our fish populations by not protecting their ecosystem then there is going to be no way to get them back. They will be gone forever. This would be a huge ecological and economic disaster from which we could never truly recover. There are many factors that affect the various fish populations in the Bay-Delta. They range from invasive species competing with the native species for resources, to the amount of pesticide run-off in the water from farms. The number one factor in deciding if fish can survive in the water is if there is any water at all. So while it is important to take various other considerations in mind when deciding on what's the best course of action for a healthy Bay-Delta, in the end unimpaired flow should be the hard baseline on which to build other requirements. For example, one important factor in having the Delta Smelt survive is to have a certain point in the bay have a mix of fresh and salt water. To keep the mix just	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.

Table 4-1. Responses to Comments			
Ltr#	**Cmt#**	**Comment**	**Response**
		right there needs to be runoff from the fresh water rivers going into the Bay. Therefore it would be hard to keep the salinity in check if there was not a guaranteed flow of water out of these rivers. While there are "God Squad" provision in the Federal ESA, California's does not have one. So while some people could end up making an argument that the economic benefits of diverting water outweigh the benefits of preserving these species, there is no provision in the California ESA for such an argument. Therefore I feel confident that whatever supposed benefit there is in allowing these threatened and endangered species to further decline t has no place in this debate. And even if it was considered, as I mentioned before, I feel that the economic benefits of using the water (mostly for farming) do not outweigh all the benefits of preserving the environment. The Board will need to put a hard guideline in order to protect the fish as much as possible. Any ruling that has ambiguous language runs the risk of not being properly followed and putting these fish back in danger. And since I mentioned that a 75% flow was the recommended amount put forth by experts back in 2010 for outflow in general and 60% was stated as the minimum unimpaired flow for the lower San Joaquin River and its tributaries, it seems illogical to consider alternatives that allow for less than 60% of unimpaired flow on the LSR and its tributaries.	
1385	9	A flow of 75% will be enough water to preserve the integrity of the Stanislaus, Tuolumne, and Merced Rivers. The public trust doctrine argues that harm to the public should be minimized when making decisions about water. Also, the California Constitution says that water should be used in a beneficial way that keeps the public's interests in mind. Finally, the two ESA's say that animals listed as endangered or threatened need to be protected with their environments preserved as much as possible. All three of these laws therefore can support my claim that the high unimpaired flow I am arguing for is a logical choice to make in order to satisfy all applicable requirements. Preserving the ecosystem of these rivers helps to preserve the public interests, is an overall beneficial use of water, and helps to protect some animals listed under the ESA.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.
1386	1	My husband and I feel re-directing the water of the San Joaquin River is reprehensible.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.
1386	2	Reducing the water flow on the San Joaquin River will endanger the natural habit. Scientists state that we need 60% flow, not the 40% proposed. Last summer we unable to participate in water sports at our Discovery Bay home due to toxic algae. Health agencies warned against children and pets entering the water behind our home. This was not our plan when we purchased our home seven years ago. That was a grave warning from an already fragile eco system. Egeria, water hyacinth, toxic algae, and next?	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.
1386	3	We need to protect our local farmers. Sustainable, responsible farming, planting appropriate crops.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.
1386	4	We've been lied to before, why believe the proposed plan now. Water exports already exceed the limit set in the 1990's from a previous plan.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.
1386	5	Local economy will be endangered. Income from recreational boaters to local businesses will be decreased as access to favorite boating venues will be limited for 11 years or more.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.

Table 4-1. Responses to Comments			
Ltr#	**Cmt#**	**Comment**	**Response**
1386	6	Real estate market decline. My deep water home will be worthless sitting on a mud flat.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.
1386	7	Quit altering water quality! Build reservoirs not tunnels.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.
1387	1	The best available science supports unimpaired flow levels up to 80%–90%. Setting unimpaired flows will definitely impact the river in a multitude of ways. An eighty percent unimpaired flow would be the best strategy to allow the salmon population to recover because the USEPA region IX has previously stated, "These scientists recommended the equivalent of no less than 90% UF to achieve a high-level of ecological protection, and no less than 80% UF to achieve a moderate level of ecological protection. They concluded that alterations below an 80% UF threshold "will likely result in moderate to major changes in natural structure and ecosystem functions." (USEPA comment, 2013). The SWRCB should carefully consider the evidence that the Chinook Salmon in the LSJR need a minimum of 80% flow to moderately recover and anything below this level would not likely achieve the required doubling of the salmon population. Unimpaired flows less than 80% lead to detrimental health of the Salmon, making them susceptible to disease, invasive species, stunting their growth due to limited space with impaired flow, and pumping the water may cause the salmon confusion due to conveyance systems changing waterways which reduces spawning of the salmon who rely on the natural flow to navigate to spawn points. Allowing an eighty percent unimpaired flow also conserves the natural aesthetic of the LSJR for future generations to appreciate and spurs the development of strategic sustainable water use plans which California will need to consider with our limited freshwater sources.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.
1387	2	The LSJR, Stanislaus, Merced, and Tuolumne Rivers are the natural habitat of the Salmon, which cannot be moved to a different location. They should be respected and stratagems to preserve them should be implemented rather than negatively impacting them with excessive diversions.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.
1387	3	Those who argue for reduced unimpaired flow in the LSJR, are mostly agribusiness, commercial users of the river, and privatizers that are perpetrating a water grab. The farmers in the area are farming water intensive crops such as almonds, alfalfa, and pistachios. See Table 1102 on page 11-42. My argument to the farmers would be to embrace the salmon, within the LSJR and switch to crops reasonably grown in an arid climate.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.
1387	4	If the Board decides on an unimpaired flow of sixty percent we will likely see a much slower growth in the salmon population, if anything. With a forty percent unimpaired flow rate the salmon population will likely collapse due to lack of natural resources and eventually become extinct.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.
1387	5	Under the Public Trust Doctrine if feasible, protections for the environment must be implemented. It appears quite feasible to ask farmers to refrain from growing extremely water-intensive crops. The can still grow crops, still make a good living, and still retain their way of life. The public interest is served by saving the salmon and breaking the addiction to cheap water and exploitative crops. The SED shows that setting unimpaired flow at a	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.

Table 4-1. Responses to Comments			
Ltr#	**Cmt#**	**Comment**	**Response**
		number well above current levels is the least damaging practical alternative available. Switching 115,000 acres to crops like beans, potatoes, safflower, sugar beet, onion, garlic, and on and on, is no negative environmental impact at all. Not switching, means death to the salmon, which is irreparable environmental harm. It is an easy call.	
1387	6	[ATT 1: Tables for References]	The commenter provided this attachment for reference purposes in support of their comments. Those comments are addressed in these responses to comments; therefore, no additional response is required.
1387	7	From the three levels of unimpaired flow it is obvious that the best course of action is to go with the eighty percent unimpaired flow so that the ecological impact on the health of the river and the salmon that reside within it can thrive sustainably. The strategy of eighty percent unimpaired flow goes hand in hand with multiple environmental laws and regulations, including the Public Trust Doctrine, California Constitution article X section 2, and the Porter Cologne Water Quality Control Act, the Delta Reform Act of 2009, including the legislative mandate to double salmon populations. I sincerely hope that the SWRCB will consider these laws when making its decision to revise the latest Water Quality Control Plan. I urge the Board to make the best choice and to set unimpaired flow levels at 80% as the best strategy. If the Board finds that it cannot set unimpaired flows at 80% at this time, then I urge the Board to set 60% as the absolute minimum unimpaired flow for the LSJR and its tributaries.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.
1388	1	I am writing to plead with you to stop the proposed Bay Delta Water Quality Control Plan SED and instead consider implementing the alternative Merced River S.A.F.E. Plan. This plan will support salmon and the environment, without degrading our local drinking water quality or devastating our local economy.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.
1388	2	I am a resident of the Merced community that will be directly affected by the Bay-Delta SED water plan. Our community already is among the most disadvantaged in the state. Approximately 50 percent of our community is Hispanic. We are hard-working and dedicated to maintaining a positive future for our children. However, our community has some of the highest unemployment and poverty rates in the state or in the nation.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.
1388	3	Projected economic impacts to our community under the Bay-Delta SED water plan would be as high as $231 million. Job losses would be as high as 1,000. Again, our community is already among the most disadvantaged in the state or nation. Increasing unemployment will have a severe impact on the overall well-being of our community, including crime, mental health and more.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.
1388	4	Please instead consider the multi-benefit approach of the Merced River S.A.F.E. Plan.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.
1389	1	The State Board's proposed flows are insufficient and will not result in the doubling of the Chinook salmon population. The Sacramento-San Joaquin Delta is remarkably important for the species that inhabit it. Unfortunately, the Bay-Delta has been in an environmental crisis for several years. In the hopes of addressing the ecological and water supply crises, the 1995 Bay-Delta Plan was adopted. The 1995 Bay-Delta Plan included a salmon protection objective which states water quality conditions must be "sufficient to achieve a doubling of	Refer to Master Response 1.1, General Comments, and 1.2, Water Quality Control Planning Process, for responses to comments regarding the State Water Board's obligation in the consideration of beneficial uses regarding the plan amendment, for information regarding the Delta Reform Act and the State Water Board requirements pursuant to the Act. Please see Master Response 2.1, Amendments to the Water Quality Control Plan, for responses to comments and additional information regarding the science and policy justification for the LSJR plan amendments. Please refer to Master Response 3.1, Fish Protection, for

Table 4-1. Responses to Comments			
Ltr#	**Cmt#**	**Comment**	**Response**
		natural production of Chinook salmon from the average production of 1967-1991" (1995 Bay-Delta Plan, p. 18). Despite the adoption of this plan decades ago, the ecosystem and wildlife of the Bay-Delta estuary is still facing constant deterioration. "Fish species have not shown signs of recovery since adoption of the 1995 Bay-Delta Plan objectives intended to protect fish and wildlife" (San Joaquin River Flows and Southern Delta Water Quality, Recirculated Draft, September 2016, p. ES-8). In a previous version of this update, 35% of unimpaired flow (UF) had been proposed by the Board; however, "the proposed 35% UF is inconsistent with the protection of the existing migratory fish in the basin" (Letter from Tim Vendlinski to Jeanine Townsend, March 28, 2013, at p. 7). The Board is now favoring required unimpaired flows as a range from 30-50%; however, in order to protect public trust resources, the San Joaquin River at Vernalis should have "60% of 14-day average unimpaired flow from February through June" (Development of Flow Criteria for the Sacramento-San Joaquin Delta Ecosystem, 2009, p. 119). The Chinook salmon are a crucially important species. According to the National Wildlife Federation, the Chinook salmon "is a vital food source for a diversity of wildlife." Unfortunately, Chinook salmon are listed on the Endangered Species List. The State Board should exercise all of its power to protect the Chinook salmon in accordance with the Endangered Species Act of 1973. "It is further declared to be the policy of Congress that Federal agencies shall cooperate with State and local agencies to resolve water resource issues in concert with conservation of endangered species" (Endangered Species Act 1973, p. 2). I understand that federal agencies may set criteria for the recovery of salmon under the ESA, as reasonable and prudent alternatives, separate and apart from the Board's action here. However, the Board should take the lead and get out in front of other agencies, exercising its unique authority to adopt more precise protections than federal agencies have the capacity to adopt. Furthermore, "in the Delta, the conflict between the way we move water and the health of the native species must be resolved… without adequate water flow, we cannot expect fisheries to recover" (Delta Plan 2013, p. 16). In order to protect public trust resources and requirements of the Endangered Species Act, the State Board should adopt 80% UF for habitat restoration, especially for the endangered Chinook salmon. "The 25-45% UF range… is too restrictive to achieve protections for aquatic life in all water year types. In critical years, FWS recommended 76%, 86%, and 97% UF for the Tuolumne, Merced and Stanislaus Rivers to achieve the existing Bay-Delta WQCP salmon doubling objective" (Letter from Tim Vendlinski to Jeanine Townsend, March 28, 2013, at p. 10). I urge the Board to adopt 80% UF in order to improve all wildlife populations in the precious wetlands of the Sacramento-San Joaquin Delta. According to the Natural Resources Defense Council, there should be a, "reduction of water withdrawals from the Bay-Delta ecosystem … to meet the habitat needs of salmon and to restore environmental health" (How Water Management in the Bay-Delta Threatens the Future of California's Salmon Fishery, p.8). Water diversions from the Bay-Delta jeopardize fish and wildlife by disrupting salmon migration and increasing salinity concentrations. The Legislature declared that we must, "manage the Delta's water and environmental resources and the water resources of the State over the long term" (California Water Code, section 85020). If adopted, the proposed 30%-50% UF will prove to be insufficient in the long run because the Delta will deteriorate	responses to comments regarding the scientific justification and plan amendment benefits to fish.

Table 4-1. Responses to Comments			
Ltr#	**Cmt#**	**Comment**	**Response**
		as a significant habitat that serves various species. The Board's (and all resource agencies') history with salmon in the Delta has been too little too late. It is time to take the long view and err on the side of caution in favor of recovering the species. This is what the legislature had in mind when it required all state agencies to look to the long term when making management decisions affecting the Delta.	
1389	2	The Public Trust Doctrine and California Constitution, Article X, Section 2, demonstrate that is in public interest to protect the fish and environment of the Bay-Delta. Using the Public Trust Doctrine is an integral component in weighing out the different percentages of unimpaired flow that may be adopted. It is in the public trust's interests and feasible for the Board to adopt 80% UF because California Constitution, Article X, section 2, states that the use of water, "shall be limited to such water as shall be reasonably required for the beneficial use." If the Board were to adopt 80% UF, all of the water that would be going to the fish is beneficial for the environment and our state as a whole, whereas growing almonds and other water intensive crops is inefficient and unproductive. Growing these cash crops discourages ecological preservation.	Please see Master Response 1.1, General Comments for a description of the plan amendments, the State Water Board's authorities under the Porter-Cologne Water Quality Control Act and information regarding the State Water Board's considerations as they relate to public trust resources. Master Response 1.2, Water Quality Control Process and Master Response 2.1, Amendments to the Water Quality Control Plan provide additional information regarding the State Water Board's considerations of beneficial uses. Please refer to Master Response 3.1, Fish Protection regarding the scientific justification for the plan amendments related to the reasonable protection of fish and wildlife.
1389	3	The State Board has the authority and responsibility to adopt 80% UF because harvesting water intensive crops is simply market driven. Protecting the public trust and choosing 80% UF is feasible because the current focus is on the harvesting of expensive orchard crops, instead of field crops such as onions and potatoes. In California Agricultural Production and Irrigated Water Use, Table 3 shows Harvested Acreage and Production of Selected California Crops, 2004-2013 which reveals an upward trend of an increase of water intensive crops, such as almonds, pistachios, and walnuts and a decrease in the production of other fruits and vegetables. "The shift to growing more permanent orchard crops appears to be largely market-driven" (California Agricultural Production and Irrigated Water Use, p. 9). These water intensive crops are unnecessary luxury items. Water should not be diverted from the Delta to produce such water intensive crops with very little yield. The water used to produce almonds, pistachios, and walnuts can be put to better use by helping the environment with 80% UF. Table 5 Net Water Use, Selected California Crops shows the extremely high amounts of water used to grow almonds and pistachios (California Agricultural Production and Irrigated Water Use, p. 18). It is feasible for the farmers to switch to growing less water intensive crops. Complete diversion of water away from agriculture is not an option for California's economy; however, we must consider the crops grown and how much water they require. Table 11-2 on page 11-42 shows that 115,054 acres that would "lose" water if unimpaired flow requirements on the Stanislaus, Merced, Tuolumne, and lower San Joaquin Rivers are implemented are planted in almonds and pistachios. A wide variety of less-water intensive crops, such as potatoes, tomatoes, beans, sugar beets, safflowers, and garlic and onions (which are very profitable) could be grown on these acres. Switching to any one of these crops would use approximately 96% less water than growing almonds. It is irrational to consider any unimpaired flow objectives less than what would result if diversions were reduced by 96% to these 115,00 acres. No water right gives anyone the ability to use water unreasonably. Growing almonds under these conditions is an unreasonable use of water in violation of Cal. Const. Art. X, § 2. Due consideration of the Public Trust Doctrine requires the feasible step of reducing diversions. There is no public interest in growing almonds in	Please see Master Response 1.1, General Comments, regarding the State Water Board authorities and Public Trust Doctrine. The information presented in Chapter 11, Agricultural Resources, Table 11-2 states the number of acres in the baseline SWAP run and not the number of acres that would lose water under unimpaired flow, as asserted by the commenter. Please see Master Response 8.1, Local Agricultural Economic Effects and the SWAP Model, for information about crop selection and grower economics.

Table 4-1. Responses to Comments			
Ltr#	**Cmt#**	**Comment**	**Response**
		place of other crops reasonably grown in an arid climate. At a minimum, a reduction in diversions (and concomitant increase in unimpaired flow) to the level that will sustain reasonably grown crops, which require only 4% of the water currently diverted for almonds, is required by the Public Trust Doctrine.	
1389	4	The 2009 Delta Reform Act and the 2010 Flow Criteria Report express the urgent need for a higher flow percentage of unimpaired flow to remain in the rivers. The 2009 Delta Reform Act established "coequal goals" for the Delta: "providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem" (Wat. Code, § 85054). "Nearly every feature of habitat that affects native fish and wildlife is, to some extent, determined by flow" (San Joaquin River Flows and Southern Delta Water Quality, Recirculated Draft, September 2016, p. ES-9). The proposed 30-50% flow objective is far too low for something that practically affects the entire ecosystem. Furthermore, the proposed 30%-50% flow objective does not follow the "coequal goals" as suggested by the 2009 Delta Act. 80% UF should be adopted for the protection of the Delta ecosystem and prolonged sustainability. Although this contemplated regulatory action by the Board is not a "covered action" within the meaning of the Delta Reform Act, and is therefore not subject to consistency certification with the Delta Plan, the Board does have an independent duty to implement the requirements of the Delta Reform Act in all of its regulatory and adjudicatory acts. Increasing unimpaired flow on the Stanislaus, Merced, Tuolumne, and lower San Joaquin Rivers is a transfer of water through the Delta for the benefit of salmon, including providing cues to salmon present within the statutory Delta. This action, therefore, does occur in whole or in part within the legal Delta within the meaning of the Delta Reform Act. This phase 1 amendment to the Bay-Delta Water Quality Control Plan must comply with the provisions of the Delta Reform Act.	Refer to Master Response 1.2 regarding the Delta Reform Act and the required actions the State Water Board carried out pertaining to Section 85086 of the Delta Reform Act.
1389	5	The Porter Cologne Water Quality Control Act requires the balance of beneficial and detrimental values. Implementing new irrigation techniques will benefit our economy and environment. The Porter Cologne Water Quality Control Act provides that, "the state must be prepared to exercise its full power and jurisdiction to protect the quality of waters in the state from degradation," and the state must, "have a primary interest in the conservation… of the water resources… and the quality of all the waters of the state shall be protected" (California Water Code Section 1300). The state must exercise its absolute authority to provide the highest water quality while also taking into account all demands on the waters, including "beneficial and detrimental values" (California Water Code Section 1300). In this case, we must address the economic growth generated from crops and the environmental values that are at stake. Although almonds require colossal amounts of water, they are still a valuable commercial crop. It is claimed that, "the almond industry as a whole…generates about 104,000 jobs statewide" (The Economic Impacts of the California Almond Industry). It is unreasonable to completely ban the growth of water intensive crops because they stimulate California's economy and provide for various families. However, farmers are given far too much water because it gives them no incentive to consider less water intensive crops. Thus, if 80% UF is adopted, farmers will be incented to use water more practically.	An 80% unimpaired flow requirement is outside the range of unimpaired flow requirements analyzed in the SED as part of the LSJR alternatives. Please see Chapter 3, Alternatives Description, for discussion of how the LSJR alternatives were developed. Also, please see Master Response 2.1, Amendments to the Water Quality Control Plan, for justification of the LSJR plan alternatives. Please also see Master Response 1.1, General Comments, for responses to comments that do not raise significant environmental issues or make a general comment regarding the plan amendments.

Table 4-1. Responses to Comments			
Ltr#	**Cmt#**	**Comment**	**Response**
		Perhaps the 80% of almonds that are exported, many to China, will go up in price. Almonds are a luxury item with a relatively inelastic demand curve. Perhaps farmers can grow far fewer acres of almonds, at a very high price, with the majority of their land planted in more water reasonable crops. As it is, the enormous cost to the environment of inadequate unimpaired flow is not reflected in the price of almonds and this results in market failure. Restoring market conditions is a further reason why increasing unimpaired flow is in the public interest. Cutting back on the amount of water given to the agricultural industry does not mean that farmers will not be able to grow any crops. 80% UF should be adopted because it will entail innovations in irrigation techniques. Irrigation is an integral part of the agricultural industry because it allows the continuation of crop production while using water in the most efficient way possible. If farmers are allocated 20% of the water, they will be able to familiarize themselves with how to use water in a cost-effective manner that also ensures the wellbeing of the Bay-Delta environment. "With smart irrigation scheduling, growers are able to use their water more efficiently… while maintaining or improving yields" (Pacific Institute Farm Water Success Stories: Smart Irrigation Scheduling, p.1). Smart irrigation scheduling will not only profit the farming industry, but also the environment.	
1390	1	I am here to ask how it is that you expect to increase the flow of water out of the Exchequer Dam on Lake McClure by 40%. You tell us the reason you want to release more water out of our dam is for the Salmon. You can tell us all, it's for the salmon but you are not going to convince anyone here in the Central Valley you are being upfront and honest. You and I know that as soon as you release (take/steal) 40% more water from the Stanislaus, Tuolumne and Merced Rivers you make that much more water available at the Delta to be sent to southern California. I don't believe you came to these forums to listen to what the people of this community had to say. You came to tell them this is what you are going to do. The water releases are not for the Salmon at all, it's for Southern California. Once the water gets to the Delta it is going to take a 90 degree turn south. The governor also wants to increase the flow of water down the San Joaquin River. The citizens in and around Fresno will never allow their water to be taken so you figure that you can get the water from the Merced and Stanislaus Rivers with a little less difficulty. THIS IS NOT ABOUT FISH AT ALL.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.
1390	2	Each of you were selected by the governor and so that is what you are going to do, develop his plan which evidently is to conserve. You don't seem to be able to put together a plan that will produce more water. You and the governor's plan is to conserve NOT produce additional water. I don't believe any of you are interested in our needs although that is what you are there for, the people of California. Look at your backgrounds. Felicia Marcus, has spent her entire life on environmental issues and never served in agriculture or private business. The same can pretty much be said of Frances Spivy-Weber of her background, no experience in agriculture or private industry. Tam Doduc, formerly Secretary at the California Environmental Protection Agency. Most of her entire life has been devoted to environmental protection, again no private business experience and no experience in agriculture. Steven Moore has worked on stream and wetland restoration projects, and environmental impact reporting and the Aquatic Nuisance Species Task Force, again no private business experience and no experience in agriculture. Dorene D'Adamo served on the California Air Resources Board and California Department of Youth Authority, again no private business experience and no experience in agriculture. She at least is from this area.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.

Table 4-1. Responses to Comments			
Ltr#	**Cmt#**	**Comment**	**Response**
		How can you understand the issues of this community if you have no business experience and no agricultural experience here? Beyond that what have you done to improve our lives and make things better?	
1390	3	I should begin by saying the Exchequer Dam on Lake McClure was built by this community there were no federal funds and no state funds used to build that dam. I believe that is true with the Dam on Lake Don Pedro also, there were no funds from the state or federal government, I understand the City of San Francisco produced some funding for that dam. Nonetheless that should tell you, you have no place in managing our water that happens to be why we have the Merced Irrigation District Board and the Modesto Irrigation District Board. They know there are environmental issues that need to be enforced. We don't need an outside group of environmentalist to tell us something else.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.
1390	4	Our farmers and this community need that water. I for one do not like paying higher prices for food that comes from China, Chili and Mexico. Take this back to the governor, stop wasting our money on a high speed rail system going nowhere and will need subsistence forever. Spend that 68 billion dollars on water for California.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.
1390	5	A comprehensive program for building desalination plants, reservoirs and gray water retrieval systems would not only bring more needed water to the state but more jobs as well. According to Forbs Magazine Singapore's prescription to become water self-sufficient helped make it the key reason their per capita GDP exceeds ours. Israel is self-sufficient in desalting their water as well. By the way Israel decided to become self-sufficient about the time the people in Carlsbad decide to build their facility. It took 14 years to get that plant on line because of primarily the EPA and Coastal Commission. Organizations like the ones you have gotten your experience from, so of course you would not over rule them.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.
1390	6	You cannot make more water available to California by constantly asking us to conserve. We must develop more reservoirs and add desalination facilities wherever possible. What happened to the Clavey River Project? Why is it not in production?	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment regarding the plan amendments or do not raise significant environmental issues.
1390	7	This nation built the Empire State Building in a little over a year. We built the Golden Gate Bridge in four years. We can't even build a desalination plant in fourteen years. You say desalination is too expensive. If Southern California was paying what I am for water you could build those facilities. Instead you would rather take (steal) our water, and when we are out of water we have no ocean to get it from.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment regarding the plan amendments or do not raise significant environmental issues.
1390	8	Your goal ought to be to fill each of those dams Don Pedro and McClure by the end of March each year, instead you want to see how fast you can send the water somewhere else without input from the Merced and Modesto irrigation Districts. It looks as if you can simply by pass any discussion with them after all since you were put in place by the governor why should you have to deal with those people? Lake McClure should never go below 700 feet above sea level again as it did last year.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment regarding the plan amendments or do not raise significant environmental issues.
1390	9	I must say I am disappointed and concerned if this is the best you can do? I am not sure if any of you have heard of the State of Jefferson but I believe the people of Northern California would make a real effort to create the new State of Jefferson if you take this water from us. This community built that Dam. The water in the Merced River belongs to	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment regarding the plan amendments or do not raise significant environmental issues.

Table 4-1. Responses to Comments			
Ltr#	**Cmt#**	**Comment**	**Response**
		Northern California and this community and we should approve whatever goes south.	
1391	1	Attached please find over 1,000 additional signatures from petitions [see ATT10 and ATT11] calling upon your board to reject this proposal. This brings the total number of signatures from Stop the Regulatory Drought and my office to over 5,000. Those are in addition to the petition signatures gathered by Save the Stan, Worth Your Fight, and the proponents of the Merced SAFE Plan. Also attached are recent letters from local government agencies throughout my district opposing your plan. [see ATT1-9]	Please see Master Response, 1.1 General Comments, acknowledging the concerns of community members, leaders, and elected representatives. The petitions submitted were cataloged separately from these comments given at the public hearing. Please refer to the commenter index included in Volume III of the SED to locate the letter number and review the responses. Please refer to Chapter 2, Approach to Response to Comments for a descriptions of how petitions and form letters were processed and addressed.
1391	2	My letter of January 3rd and my testimony at that hearing as well as the meetings in both Merced and Modesto raised many concerns. You contend that impacts to groundwater will essentially be dealt with in the Sustainable Groundwater Management Act (SGMA), years from now, and to estimate impacts now would be “speculative.” We all know that our groundwater basins already are at high risk, but your proposal promises to make a bad situation much worse. That is not speculation. That is just fact.	SGMA requires local GSAs develop and implement GSPs to sustainably manage local groundwater resources within 20 years. Since no GSP was developed before the release of the Recirculated SED, it is unknown what actions the GSAs will take to achieve the sustainability goal. Therefore, any impact assessment would be speculative. The State Water Board acknowledges that it will be challenging, but implementation of the plan amendments does not conflict with SGMA; together they allow for true integrated planning of California’s scarce water resources, one that that does not trade impacts between surface and groundwater. The SED and plan amendments do not require or encourage increases in groundwater pumping as a response to reductions in surface water. The SED reflects the historical response of water users to increase groundwater pumping when surface water availability is reduced. It will be up to local entities to determine the precise actions that would be taken in response to implementation of the plan amendments, with or without the future condition of SGMA. For further discussion on these issues, please see Master Response 3.4, Groundwater and the Sustainable Groundwater Management Act.
1391	3	My letter of January 3rd and my testimony at that hearing as well as the meetings in both Merced and Modesto raised many concerns. Your report states the impacts to drinking water in disadvantaged communities will also be addressed under SGMA, and that these impacts are too "speculative" to quantify at this time. But you, your board colleagues, your staff, and all who have participated in this process know your recommendations will make the health and safety challenges facing the drinking water of thousands of Californians much worse. Again, that is not speculation that is just fact.	As described in Chapter 13, Service Providers, a different level of reduction in surface water diversion would result under each of the LSJR alternatives, which could result in a water supply reduction to some service providers. However, the extent to which service providers are affected would be a function of their ability to use existing alternative supplies (e.g., groundwater, and the specific contract agreement that they have with relevant irrigation districts) or develop alternative water supplies. Identifying the exact nature of the new and expanded facilities potentially needed by irrigation districts and other water suppliers to replace potentially reduced surface water supplies is speculative (as discussed in Chapter 16, Evaluation of Other Indirect and Additional Actions). Additionally, as indicated in Chapter 9, Groundwater Resources, because no groundwater sustainability plans were yet developed at the time the impact analysis was in progress, thus the State Water Board could not speculate as to what action any local agency would take to manage the groundwater basin in response to SGMA. As described in Chapters 13 (Service Providers) and 22, and further articulated in Master Response 2.7, using examples and information from the recent drought and detailing funding streams and sources provided by the State Water Board, the pre-existing conditions related to water supply. Please see Master Response 3.6. , Service Providers, regarding water for minimum health and safety needs. For a discussion on the significance of SGMA and the compliances of SGMA in response to implementation of the plan amendments, please see Master Response 3.4, Groundwater and the Sustainable Groundwater Management Act. As described in Master Response 2.7, the concerns of disadvantaged communities and environmental justice issues are important to the State Water Board. For further discussion regarding disadvantage communities

Table 4-1. Responses to Comments			
Ltr#	**Cmt#**	**Comment**	**Response**
			and the financial and technical assistance programs available to assist them to implement water supply projects or to comply with SGMA, please see Master Response 2.7, Disadvantaged Communities. Please see Master Response 3.6, Service Providers, for a discussion on water for minimum health and safety needs and on the reason why the flow objectives would not jeopardize municipal water supply.
1391	4	My letter of January 3rd and my testimony at that hearing as well as the meetings in both Merced and Modesto raised many concerns. You have spent countless dollars and time seeking to quantify the benefits to fish in your report. Frankly, those studies, and their findings that the biological increase in salmon would be either 1,104, 2,059 or 7,637 depending on which analysis and assumptions you use, is much more "speculative" than your description of impacts to groundwater and drinking water. In fact, after admitting the use of the model was flawed, your staff now states that there is no quantifiable number of increased salmon since that depends on so many other factors including predation, control, and habitat restoration. Your plan does nothing to make those needs a reality. In effect, your plan, if implemented, will give us an increase of 1,103 salmon, maybe 7,600, or maybe no increase at all. That is the definition of speculation.	Please refer to Master Response 3.1, Fish Protection, regarding the SalSim modeling results and assumptions, and regarding other stressors (predation). Please also refer to Master Response 5.2, Incorporation of Non-Flow Measures, regarding the role of non-flow measures and their relationship to the plan amendments.
1391	5	My letter of January 3rd and my testimony at that hearing as well as the meetings in both Merced and Modesto raised many concerns. Your economic analysis has so many shortcomings it should be discarded. Your report seriously understates and misrepresents the direct and indirect costs of the proposal. Even non-experts understand that ignoring impacts on groundwater, drinking water, hydropower, and greenhouse gas emissions significantly lowballs the costs.	Please see Master Response 1.1, General Comments, for an acknowledgment of the concerns of elected representatives and community members. Please see Chapter 20, Economic Analyses, Section 20.1, Introduction, and Master Response 8.0, Economic Analyses Framework and Assessment Tools, for a description of the regulatory context of considering economics through the water quality control planning process, the approach to considering economics and the different economic sectors evaluated, and the tools used to evaluate economics. Please see Section 20.3.2, Agricultural Production and Related Effects on Economic and Local Fiscal Conditions, and Master Responses 8.1, Local Agricultural Economic Effects and the SWAP Model, and 8.2, Regional Agricultural Economic Effects, regarding local and regional agricultural-related economic effects. Please see Section 20.3.3, Effects on Municipal and Industrial Water Supplies and Affected Regional Economies, Master Response 8.4, Non-Agricultural Economic Considerations, and Master Response 8.5, Assessment of Potential Effects on the San Francisco Bay Area Regional Water System, regarding local and regional municipal-related and ratepayer economic effects. Please see Section 20.3.4, Effects on Hydropower Generation, Revenues and the Regional Economy, and Master Response 8.4, Non-Agricultural Economic Considerations, regarding hydropower-related economic effects. The State Water Board appropriately analyzed groundwater, drinking water, hydropower, and greenhouse gas emissions as they related to physical environmental impacts in the following chapters: Chapter 9, Groundwater Resources, Chapter 13, Service Providers, and Chapter 14, Energy and Greenhouse Gases.
1391	6	My letter of January 3rd and my testimony at that hearing as well as the meetings in both Merced and Modesto raised many concerns.	Please see Master Response 1.1, General Comments, acknowledging the concerns of elected representatives and other community members. Also see Master Response 1.1 regarding the general approach to analyses

Table 4-1. Responses to Comments			
Ltr#	**Cmt#**	**Comment**	**Response**
		Last month, your board released a composite list of every public drinking water source in the State with specific indicators of water quality. Why isn't that information part of the Bay-Delta analysis? Two of the communities cited in your report, Turlock and Ceres, will be directly impacted by the flows recommendation. Not only are they fully dependent on groundwater, their ongoing plans to have conjunctive use of Tuolumne River water would be destroyed by your action. The SED ignores all of this, and says to wait until SOMA is implemented to determine impacts. It is difficult to discern the role your drinking water quality division experts played in the development of the SED. They may have information that might address community concerns. You should make that available to the public.	and the programmatic nature of the analyses contained in the SED. Please see Chapter 9, Groundwater Resources, Section 9.2, Environmental Setting] regarding description of water quality in the plan area, and Chapter 13, Service Providers, Section 13.2, Environmental Setting for a description of existing conditions regarding groundwater and drinking water quality in the plan area. In addition, see Table 13-3a, regarding identification of public water suppliers in the plan area and their groundwater/surface water dependency The State Water Board used the best available science throughout the SED. A variety of data were obtained for the water quality planning process: quantitative data from peer-reviewed published literature on topics specific to the plan area; peer-reviewed published literature outside the plan area but on topics relevant to the proposed project; unpublished quantitative data from within the plan area and from outside of the plan area; qualitative data or personal communication with topical experts; and expert opinion if no other sources were available. For example, information regarding groundwater quality in the four groundwater subbasins in the plan area were obtained from the Groundwater Ambient Monitoring and Assessment Program (GAMA), as described in Chapter 9, Section 9.2.2, and Chapter 13, Section 13.2.1, and information regarding groundwater reliance by public water system (and population served) was obtained from the California Environmental Health Tracking Program Drinking Water Systems Geographic Reporting Tool and the State Water Resources Control Board, Division of Drinking Water (as cited in Chapter 13). Chapter 9, Groundwater Resources, identifies impacts to groundwater resources and appropriately incorporates SGMA in Impact GW-1. Chapter 13, Service Providers, provides a detailed discussion of the potential impacts of the plan amendments on service providers using information from Chapter 9 under Impacts SP-1, SP-2a, and SP-2b. In Chapter 13, Service Providers, it is acknowledged that the potential impacts due to surface water reductions are considered within the general context of water supply agreements and contracts in Impact SP-1. Please refer to Master Response 3.6, Service Providers, regarding the availability of municipal water supply, and see Master Response 8.4, Non-Agricultural Economic Considerations, regarding the economics of the availability of municipal water supplies.
1391	7	My letter of January 3rd and my testimony at that hearing as well as the meetings in both Merced and Modesto raised many concerns. Every public meeting on the SED update began with the statement that the board's role is to balance beneficial uses. But, we have yet to hear anyone discuss in detail what this is likely to mean to groundwater and drinking water in disadvantaged communities. In fact, the vast majority of the discussion has revolved around the modeling and methodology utilized for fish counts as if a few hundred more fish justifies devastating drinking water supplies. Public confidence would be better served with more robust and specific discussion on groundwater and the proposal's impacts on providing safe, reliable drinking water.	Please see response to Comment 1391-3.
1391	8	My letter of January 3rd and my testimony at that hearing as well as the meetings in both Merced and Modesto raised many concerns. The chair has foreclosed on any discussion at these hearings of the California WaterFix (CWF) project. CWF is the largest water project in the State of California in the last fifty years, and it will have a profound impact on the Bay-Delta. Ignoring the data and information developed in the CWF process is to abdicate the board's responsibility under	Please see Master Response 1.1, General Comments regarding California WaterFix.

Table 4-1. Responses to Comments			
Ltr#	**Cmt#**	**Comment**	**Response**
		CEQA. The public has a right to know what the Bay-Delta will look like with CWF and the WQCP.	
1391	9	My letter of January 3rd and my testimony at that hearing as well as the meetings in both Merced and Modesto raised many concerns. Your staff began the January 3rd meeting with a 53-slide presentation on significant issues that had been discussed previously and needed clarification. Most of the presentation was devoted to various justifications for the fish counts, for the additional water requirement posed by carryover storage, and further explanation of understated economic impacts. One slide dealt with groundwater, and one dealt with disadvantaged communities. Like the SED itself, this presentation was not balanced or reflective of the community's concerns.	The January 3, 2017 staff presentation provided clarifying information on select topics raised during the 4 previous hearing days in November and December 2016. The topics discussed in the staff presentation were responsive to requests for clarifying information and/or questions posed to staff by State Water Board members. The number of slides and time spent discussing each topic at the January 3, 2017 hearing day was not reflective of the full analysis presented in the SED nor the State Water Boards' consideration of beneficial uses.
1391	10	My letter of January 3rd and my testimony at that hearing as well as the meetings in both Merced and Modesto raised many concerns. The SED does not meet the test of balance. It does not meet the test of reason, and it does not meet your obligation to be transparent. It should be rejected, and you should let serious discussions on settlements proceed without its distraction.	Please see Master Response 1.1, General Comments, acknowledging the concerns of elected representatives and community members and for responses to comments that either make a general comment regarding the plan amendments or do not raise significant environmental issues. Please also see Master Response 1.2, Water Quality Control Planning Process, for responses to comments regarding the State Water Boards' consideration of beneficial uses. Please also see Master Response 1.1 and Master Response 2.1, Amendments to the Water Quality Control Plan, for responses to comments by the State Water Board supporting voluntary agreements.
1391	11	Rarely have the residents of any area banded together with such unity in opposition to a project. My area has done so because we know that if adopted as proposed, the SED will create a new description for one of California's youngest and fastest growing regions. We will become known as "The Valley of Despair," where there is no opportunity, no hope, and no resources. This will be your legacy. I urge you to reject the SED and direct your staff and consultants to start over. I ask that this letter, and the attached petition signatures, be made part of the record.	Please see Master Response 1.1, General Comments, for responses to comments that either make a general comment regarding the plan amendments or do not raise significant environmental issues.
1391	12	[ATT1:] Copy of letter from Ted Brandvold, Mayor. Re: City of Modesto's Comment Letter - 2016 Bay-Delta Plan Amendment & SED. Dated March 16, 2017. See letter # WQCP1.1162.	The commenter provided this attachment for reference purposes in support of their comments. Those comments are addressed in these responses to comments; therefore, no additional response is required.
1391	13	[ATT2:] Copy of letter from Michael W. Murphy, Mayor, City of Merced. Re: Comments on the SED. Dated March 7, 2017. See letter # WQCP1.1233.	The commenter provided this attachment for reference purposes in support of their comments. Those comments are addressed in these responses to comments; therefore, no additional response is required.
1391	14	[ATT3:] Copy of letter from Melvin H. Oliveira, Mayor, City of Gustine. Re: Comments on the SED. March 2, 2017. See letter # WQCP1.1280.	The commenter provided this attachment for reference purposes in support of their comments. Those comments are addressed in these responses to comments; therefore, no additional response is required.
1391	15	[ATT4:] Copy of letter from Darrell Fonseca, City Manager/CEO/PC, City of Dos Palos. Re: Comments	The commenter provided this attachment for reference purposes in support of their comments. Those comments are addressed in these responses to comments; therefore, no additional response is required.

Table 4-1. Responses to Comments			
Ltr#	**Cmt#**	**Comment**	**Response**
		on the SED. Dated March 6, 2017. See letter # TBD.	
1391	16	[ATT5:] Copy of letter from Michael Villalta, Mayor, City of Los Banos. Re: Comments on the SED. Dated March 6, 2017. See letter # WQCP1.1027.	The commenter provided this attachment for reference purposes in support of their comments. Those comments are addressed in these responses to comments; therefore, no additional response is required.
1391	17	[ATT6:] Copy of letter from Chris Vierra, Mayor, City of Ceres. Dated March 9, 2017. Re: Comments on the SED. See letter # WQCP1.1014.	The commenter provided this attachment for reference purposes in support of their comments. Those comments are addressed in these responses to comments; therefore, no additional response is required.
1391	18	[ATT7:] Copy of letter from Deborah M. Novelli, Mayor, City of Patterson. Re: Comments on the SED. Dated March 13, 2017. See letter # TBD.	The commenter provided this attachment for reference purposes in support of their comments. Those comments are addressed in these responses to comments; therefore, no additional response is required.
1391	19	[ATT8:] Copy of letter from Michael E. Holland, City Manager, City of Newman. Re: Comments on the SED. Dated March 14, 2017. See letter # WQCP1.1237.	The commenter provided this attachment for reference purposes in support of their comments. Those comments are addressed in these responses to comments; therefore, no additional response is required.
1391	20	[ATT9:] Copy of letter from Bill Zoslocki, Council Member, City of Modesto. Re: Comments on the SED. Dated March 17, 2017. See letter # WQCP1.1196.	The commenter provided this attachment for reference purposes in support of their comments. Those comments are addressed in these responses to comments; therefore, no additional response is required.
1391	21	[ATT10:] Table of approximately 350 signers to Assemblymember Adam Gray's Petition of Opposition to SED Plan. See letter # WQCP1.1494 (Form Master 10).	The commenter provided this attachment for reference purposes in support of their comments. Those comments are addressed in these responses to comments; therefore, no additional response is required.
1391	22	[ATT11:] 172 pages of approximately 750 signers to “Stop the Regulatory Drought,” Assemblymember Adam Gray's Petition of Opposition to SED Plan. See letter # WQCP1.1494 (Form Master 10).	The commenter provided this attachment for reference purposes in support of their comments. Those comments are addressed in these responses to comments; therefore, no additional response is required.
1392	1	On behalf of the family dairy producer members of the California Dairy Campaign (CDC), we write in opposition to the "unimpaired flow" or any similar approach to water management in the Sacramento-San Joaquin Delta and San Francisco Bay, including the Water Quality Control Plan Process.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.
1392	2	It is critical that California dairy farmers have access to reliable water supplies given the ongoing challenges they face with current milk prices that are well below milk production costs.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.
1392	3	We [California Dairy Campaign] support alternative solutions to improve water quality and sustain native species including implementation of predation and suppression programs, river and habitat improvements, restructuring of existing river operations among other	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.

Table 4-1. Responses to Comments			
Ltr#	**Cmt#**	**Comment**	**Response**
		solutions.	
1393	1	Gallo is particularly concerned about the significant changes to water flow requirements for the Stanislaus, Tuolumne, and Merced Rivers included in the proposed changes to the Bay-Delta Plan. [Footnote 1: The "Bay-Delta Plan" as used in this letter refers to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary.] The proposed flow regime will have a substantial adverse effect on Gallo and other water rights holders for the Lower San Joaquin River ("LSJR") and its three eastside tributaries that will result in devastating financial impacts across the region. The State Water Resources Control Board's ("State Water Board") SED substantially underestimates the potential impacts of the proposed flow requirements to the businesses and residents of the extended San Joaquin Valley and fails to even address the substantial obligation the state will bear to compensate the vested water rights holders for the proposed taking. Gallo believes the current proposal would unlawfully establish flow requirements and joins in the comments provided by the Merced Irrigation District, the San Joaquin Tributaries Authority, and other parties that detail shared legal and technical concerns regarding, in particular, the negative impacts the proposed revisions to the Bay-Delta Plan will cause to users of water from the Stanislaus, Tuolumne, and Merced Rivers.	Please see Master Response 1.1, General Comments for responses to general comments and commonly raised issues and concerns. Please refer to the index of commenters to review the responses to other comment letters submitted during the comment period for the 2016 Recirculated Draft SED.
1393	2	Gallo holds riparian and appropriative water rights to the Merced River that date back to the 1800s. Gallo's water rights were confirmed in the so-called "Cowell Agreement" with the Merced Irrigation District, dated as of January 27, 1928, which resolved litigation relating to various water rights. Gallo, and the other Cowell Agreement parties' water rights are among the most senior on the Merced River.	Please see Master Response 1.1, General Comments, for responses to comments that either make a general comment regarding the plan amendments or do not raise significant environmental issues.
1393	3	Gallo holds significant investments throughout the region, including the Livingston Winery in Merced County within the Merced Subbasin, the largest winery in the world. Gallo is also heavily invested along the other tributaries of the LSJR and its related subbasins. The most prominent example of this is in Modesto, Gallo's global headquarters with approximately 3500 employees where Gallo has a significant bottling facility, warehousing and distribution center, and glass plant. Additionally, many of Gallo's wine grapes are grown by Gallo and independent growers throughout the San Joaquin Valley dependent on the LSJR and its eastside tributaries and the related groundwater subbasins. Gallo relies upon water from the LSJR and the Stanislaus, Tuolumne, and Merced Rivers, directly or indirectly, for its businesses, a major economic driver in the greater San Joaquin Valley.	The comment describes Gallo's operations in the region. Please see Master Response 1.1, General Comments, for responses to comments that do not raise significant environmental issues or make a general comment regarding the plan amendments and general information regarding the economic analysis.
1393	4	Gallo and the other Cowell Agreement diverters are among the most senior water right holders on the Merced River that likely will be directly and substantially impacted by the proposed flow and salinity requirements. [Footnote 2: Although Gallo recognizes that the State Water Board intends to implement the flow obligations through water right hearings and Section 401 proceedings in Phase 3 of the updates to the Bay-Delta Plan, the level and rates of the proposed unimpaired flow obligations will require regulation and curtailment of existing water rights for the LSJR and its three eastside tributaries. Accordingly, adoption of the proposed flow obligations would prospectively adversely affect those water rights.]	As the commenter recognizes, and as stated in Appendix K, Revised Water Quality Control Plan, the nature and extent of water right holders' responsibilities to meet the proposed plan amendments will be considered in a future water rights proceeding or proceedings. Please see Master Response 1.1, General Comments, and Master Response 1.2, Water Quality Control Planning Process, for a discussion of the water rights priority system and the water quality control planning process, including the State Water Board's authorities and future water rights proceedings.
1393	5	The Proposed Flow Directives Would Violate Due Process. The proposed flow obligations will necessarily infringe on the water rights of Gallo and other users of water from the LSJ, Stanislaus, Tuolumne and Merced Rivers. Although the State	Please refer to Master Response 1.2, Water Quality Control Planning Process, for response to assertions that the plan amendments violate due process.

Table 4-1. Responses to Comments			
Ltr#	**Cmt#**	**Comment**	**Response**
		Water Board intends to implement the proposed flow obligations in Phase 3 of its updates to the Bay-Delta Plan, the decision to impose such substantial unimpaired flow obligations will necessarily require regulation and curtailment of existing water rights. Imposing such extreme flow obligations, and doing so through the rulemaking process, deprives Gallo and other affected water right holders of their right to due process. First, the proposed flow objectives cast far too wide a net to respond to the issue the State Water Board seeks to address, in violation of the substantive due process rights of the affected water right holders. Once rights to use water are acquired, they become vested property rights. As such, they cannot be infringed by others or taken by governmental action without due process and just compensation. United States v. State Water Resources Control Board (1986) 182 Cal.App.3d 82, 110 (referred to herein as "U.S. v. State Water Board") (citing Ivanhoe Irrigation Dist. v. All Parties (1957) 47 Cal.2d 597, 623). Accordingly, Gallo's pre-1914 and riparian water rights are vested property rights that cannot be infringed upon or otherwise taken by governmental action without due process. See Id.; see also U.S. v. Gerlach Live Stock Co. (1950) 339 U.S. 725, 752-54. Although the State Water Board contends it "is considering amending the Bay-Delta Plan to establish new flow objectives on the LSJR and its three eastside tributaries to protect fish and wildlife beneficial uses" (SED at 1-8), it has not, and cannot, provide any evidence to demonstrate that the proposed flow obligations are even rationally related to the purported objective. Accordingly, this plan violates Gallo and all other affected water right holders' substantive due process rights. Second, the proposed imposition of flow objectives in this water quality proceeding would necessarily restrict and modify existing water rights without providing Gallo or any other affected water rights holders adequate notice and opportunity to be heard in violation of their rights to procedural due process. "Procedural due process requires that wherever vested property rights are involved there be due notice to the parties concerned, a right for such parties to appear and answer, and an adjudicative hearing on the facts, either before the administrative agency or a reviewing court." California Jurisprudence 3rd, § 634 (citing Dare v. Board of Medical Examiners (1943) 21 Cal.2d 790 and Robinson v. Bd. of Retirement (1956) 140 Cal.App.2d 115). When property rights are at issue in an adjudicative proceeding, the State Water Board is required to comply with Government Code section 11425.10, which provides due process protections such as directed notice, an opportunity to be heard, the ability to present and rebut evidence, and the right to cross examine. Water Code, § 648(b). This provision does not apply when the State Water Board acts in a legislative capacity, which is why the State Water Board is prohibited from performing adjudicatory functions during the quasi-legislative process. See U.S. v. State Water Board, 182 Cal.App.3d at 115. By imposing flow obligations that necessarily result in the modification of existing water rights, the State Water Board is performing adjudicatory actions under the guise of legislative process. See Id. at 115-118. The imposition of the proposed flow obligations would also constitute a regulatory taking of vested property rights from the affected water rights holders. The proposed imposition of such flow obligations and the resulting taking without providing Gallo and the other affected water right holders adequate notice and an opportunity to be heard would violate their right to due process. Third, the proposed amendments – particularly with respect to the proposed unrestricted flow obligations and adaptive measures – are so unclear as to how they will be implemented	

Table 4-1. Responses to Comments			
Ltr#	**Cmt#**	**Comment**	**Response**
		against water rights holders, including Gallo, as to constitute a violation of each affected water right holder's right to due process. Due process precludes enforcement of a regulation based upon impermissible vagueness when the regulated party "could not reasonably understand that [their] contemplated conduct is proscribed." Cranston v. City of Richmond (1985) 40 Cal.3d 755, 764. The proposed flow obligations do not make clear what or how the obligations will be imposed, or what or how any adaptive measures will be imposed. In addition to the lack of clarity in the regulations themselves, the SED also failed to clearly provide notice of what the amendments to the Bay-Delta Plan would involve, including that the project would include "adaptive implementation of unimpaired flows" and "non-flow measures" and that it would seek to regulate water outside of the Bay-Delta. The failure to provide clear notice of the scope of the project at the outset and the failure to clearly define the proposed obligations and clearly explain the regulations and how they will be imposed violates due process. Fourth, the proposal to implement the flow objectives through the Section 401 process related to FERC hydropower licensing (SED, ES1-2; see also SED, Appx. K at p. 28) would violate the due process rights of any downstream water rights holders. Because the proposed flow requirements are so substantial that they will necessarily curtail water rights, the Section 401 process does not provide sufficient notice and opportunity to be heard to any downstream water right holders whose rights will be impacted.	
1393	6	The Proposed Amendments Exceed State Water Board Authority. By imposing the proposed unrestricted flow obligations, the proposal would prospectively restrict and reduce the rights of those who hold riparian and appropriative water rights to the LSJR and its three eastside tributaries. The State Water Board generally lacks authority to limit, regulate, or curtail riparian or pre-1914 appropriative water rights. See e.g., Cal. Farm Bureau Fed. v. State Water Resources Control Bd. (2011) 51 Cal.4th 421, 429. The State Water Board's authority over pre-1914 water rights is generally limited to resolving disputes among water right holders and regulating "to prevent illegal diversions and to prevent waste or unreasonable use of water." See Young v. State Water Resources Control Bd. (2013) 219 Cal.App.4th 397, 404. As there is no conflict among the affected water right holders – except to the extent the State Water Board's imposition of unimpaired flow obligations will require curtailments that will likely create conflicts – and the State Water Board has made no findings or even allegations of waste or unreasonable use by the affected riparian and pre-1914 water right holders, the State Water Board does not have the authority or jurisdiction to infringe upon those riparian and pre-1914 water rights, particularly not in the context of a water quality control project. The State Water Board also lacks authority to alter water right priorities through its development of a water quality control plan or otherwise. One of the fundamental tenants of California's appropriative water rights system is the rule of priority: the first in time, first in right. See e.g., El Dorado Irr. Dist. v. State Water Resources Control Bd. (2006) 142 Cal.App.4th 937, 943; U.S. v. State Water Board, 182 Cal.App.3d at 101-102. Under California's appropriative water right system, the senior appropriator is entitled to fulfill its needs before a junior appropriator is entitled to use any water. Id. "Although the rule of priority is not absolute, the Board is obligated to protect water right priorities unless doing so will result in the unreasonable use of water, harm to values protected by the public trust doctrine, or the violation of some other equally important principle or interest." El Dorado	Please refer to Master Response 1.2, Water Quality Control Planning Process, for response to assertions that the plan amendments exceed State Water Board authority. Please refer to Master Response 1.1, General Comments, for additional discussion of the authority of the State Water Board to adopt and implement the plan amendments.

Table 4-1. Responses to Comments			
Ltr#	**Cmt#**	**Comment**	**Response**
		Irr. Dist., 142 Cal.App.4th at 944. Adoption and implementation of the proposed flow requirements will likely require altering existing water rights. The State Water Board does not have the authority or jurisdiction to make such decisions affecting individual water rights, including those riparian and pre-1914 appropriative water rights held by Gallo, in the context of these regulatory proceedings. Nor does the State Water Board generally have the authority to change the priorities among the uses of water. The California Water Code explicitly identifies the domestic use of water as the "highest use of water and the next highest use is for irrigation." Water Code § 1254. Although the State Water Board is entitled to consider the amount of water that must be maintained in the source for the protection of beneficial uses of water, including the protection of fish and wildlife resources, the State Water Board must also consider the State's order of priorities among uses. See Nat'l Audubon v. Sup. Ct. (1983) 33 Cal.3d 419, 443-444. The proposed flow and salinity requirements improperly favor the interest of a subordinate water use – for the benefit of fish – over higher priority users – domestic use and irrigation. It also appears the proposed flow obligations would improperly require water right holders to store and release water for the benefit of fish to the detriment of water rights holders downstream from the affected dams. The Board does not, and cannot, offer any basis for its jurisdiction to impose such obligations.	
1393	7	The Proposed Amendments Do Not Comply with Water Quality Planning Requirements. In establishing a water quality plan pursuant to the authority provided under the Porter-Cologne Water Quality Control Act (Water Code §§ 1300, et seq.), the State Water Board must consider the beneficial uses to be protected, water quality objectives, and a program of implementation for achieving those objectives. Water Code § 13050(j). The State Water Board is further required to consider: (a) all beneficial uses of the water at issue, (b) environmental quality of the hydrographic unit at issue, (c) water quality conditions that could reasonably be achieved through the coordinated control of all factors that affect water quality in the area, (d) economic considerations, (e) the need for developing housing in the region, and (f) the need to develop and use recycled water. Water Code § 13241; see also City of Arcadia v. State Water Resources Control Bd. (2010) 191 Cal.App.4th 156, 176-177. Ultimately, the State Water Board must provide reasonable protection to beneficial uses of the subject water, while taking into consideration all of the demands made upon the water. See Water Code §§ 13000, 13241. The proposal does not comply with these requirements. For example, in seeking to impose the new flow obligations, the proposal fails to adequately consider and weigh the impact of the plan on all beneficial uses of water. In particular, the proposal does not adequately consider the domestic and agricultural uses of the water by the affected riparian and pre-1914 appropriative water right holders. Instead, it prioritizes water quality objectives for the benefit of fish above all other beneficial uses. The proposal also fails to sufficiently consider whether the desired beneficial water conditions could reasonably be achieved through the proposed plan. The proposal does not sufficiently describe and demonstrate: the purported benefits of the plan, how much water is actually necessary to meet the purported	Please see Master Response 1.1, General Comments, and Master Response 1.2, Water Quality Control Planning Process, for responses to comments regarding the beneficial use of water and the watersheds considered. Please see Master Response 2.1, Amendments to the Water Quality Control Plan for additional discussion regarding the geographic scope of the Bay-Delta plan. Master Response 1.2 provides additional information regarding the water rights priority system. Please see Master Response 3.1, Fish Protection, provides information regarding the benefits of the plan amendments to fish. Please see Master Response 3.2, Surface Water Analyses and Modeling, regarding water effects modeling. Additionally, Table ES-13 in the Executive Summary of the Recirculated SED provides estimates of the percent of unimpaired mean annual February to June flows necessary to meet the flow objective. Please see Master Response 8.0, Economic Analyses Framework and Assessment Tools, for information regarding economic impacts. Additionally, Appendix G, Agricultural Economic Effects of the Lower San Joaquin River Flow Alternatives: Methodology and Modeling Results, as well as Master Responses 8.1, Local Agricultural Economic Effects and the SWAP Model, and Master Response 8.2, Regional Agricultural Economic Effects, discuss the potential economic impacts of the plan amendments.

Table 4-1. Responses to Comments			
Ltr#	**Cmt#**	**Comment**	**Response**
		objectives, and whether there is any causal connection between increased flows and increased fish populations. Additionally, the proposal fails to adequately consider the economic impact of the project, which would necessarily result in substantial curtailment of water rights. The taking of vested water rights will have a tremendous economic impact on the affected water right holders, causing substantial domestic and agricultural losses that were not adequately considered. Ultimately, the proposal fails to balance the competing uses of water and fails to include the necessary factual findings to support its conclusions. If the State Water Board adopts the proposed plan it would further exceed its jurisdiction and its authority under the Porter-Cologne Act by attempting to regulate waters outside of the geographical boundaries of the San Francisco Bay and the Bay-Delta Estuary. A water quality control plan is limited to a specified area. Water Code § 13050(j). The Bay-Delta Plan is, therefore, meant to be limited to the waters within the San Francisco Bay and the Bay-Delta Estuary. To the extent the proposed plan improperly seeks to regulate the tributary watersheds, the State Water Board is exceeding its authority.	
1393	8	The SED Does Not Comply with CEQA. A SED is the functional equivalent of an Environmental Impact Report (EIR). City of Arcadia v. SWRCB (2006) 135 Cal.App.4th 1392, 1421-1422; Mountain Lion Foundation v. Fish & Game Com. (1997) 16 Cal.4th 105, 113. In preparing the SED, the State Water Board must still provide sufficient environmental analysis to comply with CEQA. See City of Arcadia, 135 Cal.App.4th at 1421-1422; Environmental l Protection Information Center. v. Johnson (1985) 170 Cal.App.3d 604, 620; see also 23 CCR § 3777. The SED at issue here does not meet this standard. The purpose of a SED or an EIR is "to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment." Public Resources Code § 21061. This is necessary to provide the public and government agencies the information needed to make informed decisions in order to allow for protection "'not only the environment but also informed self-government.'" In re Bay-Delta (2008) 43 Cal. 4th 1143, 1162-63. Accordingly, a SED must provide sufficient detail to allow those who did not participate in the preparation of the document to understand and meaningfully consider the issues raised by the proposed project. Laurel Heights Improvement Assn. v. Regents of University of California (1988) 47 Cal.3d 376, 405. The SED is legally insufficient. It appears the State Water Board is attempting to simply adopt and implement this project, including imposing substantial new flow obligations on the LSJR and its eastside tributaries, without full disclosure of the details or meaningful public review and participation. The SED fails to comply with CEQA's procedural and substantive requirements.	Please see Master Response 1.1, General Comments, regarding the regarding the programmatic analysis in the SED and the difference between programmatic and project-level analyses and for information regarding the impacts evaluated in the SED. The plan amendments are not a development project and are not a project-specific action. They are amendments to an existing water quality control plan. As identified by the Certified Regulatory Program, the State Water Board is not required to conduct a site-specific, project-level analysis, which CEQA may otherwise require of those agencies who are responsible for complying with the plan or policy when they determine the manner in which they will comply (Title 23 Division 3, Chapter 27, Article 1, Section 3777). Furthermore, the degree of specificity in an environmental document corresponds to the degree of specificity involved in the underlying activity which is described in the environmental document (State CEQA Guidelines, Section 15146). As acknowledged by the State CEQA Guidelines, an environmental document disclosing the impacts of a construction project will necessarily be more detailed than those evaluating a plan because the effects of the construction can be predicted with much greater accuracy (State CEQA Guidelines, Section 15146(a)). An environmental document analyzing a plan need not be as detailed as an environmental document on a specific construction project (State CEQA Guidelines, Section 15146(b)). The fact that the analyses is programmatic in the SED does not negate the ability of commenters to provide comments on the analysis. As identified in the State CEQA Guidelines: an EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences (State CEQA Guidelines, Section 15151). An evaluation need not be exhaustive for commenters to provide comments or for decision makers to make a decision. In addition, as identified by the State CEQA Guidelines, persons and public agencies should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. The adequacy of an environmental document is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project (State CEQA Guidelines, Section 15024(a)). Please see Master Response 1.1., General Comments, for information regarding opposition to the plan amendments. Please see Master Response 1.1, General Comments, for general information regarding the types of impacts, the determinations of significance, and mitigation measures disclosed in Chapters 5 through 18, and Appendix B, State Water Board's Environmental Checklist.

Table 4-1. Responses to Comments			
Ltr#	**Cmt#**	**Comment**	**Response**
1393	9	The SED does not clearly define the project, the geographic scope of the project, the purpose and goals of the project, or the impacts of the project.	Please see Master Response 1.1, General Comments, for information regarding the description and purpose of the plan amendments, the watersheds considered, and the adequacy of the approach to the analysis of impacts. Please also refer to Master Response 2.1, Amendments to the Water Quality Control Plan, for more information regarding the description of the plan amendments.
1393	10	The SED does not include a clear description of the range of flow obligations, the range of adaptive management options, and how they will be implemented.	Refer to Master Response 2.1, Amendments to the Water Quality Control Plan, for responses to comments regarding the project description, the LSJR flow objectives, the program of implementation, and adaptive implementation. Please refer to Master Response 2.2, Adaptive Implementation, for responses to comments and additional information regarding adaptive implementation methods and examples.
1393	11	The SED does not provide a clear description of the phases by which the project will be implemented.	The commenter is identifying the need for a clear description of the phased approach to the water quality control planning process. Please refer to Master Response 1.2, Water Quality Control Planning Process, for a discussion of the water quality control planning process, including the State Water Board's protection of beneficial uses in the Bay-Delta and tributary watersheds through independent proceedings.
1393	12	The SED uses an improper, inaccurate, and misleading baseline. The baseline should be determined at the time the environmental analysis is commenced. The SED improperly sets the baseline in 2009 and fails to consider the impacts of the five-year drought. The baseline also fails to use accurate assumptions and inputs.	Please see Master Response 2.5, Baseline and No Project, regarding the baseline used in the SED, including release of the 2009 and 2011 NOPs. Please see Master Response 3.2, Surface Water Analyses and Modeling, regarding the modeling approach used in the Recirculated SED, including. As discussed in Chapter 21, Drought Evaluation, the WSE model's 82-year baseline represents multiple drought periods similar to recent drought conditions.
1393	13	The SED does not sufficiently identify and analyze the impacts of the project, including, in part, the impact of the reduction in surface water supply resulting from the increased unimpaired flow obligations, the impact of the increased flows on the environment, and the impact of the increase in utilization of groundwater resources.	Please see Master Response 1.1, General Comments, for responses to comments that either make a general comment regarding the plan amendments or do not raise significant environmental issues.
1393	14	The SED does not include substantial evidence to support the findings and conclusions contained therein.	Please see Master Response 1.1, General Comments, for responses to comments that either make a general comment regarding the plan amendments or do not raise significant environmental issues.
1393	15	The SED does not claim or demonstrate that the actions of any of the affected water right holders have negatively impacted the water quality in the Delta, LSJR, or the Stanislaus, Tuolumne, or Merced Rivers.	Please refer to Master Response 1.2, Water Quality Control Planning Process, regarding the authorities and regulations governing the water quality control planning process and the consideration of beneficial uses. Please refer to Appendix C, Technical Report on the Scientific Basis for Alternative San Joaquin River Flow and Southern Delta Salinity Objectives, regarding the justification of the plan amendments.
1393	16	The SED does not include evidence to demonstrate that the project elements will actually improve water quality or meet any of the identified "objectives."	The scientific basis for the LSRJ flow objective and SDWQ objective is provided in Appendix C, Technical Report on the Scientific Basis for Alternative San Joaquin River Flow and Southern Delta Salinity Objectives.
1393	17	The SED fails to include sufficient analysis of the cumulative impacts and related projects (e.g., SGMA, WaterFix).	Please refer to Master Response 6.1, Cumulative Analysis, for information regarding the development of the program-level cumulative impact assessment and the related project list. Please see Chapter 17, Cumulative Impacts, Growth-Inducing Effects, and Irreversible Commitment of Resources, Table 17-1, which includes the two projects mentioned by the commenter. Please see Master Response 3.4, Groundwater and the Sustainable Groundwater Management Act, regarding a discussion of SGMA and its relationship to the plan amendments, evaluation in the SED, and incorporation into the cumulative analysis.
1393	18	The SED fails to adequately address the areas of controversy. It does not address the main points of disagreement and instead appears to indicate that any issues have been addressed or resolved. This is incorrect.	The State Water Board acknowledges the strong opinions of the public and stakeholders in Volume 3, Chapter 1, Introduction and Approach to Response to Comments, and discusses general support or opposition to the plan amendments in Master Response 1.1, General Comments. The Recirculated SED clarifies multiple issues raised by the public and stakeholders in 2012. The State Water Board summarized

Table 4-1. Responses to Comments			
Ltr#	**Cmt#**	**Comment**	**Response**
			controversies and concerns in the Executive Summary (ES 11, Areas of Known Controversy and Changes Made to the 2012 Draft Substitute Environmental Document). In addition, controversies identified in 2013 during the public comment period for the 2012 Public Draft SED are identified in Appendix M, Phase I Substitute Environmental Document Summary of Public Comments on the 2012 Draft SED. CEQA does not require all areas of known controversies or conflicts between experts to be resolved in environmental documents, but rather to summarize known areas of controversy (State CEQA Guidelines, Section 15123). Furthermore, CEQA acknowledges that disagreement among experts can and will occur and that disagreements among experts does not make an EIR inadequate (State CEQA Guidelines, Section 15151). However, the EIR should summarize the main points of disagreement among the experts.
1393	19	The SED fails to identify, propose, discuss, and consider potential measures and programs to mitigate the significant environmental impacts that will result from implementation of the project.	Please see Master Response 1.1., General Comments, regarding the mitigation measures proposed in Chapters 5 through 18, where applicable and appropriate.
1393	20	The SED fails to include responses to comments raised in response to the 2012 draft of the SED.	A lead agency need only respond to those comments submitted in response to a recirculated revised environmental document and is not required to respond to comments previously received during the earlier circulation period on a previous draft. In its September 15, 2016 notice of filing, recirculation, and opportunity for public comment on the revised SED, the State Water Board made clear that since, "the SED is being recirculated in its entirety, new oral and/or written comments must be made and submitted for the SED. Previous comments to the 2012 Draft SED will be part of the administrative record, but do not require a written response. The State Water Board will only respond to those timely comments made and submitted in response to the recirculated SED." Therefore, this attachment is already part of the administrative record and will not receive a written response.
1393	21	The SED does not reflect the required consultation with responsible agencies, including the California Department of Water Resources, California Department of Fish & Game, FERC, Bureau of Reclamation, Department of the Interior, and the U.S. Fish & Wildlife Service occurred.	Please see Master Response 1.2, Water Quality Control Planning Process regarding the State Water Board's consultation requirements.
1393	22	The SED does not sufficiently identify or analyze the reasonably foreseeable methods of compliance.	The methods of compliance for both the LSJR alternatives and the SDWQ alternatives are identified in Chapter 4, Introduction to Analysis. The SED programmatically evaluates indirect actions and additional actions, including reasonably foreseeable methods of compliance, in SED Chapters 5–17. The agricultural economic effects of surface water diversion reductions are summarized, along with all other economic impacts, in Chapter 20, Economic Analyses, and are evaluated in detail in Appendix G, Agricultural Economic Effects of the Lower San Joaquin River Flow Alternatives: Methodology and Modeling Results. As described in Chapter 4, a site-specific, project-level analysis of the potential methods of compliance that could be implemented by municipalities, agricultural producers, and the CVP and SWP to comply with the SDWQ objectives is not possible due to uncertainty about which actions would be taken, and the timing, duration, and magnitude of the actions. Therefore, a conceptual environmental evaluation of these methods of compliance and a cost evaluation of each are provided in Chapter 16, Evaluation of Other Indirect and Additional Actions. Economic impacts associated with these methods of compliance are summarized in Chapter 20.
1393	23	The SED fails to consider a reasonable range of alternatives and does not adequately assess the "no project" alternative.	Please see Master Response 2.4, Alternatives to the Water Quality Control Plan Amendments, for a discussion of the reasonable range of feasible alternatives. Please see Master Response 2.5, Baseline and No Project, for a discussion of the No Project Alternative and Chapter 15, No Project Alternative (LSJR

Table 4-1. Responses to Comments			
Ltr#	**Cmt#**	**Comment**	**Response**
			Alternative 1 and SDWQ Alternative 1) of the SED for the evaluation of the No Project Alternative.
1393	24	The assertion in the SED that it only provides an assessment of environmental effects at the programmatic level (SED, at ES-2), is insufficient. It is not clear when specific impacts, including impacts to Gallo and other users of the Stanislaus, Tuolumne, and Merced Rivers, will be evaluated, if at all. A lead agency cannot split a single project into segments to avoid full review of the entire project. Orinda Assn. v. Bd. of Supervisors (1986) 182 Cal.App.3d 1145, 1171. When a project will be implemented in phases, the SED or EIR must still discuss and analyze the significant environmental effects of the entire project, including all components necessary to a project – even those that will be approved by another agency. Riverwatch v. County of San Diego (1999) 76 Cal.App.4th 1428. A programmatic approach does not excuse a lead agency from providing a full and clear description and analysis of a project; the lead agency cannot tier a project in order to defer identification and analysis of significant environmental impacts. See Id. It seems the programmatic approach is being used here to obscure and delay or avoid addressing the negative impacts of the project.	Please see Master Response 1.1, General Comments, regarding the programmatic analysis in the SED, the difference between program and project level analyses, and for information regarding the impacts evaluated in the SED. Programmatic analyses are by their nature broader and less detailed than project level analyses. This is because the details that are needed to conduct a project level analysis are not known and cannot be described in sufficient detail in which to appropriately analyze. The plan amendments are not a development project and are not a project-specific action. They are amendments to an existing water quality control plan. As identified by the Certified Regulatory Program, the State Water Board is not required to conduct a site specific project level analysis, which CEQA may otherwise require of those agencies who are responsible for complying with the plan or policy when they determine the manner in which they will comply (Title 23 Division 3, Chapter 27, Article 1, Section 3777).
1393	25	It appears the State Water Board improperly decided on a particular course of action and then prepared the SED to support that decision, rather than using the environmental review process to analyze the options.	Please see Master Response 1.1, General Comments, for responses to comments that either make a general comment regarding the plan amendments or do not raise significant environmental issues. Please see Master Response 1.2, Water Quality Control Planning Process, regarding the State Water Board's authorities to prepare and implement a water quality control plan and establish water quality objectives within that plan to ensure the reasonable protection of the beneficial use of fish and wildlife. Please see Master Response 2.4, Alternatives to the Water Quality Control Plan Amendments, regarding the range of alternatives and the fact that identifying a preferred alternative does not commit the Board to adopting that alternative.
1393	26	The Project Violates Article X, Section 2 of the California Constitution. Article X, Section 2 of the California State Constitution requires water resources of the state be put to "beneficial use to the fullest extent of which they are capable." It provides, in relevant part, that: the general welfare requires that the water resources of the State be put to beneficial use to the fullest extent of which they are capable, and that the waste or unreasonable use or unreasonable method of use of water be prevented, and that the conservation of such waters is to be exercised with a view to the reasonable and beneficial use thereof in the interest of the people and for the public welfare. The right to water or to the use or flow of water in or from any natural stream or water course in this State is and shall be limited to such water as shall be reasonably required for the beneficial use to be served, and such right does not and shall not extend to the waste or unreasonable use or unreasonable method of use or unreasonable method of diversion of water. Accordingly, in carrying out its authority, the State Water Board must always evaluate and seek to ensure the reasonable, beneficial use of water and avoid waste and unreasonable use. See Id.; see also, U.S. v. SWRCB, at 129. In order to determine whether a use of water is "reasonable," the State Water Board must consider, in part: (1) the quantity of water needed for the beneficial use served (City of Barstow v. Mojave Water Agency (2000) 23 Cal.4th 1224, 1241); (2) a comparison of other potential uses (Imperial Irr. Dist. v. SWRCB (1990) 225 Cal.App.3d 548, 570-571); and (3) local environmental conditions (Tulare Irr. Dist. v. Lindsay- Strathmore Irr. Dist. (1935) 3 Cal.2d 489, 567). Ultimately, a determination "of reasonable use depends upon the totality of the circumstances presented."	Please see Master Response 1.2, Water Quality Control Planning Process regarding the authorities and regulations governing the water quality control planning process. Also see Master Response 1.1, General Comments regarding Article X, Section 2 of the California Constitution. Please refer to Appendix C, Technical Report on the Scientific Basis for Alternative San Joaquin River Flow and Southern Delta Salinity Objectives for a discussion regarding the justification for the plan amendments.

Table 4-1. Responses to Comments			
Ltr#	**Cmt#**	**Comment**	**Response**
		Environmental Defense Fund, Inc. v. East Bay Mun. Utility Dist. (1980) 26 Cal.3d 183, 194. The SED fails to carry out this analysis, and the proposed flow requirements do not appear capable of achieving the stated intended beneficial purposes. In fact, the SED acknowledges that the increased flow requirements for each of the tributaries to the LSJR will not satisfy the objectives of the WQCP, explaining that flows must be "coordinated to achieve beneficial results in the LSJR related to the protection of fish and wildlife beneficial uses." SED, Appx. K at p. 31. The proposed plan does not, however, call for such coordination. Accordingly, the SED fails to demonstrate that the flow obligations on each river alone are capable of achieving the stated intended beneficial purposes.	
1393	27	The SED fails to compare any benefits from the proposed use with other beneficial uses for the subject water, including the domestic and irrigation purposes the water at issue has served for more than a century.	Please refer to Master Response 1.1, General Comments, for information regarding the consideration of beneficial uses.
1393	28	The SED also fails to consider the project's negative impacts on the water supply generally, including ground and surface water, and how that will impact other beneficial uses of water.	Please see Master Response 1.1, General Comments, for responses to comments that either make a general comment regarding the plan amendments or do not raise significant environmental issues. Effects of reduced water supply are considered in many locations within the SED.
1393	29	The SED does not consider the possibility that increased flows may cause adverse effects to the environment and the species that it is designed to benefit. For example, there is no discussion as to whether increased flows may benefit and increase the population of non-native predator species, and whether and to what degree that would negatively impact the species the Bay-Delta Plan is designed to assist.	Please review Master Response 3.1, Fish Protection, for information about comments presenting information that do not conflict with or contradict the key scientific information used to support the impact determinations or benefit assessments in the plan amendments. Please also refer to Master Response 3.1 for a discussion of predation.
1393	30	The Project Will Necessarily Contradict the Objectives of SGMA. Imposition of the proposed flow requirements would preclude local agencies from sustainably managing groundwater in the critically overdrafted Merced Basin and other basins affected by the plan without severely restricting water use for domestic and irrigation purposes, which would devastate the local economies. The SED anticipates the substantial reduction in available surface water will likely be offset and mitigated through increased pumping and use of groundwater. SED, at 9-26, 9-27, 9-32, 18-51. The SED acknowledges this will reduce the ability to recharge groundwater resources. Id. This is contrary to state water policy and SGMA's requirement for sustainable groundwater management – particularly in basins such as Merced, which are in critical overdraft. Although the SED acknowledges that groundwater use is generally higher in dry years, it fails to analyze the impact of the recent drought on groundwater levels in the subject area or the project's impacts on the ability to satisfy SGMA's objectives and mandates.	Please see Master Response 3.4, Groundwater and the Sustainable Groundwater Management Act, for a discussion on potential increases in groundwater pumping, SED consideration of SGMA, and groundwater recharge. The SED does not contradict SGMA, because SGMA requires local public agencies sustainably manage groundwater basins that are subject to SGMA without causing "undesirable results" (Water Code § 10721(x)). The SED and plan amendments do not require or encourage increased groundwater pumping. The SED analyses reflect that the historical local response to reduced surface water availability has been to choose to increase groundwater pumping; therefore, the SED was required to analyze this reasonably foreseeable action and its impacts on the groundwater basin from this local response. SGMA was passed by the legislature in 2014 to address overdraft issues and associated negative impacts to groundwater basins from over-extraction. SGMA requires local public agencies in the plan area form groundwater sustainability agencies (GSAs) by June 30, 2017 and draft groundwater sustainability plans (GSPs) by 2020 for critically overdrafted basins and 2022 for all other basins. GSAs have 20 years to implement GSPs and achieve sustainability. GSAs are now formed in the plan area, but GSPs have yet to be drafted or implemented. The State Water Board acknowledges reaching sustainability in these overdrafted basins will be challenging, but the plan amendments do not conflict with SGMA. Instead, knowledge of the plan amendments during the GSP drafting phase allows for integrated planning of scarce water resources that does not trade impacts between surface and groundwater. Analyzing the impact of the recent drought on groundwater levels in the plan area is beyond the scope of the SED. However, information regarding groundwater levels in the recent drought is provided in Chapter 9, Groundwater Resources, Section 9.2.2, Subbasin Groundwater Use. For a general discussion on the scope of the SED, adequacy of the approach and methodology employed in the SED, please see Master Response 1.1, General Comments. Please see Master Response 3.2, Surface Water Analyses and Modeling, for information

Table 4-1. Responses to Comments			
Ltr#	**Cmt#**	**Comment**	**Response**
			on the drought evaluation included in SED.
1393	31	The Project Does Not Comply with the Administrative Procedure Act. The Administrative Procedures Act (APA) requires, in relevant part, that: regulations be drafted with sufficient clarity to ensure they are easily understood by those affected by the regulations (Govt. Code §§ 11346.2(A)(1), 11349(c), 11349.1) and that the State Water Board consider the potential for adverse economic impact on California business enterprises and individuals (Govt. Code § 1346.3). As discussed above, the proposed amendments to the Bay-Delta Plan, in particular the newly proposed flow regime, is not drafted with sufficient clarity.	OAL must review the regulatory provisions of the plan amendments "to determine compliance with the standards of necessity, authority, clarity, consistency, reference, and nonduplication" set forth in Government Code section 11349.1, subdivision (a). (Gov. Code, § 11353, subd (b)(4).) The plan amendments meet the APA "clarity" standard because they can be easily understood by persons directly affected by them. While the comment appears to allege that the regulatory provisions are unclear, for example, because they afford flexibility in managing the required flows and do not require adherence to rigid numeric thresholds at prescribed times, such flexibility in the possible outcomes does not render the provisions unclear or capable of multiple meanings. Rather, the regulatory provisions clearly establish the water quality objectives and provide how they will implemented. (See Master Response 2.1 for further information.) Please see Master Response 8.4, Non-Agricultural Economic Considerations, for responses to comments regarding the potential economic effects on businesses.
1393	32	The proposal does not sufficiently consider the substantial adverse economic impacts the unrestricted flow obligations would cause those who hold water rights to the LSJR and the three eastside tributaries.	Please see Master Response 1.1, General Comments, for responses to comments that do not raise significant environmental issues or make a general comment regarding the plan amendments and general information regarding the economic analysis.
1393	33	The SED is Based on Flawed Technical Analysis. Gallo joins in the technical issues raised by the Merced Irrigation District and other parties, and notes in particular its concern about the SED's assumptions regarding Merced River water use by Cowell Agreement diverters and riparian water right holders. The SED's Water Supply Effects ("WSE") model relies upon two time-series of diversions from the Merced River to represent different groups of water users. The first, CalSim II variable D562, is used to represent diversions by those whose rights are defined in the Cowell Agreement. Although water use pursuant to the rights outlined in the Cowell Agreement varies subject to factors including the level of inflow into Lake McClure, variable D562 reflects a constant annual demand of 94,000 AF in the same pattern each year. This is inaccurate. As the WSE model does not even reasonably reflect the actual use by the Cowell Agreement diverters, it should be corrected to better represent flows in the Merced River, particularly during dry years. The second time-series of diversions from the Merced River, CalSim II variable D566, is a simulated output used in the WSE model to represent riparian diversions. CalSim II variable D566 incorrectly reflects no diversions for one or more months at a time during irrigation season, when demand actually exists. Because the WSE model relies on demonstrably inaccurate information, it should be corrected to reflect actual riparian demands.	Please refer to Master Response 3.2, Surface Water Analyses and Modeling, regarding the reasonableness of Water Supply Effect (WSE) model assumptions, use of best available information, and why the WSE model assumptions are an accurate representation for the purposes of a programmatic evaluation and a relative comparison of baseline to alternative conditions.
1393	34	Gallo believes the project, including in particular the substantial unimpaired flow obligations it imposes, must be reconsidered. The State Water Board can and should find a better means by which to balance all beneficial uses of water with substantially less detriment to the groundwater resources and domestic and agricultural surface water rights and supplies upon which the regional population and economy rely.	Please see Master Response 2.1, Amendments to the Water Quality Control Plan regarding the consideration of beneficial uses and Master Response 8.2, Regional Agricultural Economic Effects for information regarding the economic analysis included in the SED.
1394	1	Many of our communities are disadvantaged, yet this proposal plans to remove fresh drinking water that is so heavily depended upon as our cities and unincorporated areas are	Please see Master Response 1.1, General Comments for responses to comments that either make a general

Table 4-1. Responses to Comments			
Ltr#	**Cmt#**	**Comment**	**Response**
		primarily reliant on groundwater. Our communities experienced life-changing impacts due to the recent multiyear drought, one that has yet to be escaped. Wells ran dry and had to be drilled anew. Community members had to reach out to our Office of Emergency Services to be afforded the luxury of serviceable water while at the same time purchasing cases of clean drinking water.	comment on the plan amendments or do not raise significant environmental issues.
1394	2	It should be no surprise that the economic driver of Merced County is agriculture. Ranking sixth in agriculture production in California, Merced County agricultural commodities grossed $3,589,903,000 in 2015. The impacts of a rule such as the Bay Delta Plan will dramatically affect our ability to aid in feeding the world. In addition, our California legislative bodies raised not only minimum wage, bus also altered agricultural overtime. This governing body and proposed plan brings to question if that even matters. Without water, our employees will no longer have jobs in our community nor will our farms be as productive as they are today.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.
1394	3	The Department of Water Resources (DWR), another governmental agency, declared that the Merced Subbasin has been critically overdrafted and must come into groundwater compliance by 2040. Regulated by the Sustainable Groundwater Management Act (SGMA) of 2014, water levels will need to return to January 2015 levels. While our leaders are coming together to solve this issue, this plan will cease all progression. Compounding the issue is the feeling that SWB staff does not feel that SGMA and the Bay Delta Plan are tied together; yet removing our recharge method of surface water will drastically affect our ability to comply with SGMA. This will not allow us the ability to offset the loss that has occurred, and essentially, declares our Groundwater Sustainability Plans (GSP) inadequate before they are written.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.
1394	4	New Exchequer Dam was built on the backs of many of the families that still call Merced County home and we are happy to say that Merced County Farm Bureau played a large role in the beginning stages of the dam. Since its initial operation, Merced Irrigation District has managed the Merced River as good stewards. We encourage you to review and select the Merced River SAFE Plan, instead of the proposal that has been presented.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.
1394	5	Time and time again, agriculture has bended. We have adapted to new technology and practices so that more can be done with less. As we celebrate our one-hundredth year of service, we hope that Merced County Farm Bureau is able to celebrate another 100 years. Our economy, agricultural makeup, and community will be drastically impacted should you elect to adopt this proposal.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.
1395	1	We [Horsetown-Clear Creek Preserve] are glad you are concerned with the continuing decline of the Bay-Delta ecosystem's health. We like your proposal to increase water and critical flows to provide habitat upstream and migratory signals for threatened and endangered salmon and steelhead. We agree those flows provide healthy water temperatures and habitat that will decrease disease and predation and improve reproductive success, growth and migration.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.
1395	2	We [Horsetown-Clear Creek Preserve] would like to see enhancement of habitat beneficial to native species and suppression of habitat beneficial to non- native predatory fish.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.

Table 4-1. Responses to Comments			
Ltr#	**Cmt#**	**Comment**	**Response**
1395	3	We believe the salmon play an important role in our environment, providing heart healthy food for us and many animals, birds and insects; and providing the best fertilizer to trees and plants in and near the riparian zone. We believe the recreational salmon fishing in our part of the state and the commercial salmon fishery are an important part of our economy. We support your proposal to improve the health of the Bay-Delta ecosystem with improved flows and habitat.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.
1396	1	The Board's most recent proposal to update water quality standards does not go far enough toward restoring the long-lost balance between those who extract water from the San Joaquin River and the Sacramento-San Joaquin Delta, and those, like us, whose businesses and livelihoods depend on leaving more water flowing from the southern Sierra Nevada to the sea.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.
1396	2	We urge the Board to fairly weigh the needs of fisheries and recreational beneficial uses by sincerely considering the benefits our businesses (and other like us) receive from a functioning river ecosystem and the significant economic benefits we provide to California's economy when our businesses are healthy. This is a once-in-a-generation opportunity for the Board to reverse decades of declining fisheries, water quality conditions, and fresh water flow rates by revising its proposed water quality standards for San Joaquin flows to the estuary in order to fully protect our fisheries.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.
1397	1	At your Merced hearing on December 19, numerous farm interests' and officials' claimed that your flows proposal was a "taking" and that reduced surface water diversions would cause groundwater depletion. I have utmost respect for farming as a way of life and tremendous sympathy for the frequent hardships faced by farming families, employees and communities due to the vagarities of weather and economics. But aiming to increase the water in those tributary rivers to an average of 40% of unimpaired flows from February to June as the Board is proposing in fact represents a tiny step toward "returning" what has been taken over the course of many decades by agricultural and urban interests in a greedy free-for-all. The same greed has resulted in massive overdrafting of aquifers and consequent land subsidence. Permanent, unsuitable crops were planted and acreage expanded with a total disregard for the consequences.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.
1397	2	For millennia the great rivers had functioned as two-way mega-highways transporting nutrients up- and downriver in the form of gargantuan fish runs and sedimentation. Floodwaters spread across the valley floor percolating down to form rich aquifers. Those forces created the base on which today's agricultural bounty is grown. If our state's water system is now "broken", it is because humans broke it. Nature gave us an inch and we took a mile. This is not about a few fish----but rather about a hugely complex, delicate, interdependent web of life. We are in that web together with the smelt, plankton, tule, waterfowl, otters, steelhead, sturgeon, algae, salmon, wetlands, shrimp, kelp, cranes, kelp and orcas...and the basis for all this life is sufficient fresh water to mix with the saline tidal inflows. The total amount of that fresh water is a limited, and possibly shrinking, pie. Urban and agricultural communities must share in the sacrifices to provide the basic conditions for a return to	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.

Table 4-1. Responses to Comments			
Ltr#	**Cmt#**	**Comment**	**Response**
		health of the San Joaquin River-Delta-SF Bay-Pacific Ocean ecosystem.	
1397	3	I urge you to revise your proposed flow targets upward to the 60% of unimpaired flows that your scientific studies concluded were necessary for restoring species viability. Please hold firm in your resolve to restore and protect the river and estuary ecosystems that help make this such a rich, productive state, and that mean so much to me and other Californians.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.
1398	1	With the latest rain storms in California, I think the preservation of the delta should be increased. This is a perfect opportunity for the amendment plan to take action on preserving the delta by making sure the water stays fresh and sanitary for the smelt, salmon, and the citizens of California. This way, less pollution from garbage and other unsanitary waste can form and disrupt the ecosystem the fish live in. I have a passion for exploring the wilderness and enjoying its beauty. I would hate to see the delta all into a polluted mess. Us Californians are responsible for causing harm to the smelt in the delta and it is our responsibility to help clean the delta and restore the ecosystem for the fish.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.
1398	3	The recent passage of the Sustainable Groundwater Management Act of 2014 ("SGMA") is likely to lead to additional pressures on water supplies across California generally, and specifically within the region superintended by the Flows Document. We think the economic analysis of impacts to agriculture associated with the document understates the effect the flow proposals will have on agriculture, as SGMA simultaneously constricts groundwater pumping in certain areas. State policy under SGMA requires local interests to avoid "undesirable results" and manage groundwater resources for long-term sustainability - yet the Flows Document would deprive water users on the three affected rivers of the very historical surface water supply reliability that has allowed this unique area of the San Joaquin Valley to achieve precisely this until now. You have heard considerable testimony as to that aspect of the Flows Document from affected local water districts and agricultural stakeholders. The interplay of constricted surface water supplies associated with the flow proposals and the effects of SGMA upon groundwater withdrawals are likely to be of synergistic effect in severely adversely impacting not just agriculture within the region, but also municipal and domestic drinking water supplies, disadvantaged communities that are already struggling, the larger agriculturally-based regional economy, recreation, power generation, and off-stream environmental values.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.
1399	1	An avalanche of young adults, from all walks of life are going to be coming out the woodwork with a passion for the environment, for good food, for good health, for sustainability. They have grownup working school gardens, trained on school farms, or have witnessed the effects of poor food choices. They will want to save the world and we need to allow them to do that. We need to leave the tools, including water, for these young people to pursue their passion. Using your knowledge and recognizing the hard-fought, points of light mentioned previously, please design a plan with a reasonable allotment of water, for the future.	Please see Master Response 1.1, General Comments for responses to comments that either make a general comment on the plan amendments or do not raise significant environmental issues.