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13	1	Alternative 4A represents an abdication of seven years of assurances from the state that the twin tunnels would be a part of a habitat conservation plan that met the "gold standard" of environmental stewardship. All previous review and comment has been predicated on those representations from the state.	Alternative 4A, also known as California WaterFix, has been developed in response to public and agency input and is the new CEQA Preferred Alternative. Alternative 4A is also the NEPA Preferred Alternative, a designation that was not attached to any of the alternatives presented in the 2013 Public Draft EIR/EIS. Alternative 4 remains a potentially viable alternative and is being carried forward in this RDEIR/SDEIS because it represents the original habitat conservation plan/natural community conservation plan (HCP/NCCP) alternative approach, and because it provides an important reference point from which the Alternative 4A, 2D, and 5A descriptions and analyses were developed. If the Lead Agencies ultimately choose the alternative implementation strategy and select an alternative presented in the RDEIR/SDEIS after completing the CEQA and NEPA processes, elements of the conservation plan contained in the alternatives in the 2013 Public Draft EIR/EIS may be utilized by other programs for implementation of the long term conservation efforts. Although Alternatives 4A, 2D, and 5A include only those habitat restoration measures needed to provide mitigation for specific regulatory compliance purposes, habitat restoration is still recognized as a critical component of the state's long-term plans for the Delta. Such larger endeavors, however, will likely be implemented over time under actions separate and apart from these alternatives. The primary parallel habitat restoration program is called California EcoRestore (EcoRestore), which will be overseen by the California Resources Agency and implemented under the California Water Action Plan. Under EcoRestore, the state will pursue restoration acres of fish and wildlife habitat by 2020. Additional priority restoration projects will be identified through regional and locally-led planning processes facilitated by the Delta Conservancy. Plans will be completed for the Cache Slough, West Delta, Cosumnes, and South Delta. Planning for the Suisun Marsh region is already complete and a process for integrated planning in the Yolo Bypass is underway. The Delta Conservancy will lead the implementation of identified restoration projects, in collaboration with local governments and with a priority on using public lands in the Delta. Please see Master Response 4 regarding the development of alternatives. All comments received during the 2013 and 2015 public comment period are included in the FEIR/EIS. Please refer to the table of commenters to locate the letter of interest.
13	2	The Save the California Delta Alliance requests that the comment period be extended to 180 days. A 45-day comment period for an entirely new and radically different approach is inadequate. Alternative 4A does not represent adjustment or response to previous comments. It is entirely different in character from previous proposals and requires at least the same length of comment period that was originally allocated for the HCP version of the BDCP. Please extend the comment period to 180 days to allow for a meaningful and forthright public process that is the cornerstone of NEPA and CEQA.	The comment period for the RDEIR/SDEIS was extended by 60 days. Please see Master Response 39 for more information about the public review period. In order to facilitate a more easy review of the changes in the RDEIS/SDEIS compared to the Draft EIR/EIS, a version of the document was made available that included hyperlinks and track changes, in addition to a Section 508-compliant version.
18	1	I was wondering where I might find information pertaining to the funding for this? I didn't see any titles here implying it and would really rather not read through the entire document: http://baydeltaconservationplan.com/2015PublicReview/PublicReviewRDEIRSDEIS/PublicReviewRDEIRSDEIS_Links.aspx	The estimated funding for BDCP (Alternative 4) is provided in Chapter 8 of the public draft BDCP EIR/EIS released in 2013. DWR estimates the cost of constructing the proposed water conveyance facility (Alternative 4A) at a similar cost of $14.9 billion in 2014 dollars.
20	1	You are not giving the public and government entities enough time to comment on your outrageous and criminal plan to drain the Sacramento Delta Estuary; we need at least 3 months. Two lame meetings on this BDCP plan are an insult to the people who are	By establishing a point of water diversion in the north Delta and new operating criteria to improve water volume, timing, and salinity, the project is designed to improve native fish migratory patterns and allow for greater operational flexibility. The proposed project does not increase the amount of water to which

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		fighting to stop this stupid tunnel plan to drain the Delta.	DWR holds water rights or for use as allowed under its contracts. It is projected that water deliveries from the federal and state water projects under a fully implemented project would be about the same as the average annual amount diverted in the last 20 years. Refer to Master Response 26 (Changes in Delta Exports). Although the proposed project would not increase the overall volume of Delta water exported, it would make the deliveries more predictable and reliable, while restoring an ecosystem in steep decline. For comments pertaining to the duration of the public comment period, please refer to Master Response 39. Please refer to Chapter 32 of the Final EIR/EIS and Master Response 40 for information regarding outreach conducted for California WaterFix (and previously the BDCP).
20	2	The Federal EPA has advised you that the plan is not legal nor workable!! If you were not the puppets of the Westlands & Metropolitan Water districts and people like the uber-wealthy Resnicks then your plan would be dropped by now as it is not in the true interests of the residents, farmers and boaters of the Sacramento Delta Estuary. In fact, the plan would be a huge waste of money as it will not create any more water for California. Stop the madness, drop the twin tunnel plan!	Since 2006, the proposed project has been developed based on sound science, data gathered from various agencies and experts over many years, input from agencies, stakeholders and independent scientists, and more than 600 public meetings, working group meetings and stakeholder briefings. DWR's fundamental purpose of the proposed project is to make physical and operational improvements to the SWP system in the Delta necessary to restore and protect ecosystem health, water supplies of the SWP and CVP south of the Delta, and water quality within a stable regulatory framework, consistent with statutory and contractual obligations. By establishing a point of water diversion in the north Delta and new operating criteria to improve water volume, timing, and salinity, the proposed project is designed to improve native fish migratory patterns and allow for greater operational flexibility. Please see Master Response 3 for additional information regarding the purpose and need behind the proposed project. Socioeconomic effects of the various alternatives are described and assessed in Chapter 16, Socioeconomics, of the 2013 Public Draft BDCP EIR/EIS. A Draft BDCP Statewide Economic Impact Report has also been published, which indicates that the BDCP would result in a substantial economic net benefit to the State of California. Please see Master Response 5 for more information on costs and funding.
20	3	You need to attack the lack of water with the following actions: 1) Improving the ability to move water around as needed with water system improvements. 2) Increasing storage capacity. 3) Reinforcing our levee system. 4) Protecting and improving water quality and quantity. 5) Local storage, increased conservation plans, water reuse and recycling, and desalination. 6) Restoring the Delta's environmental health.	It is important to note, as an initial matter, that the proposed project is not intended to serve as a state-wide solution to all of California's water problems and it is not an attempt to address directly the need for continued investment by the State and other public agencies in conservation, recycling, desalination, treatment of contaminated aquifers, or other measures to expand supply and storage. Nor is the proposed project intended to solve all environmental challenges facing the Delta. Please see Master Response 6 (Demand Management) for further information regarding how many of the suggested components have merit from a state-wide water policy standpoint, and some are being implemented or considered independently throughout the state, but are beyond the scope of the proposed project. Rather, the scope and purpose of the proposed project is much more limited. As explained in Chapter 2 Project Objectives and Purpose and Need of the Final EIR/EIS, the fundamental purpose of the proposed project is to make physical and operational improvements to the State Water Project (SWP) system in the Delta necessary to restore and protect ecosystem health, water supplies of the SWP and Central Valley Project (CVP) south-of-Delta, and water quality within a stable regulatory framework with statutory and contractual obligations. Please see Master Response 3 (Purpose and Need) for additional information. Although Alternatives 4A ("WaterFix"), 2D, and 5A include only those habitat restoration measures needed to provide mitigation for specific regulatory compliance purposes, habitat restoration is still recognized as a critical component of the state's long-term plans for the Delta. Such larger endeavors, however, will likely be implemented over time under actions separate and apart from these alternatives.

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			The primary parallel habitat restoration program is called California EcoRestore (EcoRestore), which will be overseen by the California Resources Agency and implemented under the California Water Action Plan. Under EcoRestore, the state will pursue restoration of more than 30,000 acres of fish and wildlife habitat by 2020. These habitat restoration actions will be implemented faster and more reliably by separating them from the water conveyance facility implementation.
21	1	BDCP/Cal Water Fix: I never heard an answer on what the cancer concern was in Byron in the old BDCP plan. Do you know if the new California Water Fix solves that or, if it's the same, what the concern/risk is? I've been trying to track down the basis for statements saying there would be a cancer risk in Byron due to tunnel construction. What that is and the location exactly. The on-line FAQs refer to it http://baydeltaconservationplan.com/AboutBDCP/YourQuestionsAnswered.aspx "Will the air quality impacts during construction force hundreds of residents to move? The Draft EIR/EIS Chapter 22 (Air Quality and Greenhouse Gasses) evaluates human health threats associated with construction of each BDCP alternative. The analysis evaluated impacts to all air district-defined sensitive receptors, which include residences, schools, hospitals, places of worship, daycare facilities, parks, or any other facilities where people are susceptible to air pollutants. Construction of the BDCP would not exceed standard air quality thresholds and would not expose residents to corresponding health threats, with the possible exception of one residential household. The impact assessment included in the Draft EIR/EIS addressed whether construction emissions would exceed a cancer risk threshold for Diesel Particulate Matter (DPM) of 10 in one million. The analysis identified one location in which such a risk might exist: a residence located near the southern portion of the Alternative 4 (CEQA preferred alternative) alignment along Byron Highway. Implementation of Mitigation Measure AQ-13 could eliminate this impact by permanently or temporarily relocating this household, if the resident agrees to the relocation. Although one house is identified as impacted by Alternative 4, project proponents continue to explore options to further minimize and mitigate impacts." Above it says "a residence located … along Byron Highway… permanently or temporarily relocating this household." Naturally since Discovery Bay is officially part of Byron and the Byron Highway goes within 3000 feet of Discovery Bay homes and the Middle School is on Byron Highway, that raises a lot of concerns. Can you help me find (a) the exact residence location and (b) an explanation of what the risk is and how could it be isolated to only one residence? Would appreciate it!	The receptor identified in the Draft EIR/EIS as having a significant cancer risk in the Byron Highway area under Alternative 4 was located adjacent to the Byron Highway and Clifton Court Forebay area. The Universal Transverse Mercator ("UTM") coordinates for this exceedance were provided in the Health Risk Assessment Appendix 22C. This receptor is located in a rural area adjacent to the construction areas at the Clifton Court Forebay. It is not located within the towns of Byron or Discovery Bay, and is located approximately 4 miles south of these communities. As the receptor is geographically separate from these communities, the potential health risks in the communities of Byron and Discovery Bay are different than the health risk at this isolated receptor.
23	1	Here we go again. If this is such a good plan, why are there no open meetings, and such a short time to respond to the new reports?	For comments pertaining to the duration of the public comment period, please refer to Master Response 39.

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			Please refer to Chapter 32 of the Final EIR/EIS and Master Response 40 for information regarding outreach conducted for California WaterFix (and previously the BDCP).
23	2	This insanity must stop. Isn't the sign of insanity, doing the same thing over and over and getting the same results, expecting a different result? Stop the Tunnels. Stop the insanity and stop the tunnels!	The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis provided in the EIR/S.
24	1	I submitted comments on the prior EIR and was disappointed to see in the current version that the alignment choice continues to be through the heart of the Delta. From an environmental standpoint and in keeping with the Delta Plan goals to protect Delta communities, boating and recreation, wildlife habitat, etc., I do not understand why the alignment was and still is through the most sensitive environmental and community areas. If the alignment instead followed I-5 and then Highway 4, areas already with noise and owned by the state, it would greatly diminish the concerns. Highway 4 needs a lot of improvement -- put the pipe partially above-ground and move Highway 4 over it. The route is longer, but I can't see that it wouldn't be less costly overall. That path would not disrupt recreation and boating at all. As it is, the current path will put many of our favorite waterways out of commission for years and years. That path would not affect the Delta waterfowl or the small communities because it would be next to a big noise freeway. Why, oh why does this plan continue to propose digging through a sensitive estuary?	15 alternatives and 3 new subalternatives were analyzed in the EIR/S and the RDEIR/RSEIS respectively. Four major alignments have been included in the EIR/S: Through-Delta, East of the Sacramento River, West of the Sacramento River, and a Tunnel under the Delta. Many additional proposals by public and private individuals and organizations have also been evaluated and described in Chapter 3 of the EIR/S and Appendix 3A, Identification of Water Conveyance Alternatives, Conservation Measure 1. Regarding development of alternatives for the EIR/EIS, a description of the process the Lead Agencies followed to develop and screen alternatives is provided in Master Response 4. Alternative 4A, also known as California WaterFix, has been developed in response to public and agency input and is the new CEQA Preferred Alternative. Alternative 4A is also the NEPA Preferred Alternative, a designation that was not attached to any of the alternatives presented in the 2013 Public Draft Draft EIR/EIS. Alternative 4 (AKA BDCP) remains a potentially viable alternative and is being carried forward in this RDEIR/SDEIS because it represents the original habitat conservation plan/natural community conservation plan (HCP/NCCP) alternative approach, and because it provides an important reference point from which the Alternative 4A, 2D, and 5A descriptions and analyses were developed.
24	2	I am unclear why the decision was made to put the tunnels 150 feet down -- costly and disruptive. This requires dewatering groundwater tables that local farmers rely on. It risks impact to other wells that communities, like mine, rely on. A pipe just below the surface would not have that impact. And could be done with more traditional equipment than the fancy, expensive borers.	As described in Section 3.6.1.2 of the EIR/S, in alluvial soils with high groundwater pressures, the tunnel would be constructed at depths of at least 100 feet below mean sea level (msl), primarily to avoid peat deposits. It would be lowered to 160 feet below msl under the San Joaquin River and Stockton Deep Water Ship Channel to maintain sufficient cover between the tunnel and dredging operations in the shipping channel. The final depth and profile of the tunnel would be determined following detailed geotechnical surveys during the design phase.
25	1	I have read the revised proposal and still do not buy it. Increased storage (above and below ground), desalinization, and deepening of the Sac/SJ Delta are the quickest and cost-effective actions. If you want to build water transport, why not think about transcontinental pipelines from the east where they flood annually. The hydropower, and storage, along the route(s) alone would benefit so many. Sounds like 'shovel-ready' jobs to me.	Please refer to Master Response 4 for additional details on the selection of alternatives. Although components such as desalination plants and demand management measures have merit from a statewide water policy standpoint, and are being implemented or considered independently through the state, they are beyond the scope of the proposed project. It is important to note that the proposed project is not intended to serve as a state-wide solution to all of California's water problems, and it is not an attempt to address directly the need for continued investment by the State and other public agencies in conservation, recycling, desalination, treatment of contaminated aquifers, or other measures to expand supply and storage. Please refer to Master Response 6 and Appendix 1C for further information on demand management measures, including increasing agricultural water use efficiency and conservation. Also, please see Master Response 3 for additional details on the project purpose and need.
26	1	Friends of the River, Restore the Delta, the California Water Impact Network, the California Sportfishing Protection Alliance, and the Environmental Water Caucus (EWC) (a coalition of over 30 nonprofit environmental and community organizations and California Indian Tribes) request an extension of at least 77 days for submitting public comments on the 8000 pages (we believe) supplementing 40,000 pages previously issued, constituting the	The comment period for the RDEIR/SDEIS was extended by 60 days. Please see Master Response 39 for more information about the public review period.

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		Bay Delta Conservation Plan (BDCP)/California Water Fix Partially Recirculated Draft EIR/Supplemental Draft EIS (RDEIR/SDEIS) for the BDCP Draft EIR/EIS. This request would extend the deadline for public comment on those documents from August 31, 2015, to at least November 16, 2015. This is a request for a 120-day period for public comment in place of the 45-day period provided by the BDCP lead agencies, the U.S. Bureau of Reclamation, United States Department of the Interior and the California Department of Water Resources, California Natural Resources Agency. (The last day for a 120-day comment period would fall on a Saturday, November 14, 2015. This Request follows federal and California practice of extending a time period that falls on a Saturday or Sunday to the next business day).	
26	2	This Request is for an extension of time for the public including all individuals and non-governmental organizations, and also for public agencies, to comment on the subject documents. This Request is necessary because of the extraordinary volume of the technical and scientific material to be read, understood, researched, and then commented upon. The National Environmental Policy Act (NEPA) regulations, 40 C.F.R [Section] 1502.7, mandate that "The text of final environmental impact statements. . . shall normally be less than 150 pages and for proposals of unusual scope or complexity shall normally be less than 300 pages." The California Environmental Quality Act (CEQA) regulation, 14 Cal. Code Regs [Section] 15141, is similar: "The text of draft EIRs should normally be less than 150 pages and for proposals of unusual scope or complexity should normally be less than 300 pages." Here, the drafts previously issued including plan, Draft EIR/EIS and appendices included more than 40,000 pages. We are informed and believe that the new CEQA/NEPA documents include about 8000 pages. Moreover, the new drafts are unavailable in a single, unified document. Instead, the BDCP website provides access to a multitude of sections through a byzantine list of nebulously titled hyperlinks. Rather than facilitating public participation, this format deters it, as website visitors will find themselves blindly clicking through over 125 hyperlinks, grasping to gain a sense of the Draft EIR/EIS as a whole. Moreover, the original 40,000 pages must be revisited to understand the new 8,000 pages. As the RDEIR/SDEIS itself claims: "When reviewed together with the Draft EIR/EIS, this RDEIR/SDEIS sufficiently describes and discloses the effects of implementing Alternatives 4A, 2d, and 5A for the purposes of CEQA and NEPA." (RDEIR/SDEIS 1-5). A 45-day comment period may be adequate for a 150 or 300 page Draft EIR or EIS. It is not adequate for review of 8000 pages revising and supplementing 40,000 pages.	The commenter raises issues related to the public comment period and the size and complexity of the document. Please refer to Master Response 39 for information pertaining to the public comment period and Master Response 38 for information pertaining to the size and complexity of the documents. Additional information regarding public outreach efforts, please see Master Response 40. Please refer to Chapter 32 in the Final EIR/EIS and Master Response 40 regarding the adequacy of outreach conducted for California WaterFix and the BDCP.
26	3	The short public comment period looks like a deliberate effort to make it virtually impossible for members of the public to be able to comprehend and respond with meaningful comments to the new NEPA and CEQA documents. The BDCP agencies took almost one year to prepare the new documents and there is no public need for haste in providing too short a comment period. There are many reports in the media that the exporters who would pay for the Water Tunnels are now uncertain whether it makes sense to do so. That is because the change from a Habitat Conservation Plan to the California Water Fix means there would not be a 50-year permit for virtually guaranteed water deliveries making the project at least arguably worthwhile to the exporters financially. In other words, there is no need for a rush at this time because the beneficiaries of the project have not even decided whether they are willing to pay for it.	Please refer to responses to comments 26-1 and 26-22 of this letter.

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26	4	Since the Bureau of Reclamation has not prepared the required Biological Assessment and the U.S. Fish and Wildlife Service and National Marine Fisheries Service have not prepared the required Biological Opinions (RDIER/SDEIS 1-15), the BDCP agencies have deprived the public of critical information in the form of Biological Assessments and Biological Opinions to be able to meaningfully evaluate the proposed actions. The ESA [Endangered Species Act] Regulations (50 C.F.R. [Section] 402.14(a)) require that "Each Federal agency shall review its actions at the earliest possible time to determine whether any action may affect listed species or critical habitat. If such a determination is made, formal consultation is required. . . ." Karuk Tribe of California v. U.S. Forest Service, 681 F.3d 1006, 1020 (9th Cir. 2012) (en banc)(emphasis added), cert. denied, 133 S.Ct. 1579 (2013). The Biological Assessments and Biological Opinions are the written documents that federal agencies must prepare during the ESA consultation process. The NEPA Regulations require that "To the fullest extent possible, agencies shall prepare draft environmental impact statements concurrently with and integrated with environmental impact analyses and related surveys and studies required by the. . . Endangered Species Act. . . ." 40 C.F.R. [Section] 1502.25(a). Here, there is no compliance with the "at the earliest possible time," "concurrently with," and "integrated with" requirements. "ESA compliance is not optional," and "an agency may not take actions that will tip a species from a state of precarious survival into a state of likely extinction." National Wildlife Federation v. National Marine Fisheries Service, 524 F.3d 917, 929-30 (9th Cir. 2008). The result is that commenters are deprived of the critical information that would be provided by a Biological Assessment and Biological Opinions.	The combined environmental compliance processes for the Endangered Species Act (ESA) and the National Environmental Policy Act (NEPA) require that a Biological Assessment (BA) be completed and a Biological Opinion be issued prior to completing the NEPA Record of Decision. A completed BA is not required prior to issuing a Draft Environmental Impact Statement under NEPA. Under Section 7 of the Endangered Species Act (ESA), federal agencies whose actions may impact listed species are required to consult with the United States Fish and Wildlife Service (USFWS) and/or the National Marine Fisheries Service (NMFS), as appropriate, prior to taking any such action to ensure the action is not likely to jeopardize species listed under the ESA or result in destruction or adverse modification of critical habitat. At the end of consultation, USFWS and/or NMFS will complete a biological opinion, setting forth an opinion detailing how the agency action affects the species or its critical habitat. A biological opinion is not required prior to the release of the Draft BDCP/CWF EIR/EIS. For the Proposed Action, the USFWS and NMFS will conduct an internal ESA section 7 consultation prior to issuance of an Section 10(a)(1)(B) permit for the Proposed Action. These federal agencies will coordinate the ESA consultation process and other environmental review processes, such as the National Environmental Policy Act (NEPA), consistent with federal regulations. In addition, the USFWS and NMFS will consult with the United States Bureau of Reclamation (Reclamation) to complete biological opinions or a joint biological opinion prior to federal action to carry out the BDCP.
26	5	The BDCP agencies received a total of 18,532 separate comments on the original draft documents. (RDEIR/SDEIS 1-3, 1-4). Those comments included 1518 unique letters from individual members of the public and 432 letters from agencies, organizations, and stakeholder groups. (Id.) Those comments are vital to learning the views of organizations and public agencies that are not Water Tunnels boosters and contractors. For example, the U.S. Environmental Protection Agency declared last August that: "Specifically, we recommend that an alternative be developed that would, at minimum, not contribute to an increase in the magnitude or frequency of exceedances of water quality objectives, and that would address the need for water availability and greater freshwater flow through the Delta." (EPA letter August 26, 2014, p.2) (emphasis added). For another example, on July 16, 2014, the United States Army Corps of Engineers issued comments that: "I have determined the EIS/EIR is not sufficient at this time in meeting the Corps' needs under the National Environmental Policy Act (NEPA). . . in particular with regard to the incomplete description of the proposed actions, alternatives analysis. . . and impacts to waters of the United States and navigable waters, as well as the avoidance and minimization of, and compensatory mitigation for, impacts to waters of the United States." (Letter p. 1). Despite repeated requests, the BDCP agencies have continued to refuse ever since December 2013 to post any of the comments by organizations or public agencies on the BDCP website. This deliberate concealment of independent and contrary views and information from the public also now makes it more difficult for the public to prepare meaningful comments on the new NEPA and CEQA documents. In effect, the BDCP agencies require everyone to start from ground zero in an effort to understand the project and its environmental impacts by concealing the independent and contrary views and information provided by previous comments. Moreover, comments such as those from the EPA and Army Corps constitute critical new information that would be the foundation for many informed comments at this time. The comments from agencies and the public were so important that the BDCP agencies say they modified the documents and the alternatives	The public comment period for the RDEIR/SDEIS began on July 10, 2015 and continues through October 30, 2015. Public comments submitted during the official public comment period and the previous comment period for the 2013 Public Draft are made available to the public in the Final EIR/EIS. The Final EIR/EIS will include all comments received during the official comment period and responses to substantive comments. The obligations of California public agencies under Article 1, section 3(b)(1), of the California Constitution and under the Public Records Act, do not include any obligation to post comments on draft environmental documents on agency websites as such comments come in from the public and interested agencies. Rather, those statutes deal with the obligation for public agencies to hold certain kinds of meetings of public bodies and public officials in public, and to make non-privileged documents of various kinds available to members of the public in response to formal requests. To date, neither the California Legislature nor Congress has required Lead Agencies for CEQA and NEPA documents to post comments on draft environmental documents on their websites during the public review periods for those draft documents. This is consistent with the requirements of the California Environmental Quality Act (CEQA Guidelines §15088) and the National Environmental Policy Act (Council on Environmental Quality § 1503.4) and policies held by all Lead Agencies governing the implementation of CEQA and NEPA. Please see Master Response 40 for additional detail on the public outreach that has been done for stakeholders and Master Response 42 regarding treatment of public comments. Please refer to Master Response 4 regarding alternatives and Master Response 14 regarding Water Quality.

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		based on the input. (RDEIR/EIS ES 2, 9, 15;1-2). The comments already received are thus admittedly important and must be provided to the public on the BDCP website at this time so that the public will also have the benefit of the critical information provided by the previous comments.	
26	6	Extension of time for comment is necessary because the Department of Water Resources has declared it will not be producing documents previously requested by Restore the Delta pursuant to California's Public Records Act until August 28, 2015. The requested documents are essential with respect to the description of the subject project.	Please refer to responses to comments 26-1 and 26-2 of this letter.
26	7	The current comment period is inadequate because it fails to provide members of the public with adequate time for review. The proposed project is the most controversial public works project in California history. It is extremely complicated and the subject of voluminous analysis in the form of project justification and advocacy. The subject is critically important to every Californian. We therefore request the additional time necessary to attempt to carefully scrutinize the subject NEPA and CEQA documents and then provide meaningful input by way of public comment.	Please refer to responses to comments 26-1 and 26-2 of this letter.
26	8	The BDCP agencies are so disinterested in public involvement that we have not found contact information for a contact person in the new NEPA and CEQA documents, necessitating addressing this Request letter to a number of federal and California officers and staff members.	As state agencies, the Department of Water Resources and the California Natural Resources Agencies have an obligation to provide the public with educational information that is rooted in fact, based on reasonable assumptions supported by facts and expert opinions substantiated by facts. Doing so for a project of large scale and complexity can be a challenge. The BDCP website, blog, Your Questions Answered, and social media platforms have been the primary vehicle for communicating important project information and correcting misinformation. Brochures, factsheets, webinars and videos are other tools the State has employed to educate the public about the proposed BDCP and the EIR/EIS process. Representatives from the State have also held numerous meetings and briefings around the state to educate stakeholders and provide them with critical information about project developments and the EIR/EIS process. Brochures, factsheets, webinars, reports and other information is kept on the project website, www.BayDeltaConservationPlan.com and is available for review. Historical materials remain available for review and are labeled as achieved or superseded. For more information on the public outreach efforts made during the BDCP and EIR/EIS process, please see Master Response 40. More information on how DWR has developed the project in an open and transparent manner is provided in Master Response 41.
27	1	I am writing to express my strong support for the California Water Fix (Alternative 4A). It represents a thoroughly vetted, viable plan to fix California's aging water distribution system that supplies water to 25 million Californians and 3 million acres of farmland, while also protecting the natural environment in the Delta. We urge the Department of Water Resources and the Administration to move forward to bring the California Water Fix to fruition as quickly as possible. The California Water Fix (Alternative 4A) is the culmination of nearly a decade of extensive expert review, planning and scientific and environmental analysis by the state's leading water experts, engineers and conservationists, and unprecedented public comment and participation. It reflects significant changes and improvements to the plan to address comments from the state and federal governments and other stakeholders. Getting to this point has been a long and thorough process. The time to act and move	The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis provided in the EIR/S.

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		forward is now to protect California's water security. For these reasons, I support the California Water Fix.	
27	2	Our state's aging system of aging dirt levees, aqueducts and pipes that brings water from the Sierra Nevada Mountains to 2/3 of the State is outdated and at risk of collapse in the event of a major earthquake or flood. We must update this aging system to protect water supplies for our state.	Please see Chapter 2, FEIR/EIS, for the BDCP/CWF purpose and need, and Appendix 6A Sections 6A.2 and 6A.3 for discussion on existing levee improvement programs and funding mechanisms, which would not be affected by the BDCP/CWF. For more information regarding floods and levees please see Appendix 6A. For more information on levee stability and seismic risk please see Master Response 16.
27	3	The California Water Fix will replace aging dirt levees with a modern, secure water pipeline.	This comment is consistent with the fundamental purpose of the project to make physical and operational improvements to the SWP system in the Delta, water supplies of the SWP and CVP for users located south of the Delta, Delta water quality, and Delta habitat, as described in Section 2.3 of Chapter 2, Project Objectives and Purpose and Need, of the EIR/EIS. However, the proposed project would not replace any of the Delta levees, and the Delta channels would continue to be used for portions of the year to convey water to the south Delta intakes.
27	4	The California Water Fix will upgrade the water distribution system to protect water supplies from earthquakes and natural disasters.	This comment is consistent with the fundamental purpose of the project to make physical and operational improvements to the SWP system in the Delta, water supplies of the SWP and CVP for users located south of the Delta, Delta water quality, and Delta habitat, as described in Section 2.3 of Chapter 2, Project Objectives and Purpose and Need, of the EIR/EIS. However, the proposed project would not replace any of the Delta levees, and the Delta channels would continue to be used for portions of the year to convey water to the south Delta intakes.
27	5	The California Water Fix will restore more natural river flows to protect fish and wildlife.	The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis provided in the EIR/S.
28	1	I oppose all alternatives in the BDCP that propose construction of new diversions and tunnels under the Delta. I oppose the project because it is too costly (up to $54 billion with interest and other hidden costs) and the general public should not have to cover any of this outrageous, including habitat restoration costs. These should be paid by those who receive the water (since the Delta diversions degraded the habitat in the first place).	The construction of the water delivery facilities is estimated to cost $14.9 billion, an amount that would be paid for by the State and federal water contractors who rely on Delta exports. The range of costs for water vary widely among contractors south of the Delta. Costs depend on the source of water, transport facilities, energy requirements, among other factors. For the agricultural customers of the CVP, prices range from $100 per acre-foot to more than $400 per acre-foot. The Metropolitan Water District of Southern California, which buys water from the SWP, estimates that the cost of the proposed project would translate into about $5.00 extra per household, per month in its service area. The final cost of water from the new conveyance facilities would be determined by numerous factors. A number of these significant factors, such as the project yield and allocation of costs, have yet to be determined. Please see Master Response 5 for information regarding funding of the proposed project.
28	2	I oppose all alternatives in the BDCP that propose construction of new diversions and tunnels under the Delta. I oppose the project because operation of the diversions and tunnels threaten to dewater major upstream reservoirs in northern California and reduce downstream river flows, to the detriment of fish, wildlife, recreation, and other public trust values.	As described in Master Response 37 and discussed in Chapter 5, Water Supply (Figures 5-6 through 5-16), reservoir storage under the alternatives as compared to the No Action Alternative varies by the specific alternative considered; and can be greater or less than the No Action Alternative. Storage under the No Action Alternative is generally less than under Existing Conditions due to climate change, sea level rise, and projected growth that would occur under all of the alternatives. Similarly, river flows vary by alternative and can be greater or less than under the No Action Alternative or Existing Conditions, as discussed in Chapter 6, Surface Water (Figures 6-8 through 6-21). Water delivered to the SWP and CVP water contractors participating in proposed project would be within the existing contract amounts. As described in Chapter 5, Water Supply, of the EIR/S, it is anticipated that climate change would result in more frequent and more severe rainfall events and less snowfall than

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			under historic conditions. These rainfall events would result in periods of time when the capacity of the existing intakes would not be adequate. Therefore, the proposed project would provide the maximum capacity in the intakes and tunnels during those periods of time to convey water during extremely wet periods to areas south of the Delta for storage and use during drier times. The proposed project would decrease total exports of SWP and CVP water as compared to Existing Conditions and No Action Alternative in the summer and early fall months; and increase flows in the wet winter months when the river flows are high to improve conditions for aquatic resources. The water would be stored at locations south of the Delta during the high flow periods to allow reductions in deliveries in drier periods. The north Delta and south Delta intakes would only be used to divert water under existing water rights that were issued to DWR and Reclamation by the State Water Board with consideration for senior water rights and Area of Origin laws and requirements. Impact analysis and mitigation measures cited in this comment are provided in Chapter 11, Fish and Aquatic Resources, Chapter 12, Terrestrial Biological Resources, Chapter 15, Recreation, and see Master Response 13 regarding public trust.
28	3	I oppose all alternatives in the BDCP that propose construction of new diversions and tunnels under the Delta. I oppose the project because diversion and tunnel facilities would adversely impact too much Delta farmland and habitat, harm Brannan Island State Park, infringe on the Stone Lakes National Wildlife Refuge, and degrade other essential conservation lands.	The proposed project was developed to meet the standards of the federal and state Endangered Species Acts, as such it is intended to be environmentally beneficial, not detrimental. By establishing a point of water diversion in the north Delta and new operating criteria the proposed project is designed to improve native fish migratory patterns and allow for greater operational flexibility. The proposed project, Alternative 4A, has been developed to specifically minimize effects on agricultural land in the Delta and avoid infringement on Stone Lakes National Wildlife Refuge or Brannan-Andrus Island, as indicated in the Mapbooks in the EIR/EIS. For more information regarding agricultural impact mitigation please see Master Response 22 and Chapter 15, Final EIR/EIS, for more information on recreational land impact.
28	4	I oppose all alternatives in the BDCP that propose construction of new diversions and tunnels under the Delta. I oppose the project because you cannot restore Delta habitat without first determining how much fresh water the Delta needs to survive and thrive. Restoration of fresh water flows from the San Joaquin River in the south Delta is particularly important.	One of the State Water Resources Control Board's (State Water Board's) charges is to ensure that the State's water is put to the best possible use and that this use is in the best interest of the California public. This charge is reflected in part by the designation of beneficial uses established through the State Water Board's planning process. These beneficial uses are identified in each Water Quality Control Plan (Basin Plan) issued by the State Water Board. For additional information regarding beneficial use of water, please see master response 34. Please see the response to comment 28-2 regarding operations of the proposed project.
28	5	I oppose all alternatives in the BDCP that propose construction of new diversions and tunnels under the Delta. I oppose the project because the tunnels will need more upstream storage facilities to feed fresh water into them. These include raising Shasta Dam, building the Sites Reservoir, and possibly reviving the Auburn Dam on the American River and the Dos Rios Dam on the Eel. The environmental, cultural, and financial impacts of these controversial projects are a significant foreseeable but ignored impact of the BDCP.	Although the physical facilities contemplated by the proposed project, once operational, would be part of an overall statewide water system of which new storage could someday also be a part, the proposed project is a stand-alone project for purposes of CEQA and NEPA, just as future storage projects would be. Appendix 1B, Water Storage, of the 2013 Public Draft EIR/EIS, describes the potential for additional water storage. Please see Master Response 4 regarding the development of alternatives. Please see Master Response 5 for information on Demand Management. Please see Master Response 37regarding water storage.
28	6	I believe that the BDCP should include, and I would support, an alternative that significantly reduces Delta exports and focuses instead on restoring habitat and threatened and endangered species in the Delta, improves Delta water quality by providing sufficient fresh water inflow from both the Sacramento and San Joaquin Rivers, and that includes a pragmatic plan to sustainably meeting California's water needs. This can be done by	It is important to note, as an initial matter, that the proposed project preferred alternative is now Alternative 4A (California WaterFix Project). It is not intended to serve as a state-wide solution to all of California's water problems, nor is it an attempt to address directly the need for continued investment by the State and other public agencies in conservation, recycling, desalination, treatment of contaminated aquifers, or other measures to expand supply and storage. Nor is the proposed project intended to solve

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		increasing agricultural and urban water use efficiency, capturing and treating storm water, recycling urban wastewater, cleaning up polluted groundwater, and reducing irrigation of desert lands in the southern Central Valley with severe drainage problems. We don't need to build more dams or tunnels.	all environmental challenges facing the Delta. Please see Master Response 6 (Demand Management) for further information regarding how many of the suggested components have merit from a state-wide water policy standpoint, and some are being implemented or considered independently throughout the state, but are beyond the scope of the proposed project. The scope and purpose of the proposed project is much more limited. As explained in Chapter 2 Project Objectives and Purpose and Need of the Final EIR/EIS, the fundamental purpose of the proposed project is to make physical and operational improvements to the State Water Project (SWP) system in the Delta necessary to restore and protect ecosystem health, water supplies of the SWP and Central Valley Project (CVP) south-of-Delta, and water quality within a stable regulatory framework with statutory and contractual obligations. Please also refer to Master Response 3 (Purpose and Need) for additional information. For more information regarding beneficial use please see Master Response 34. The proposed project does not make determinations regarding how water delivered through the proposed project conveyance, California Aqueduct, Delta Mendota Canal, or other water conveyance facility will be put to a beneficial use. The proposed project would be operated as a component of the State Water Project (SWP) and would be used to help convey SWP, CVP, and transfer water to contracted water users. As indicated in the FEIR/FEIS, the operation of the new conveyance facilities includes diverting water through the new north delta diversion facilities or through the existing south delta water diversion facilities. It is outside the scope of the proposed project (and in fact, outside the purview of the lead agencies) to make determinations regarding what constitutes a beneficial use or modify stipulations in water service contracts between the DWR and the SWP contractors, Reclamation and their contractors, and between water transfer sellers and buyers.
29	1	The California Chamber of Commerce is pleased to submit these comments to the Bay Delta Conservation Plan to express our strong support for the California Water Fix (Alternative 4A). The California Water Fix represents a thoroughly vetted, viable plan to fix California's aging water distribution system that supplies water to 25 million Californians and 3 million acres of farmland, while also protecting the natural environment in the Delta. The recirculated documents are the culmination of nearly a decade of extensive expert review, planning, and scientific and environmental analysis by the state's leading water experts, engineers and conservationists, and unprecedented public comment and participation. The California Water Fix (Alternative 4A) reflects significant changes and improvements to the plan to address comments from the state and federal governments and other stakeholders. We urge the Department of Water Resources and the Administration to move forward to bring the California Water Fix to fruition. Getting to this point has been a long and thorough process. Now is the time to act and move forward to protect California's water security. For these reasons and others, we support the California Water Fix (Alternative 4A).	The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis provided in the EIR/S.
29	2	Our state's system of aging dirt levees, aqueducts and pipes that brings water from the Sierra Nevada Mountains to 2/3 of the State is outdated and at risk of collapse in the event of a major earthquake or flood. Problems with this aging system have already resulted in significant water supply cutbacks and shortages for people, farms and businesses, as well as damage to fish, wildlife and the environment.	This comment is consistent with the fundamental purpose of the project to make physical and operational improvements to the SWP system in the Delta, water supplies of the SWP and CVP for users located south of the Delta, Delta water quality, and Delta habitat, as described in Section 2.3 of Chapter 2, Project Objectives and Purpose and Need, of the EIR/EIS.

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29	3	The California Water Fix will improve our water delivery infrastructure to allow us to responsibly capture and move water during wet years, so that we have a greater water supply during future droughts. The current drought has demonstrated that California's aging water infrastructure is not equipped to handle the regular boom and bust cycles of our climate. With above average rains predicted in the near future, we must move forward with improved infrastructure to capture the water when it's available.	This comment is consistent with the fundamental purpose of the project to make physical and operational improvements to the SWP system in the Delta, water supplies of the SWP and CVP for users located south of the Delta, Delta water quality, and Delta habitat, as described in Section 2.3 of Chapter 2, Project Objectives and Purpose and Need, of the EIR/EIS. The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis provided in the EIR/S.
29	4	The California Water Fix (Alternative 4A) will protect water supplies by delivering them through a modem water pipeline rather than relying solely on today's deteriorating dirt levee system.	This comment is consistent with the fundamental purpose of the project to make physical and operational improvements to the SWP system in the Delta, water supplies of the SWP and CVP for users located south of the Delta, Delta water quality, and Delta habitat, as described in Section 2.3 of Chapter 2, Project Objectives and Purpose and Need, of the EIR/EIS. However, the proposed project would not replace any of the Delta levees, and the Delta channels would continue to be used for portions of the year to convey water to the south Delta intakes.
29	5	The California Water Fix (Alternative 4A) will build a water delivery system that is able to protect our water supplies from earthquakes, floods and natural disasters.	This comment is consistent with the fundamental purpose of the project to make physical and operational improvements to the SWP system in the Delta, water supplies of the SWP and CVP for users located south of the Delta, Delta water quality, and Delta habitat, as described in Section 2.3 of Chapter 2, Project Objectives and Purpose and Need, of the EIR/EIS. However, the proposed project would not replace any of the Delta levees, and the Delta channels would continue to be used for portions of the year to convey water to the south Delta intakes.
29	6	The California Water Fix (Alternative 4A) will improve the ability to move water to storage facilities throughout the state so we can capture it for use in dry years.	This comment is consistent with the fundamental purpose of the project to make physical and operational improvements to the SWP system in the Delta, water supplies of the SWP and CVP for users located south of the Delta, Delta water quality, and Delta habitat, as described in Section 2.3 of Chapter 2, Project Objectives and Purpose and Need, of the EIR/EIS. The Proposed Project would decrease total exports of SWP and CVP water as compared to Existing Conditions and No Action Alternative in the summer and early fall months; and increase exports in the wet winter months when the river flows are high to improve conditions for aquatic resources. The water would be stored at locations south of the Delta during the high flow periods to allow reductions in deliveries to SWP and CVP water users in drier periods. The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis provided in the EIR/S.
29	7	The California Water Fix (Alternative 4A) will restore more natural water flows above ground in rivers and streams in order to reduce impacts on endangered fish and other wildlife.	Intakes in the North Delta will allow for operational flexibility that can improve natural flow in the Delta and avoid impacts to migratory fish based on real time data and operations. The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis provided in the EIR/S.
29	8	The California Water Fix (Alternative 4A) will protect and restore wildlife and the environment of the Sacramento-San Joaquin Delta.	The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis provided in the EIR/S. Please note that the new preferred alternative is now Alternative 4A (California WaterFix) and does not involve an HCP component. However, the lead agencies maintain that the new preferred alternative continues to meet the co-equal goals of a reliable water supply and a restored Delta ecosystem to benefit all water users.
35	1	Tell me how tunnels to extract more water from my already low Delta helps the fish my [in] favorite fishing area?	The Proposed Project would enable DWR to construct and operate new conveyance facilities that improve conditions for endangered and threatened aquatic species in the Delta while at the same time improving water supply reliability, consistent with California law (see, e.g., Cal.Wat. Code, § 85001[c]). Implementing the conveyance facilities would help resolve many of the concerns with the current south Delta conveyance system, and would help reduce threats to endangered and threatened species in the Delta, including entrainment eat the south Delta export facilities. For instance, implementing a dual conveyance system would align water operations, and their location, to better reflect natural seasonal flow patterns

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			by creating new water diversions in the north Delta equipped with State-of-the-art fish screens, thus reducing reliance on south Delta exports during times of the year when listed aquatic species are present and most vulnerable. For more information on mitigation measures to minimize contraction and operational-related impacts to fish species, including Delta and longfin smelt, please see Chapter 11, RDEIR/SDEIS.
36	1	The proposed "conveyance facility" [Water Fix] (TUNNELS) is the most awful plan to hit the Delta since the Peripheral Canal and should be rejected out of hand. The capacity of [the tunnels] enables private actors to loot yet more of our public water resource for personal gain, be they Westlands Water District, Kern County growers or real estate developers in Southern California. Once the tunnels are in, no agreement to retain environmental water for the Sacramento San Joaquin Delta will be worth the paper it's printed on. The Eco Restore program is a bait and switch hustle that can come nowhere close to mitigating the de-watering of the Sacramento River and at 30,000 acres (much of them already restored and counted twice) is remarkable only for its stinginess. Remember if you people have already forgotten: you work for us, the people of California, not the billionaires and developers.	By establishing a point of water diversion in the north Delta and new operating criteria to improve water volume, timing, and salinity, the proposed project is designed to improve native fish migratory patterns and allow for greater operational flexibility. The proposed project does not increase the amount of water to which DWR holds water rights or for use as allowed under its contracts. It is projected that water deliveries from the federal and state water projects under a fully implemented project would be about the same as the average annual amount diverted in the last 20 years. Refer to Master Response 44 (Changes in Delta Exports). Although the proposed project would not increase the overall volume of Delta water exported, it would make the deliveries more predictable and reliable, while restoring an ecosystem in steep decline. It is not the result of "favoring" large corporations (e.g., large agribusinesses). In fact, this issue is beyond the scope of the project as the Lead Agencies do not have local land use/zoning authority. See Master Response 3 (Purpose and Need), Master Response 34 (Beneficial Use of Water), Master Response 26 (Change in Delta Exports), and Master Response 35 (Southern California Water Supply). Under EcoRestore, the state will pursue restoration of more than 30,000 acres of fish and wildlife habitat by 2020. These habitat restoration actions will be implemented faster and more reliably by separating them from the water conveyance facility implementation. Additional priority restoration projects will be identified through regional and locally-led planning processes facilitated by the Delta Conservancy. Plans will be completed for the Cache Slough, West Delta, Cosumnes, and South Delta. Planning for the Suisun Marsh region is already complete and a process for integrated planning in the Yolo Bypass is underway. The Delta Conservancy will lead the implementation of identified restoration projects, in collaboration with local governments and with a priority on using public lands in the Delta.
37	1	Get going on the Water Fix Plan 4A. Do it. Get started. People are depending on you.	The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis provided in the EIR/S.
38	1	Absolutely, positively against this idea!	The comment does not raise any environmental issue related to the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS.
39	1	How has the council limited the farming opening up even more desert with more water verses recharging the souths aquifers that is required and has been neglected for decades? How has this been addressed?	No issues related to the adequacy of the environmental impact analysis in the EIR/S were raised. Water delivered to the SWP and CVP water contractors participating in proposed project would be within the existing contract amounts to serve agricultural lands that have been cultivated and existing and planned community populations (see Chapter 30, Growth Inducement and Other Indirect Effects, in the Final EIR/EIS). It is important to note that the project is not intended to serve as a state-wide solution to all of California's water problems, and it is not an attempt to address directly the need for continued investment by the State and other public agencies in agricultural and municipal/industrial water conservation, recycling, desalination, treatment of contaminated aquifers, or other measures to expand supply and storage (as described in Section 1.C.3 of Appendix 1C, Water Demand Management).
40	1	How has the council addressed the guarantees of the Delta and its island maintenance needs and farming needs verses sacrificing them so as to supply the mega farms with water	Water delivered to the SWP and CVP water contractors, including SWP and CVP water users located south of the Delta, participating in proposed project would be within the existing contract amounts to serve

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		down south?	agricultural lands that have been cultivated and existing and planned community populations. Impact AG-2 in Chapter 14, Agricultural Resources, describes the potential effects on agriculture as a result of construction and operating the proposed water conveyance facility as a result of changes in groundwater elevation, changes in water quality (salinity), and disruption of agricultural infrastructure. Where these impacts were determined to be significant, implementation of Mitigation Measures AG-1, GW-1, GW-5, and WQ-11 would reduce the severity of these effects. Impact AG-3 describes the potential effects on important farmland or land subject to Williamson Act contracts or in Farmland Security Zones as a result of implementing CMs 2-11, 13, 15, 16, 20 and 21, or Environmental Commitments 3, 4, 6–11, 15, and 16.
41	1	Please include in your documents a meaningful discussion of the public's existing rights to use the rivers including their temporarily dry banks below ordinary high water mark, by land-based users and persons seeking access to the rivers in addition to boaters. Members of the public are entitled to engage in various recreational activities on the navigable streams, including the temporarily dry bed below ordinary high water mark. These include fishing, birding, picnicking, walking, hunting, and other lawful recreational purposes. The recreational lands affected by a project affecting one or more navigable streams therefor include the streambeds up to the ordinary high water mark, along the entire navigable portion of the stream. No affirmative act by any agency is necessary to implement this law. Your documents seems to forget this, and instead discuss as recreational areas only those parks and wild-life areas set aside by an affirmative action of some state agency. Your report also talks about boaters using the waterways, ignoring the interests of the other users of the waterways, including the banks of the waterways. California state agencies are obligated to refrain from unnecessarily interfering with these rights. Your report does not talk about can be done in the project to avoid unnecessarily interfering with public access to the river and its banks. In reviewing the documents, I see nothing about avoiding interference with the stream-side users, including avoiding interfering with access to the stream side. I also see nothing about identifying and preserving public access to the navigable streams. This contrasts with numerous comments regarding the interests of boaters taking access by way of commercial boat facilities. Private owners controlling land along navigable streams, and public agencies controlling land along navigable streams, are often adverse to open public use. That is why it is necessary to recognize the public's right to use the public trust lands, in your document. I am not surprised these subjects were omitted, as my experience during the last few years is that several of the public agencies involved in this project are at times hostile to public rights to use the public trust lands.	The proposed project would not deny users access to dry banks or navigable streams. Impact REC-3, which discusses impacts that would result in a long-term reduction of recreational navigation opportunities, includes and assumes all navigable waters, such as sloughs, rivers, and streams.
41	2	According to Levee District Number One of Sutter County, the Department of Water Resources required the levee district obtain the county's abandonment of Starr Bend Road between the right bank Feather River Levee and the river, as a condition to completion of funding of the Starr Bend Levee Setback project. The Reclamation Board/Central Valley Flood Protection Board permitted a dam constructed and maintained by the Sutter Extension Water District, completely obstructing boat traffic on the Feather River, about a mile south of Live Oak. In that permitting	The proposed project would not deny users access to dry banks or navigable streams. Impact REC-3, which discusses impacts that would result in a long-term reduction of recreational navigation opportunities, includes and assumes all navigable waters, such as sloughs, rivers, and streams. Because the Delta is so expansive, recreation would be able to occur throughout the Delta during and after construction. The EIR/S focuses on formal recreation sites for Impact REC-1, which analyzes well-established or private recreational facilities. However, the EIR/S does consider informal recreation, such as upland and on-land recreation, and on-water recreation (boating, kiteboarding, etc.), as well as

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		process no provisions was made to mitigate the effects of obstructing the river on boaters. There is no requirement that a safe, legal and convenient portage route be provided. There was no provision was made to protect the rights of land-based users to have access to the river. No requirement that the district permit access to the river across its land. When I asked the Board's Chief Enforcement Officer about this, he informed me that the Board does not consider recreational users when permitting encroachments on the river. Despite repeated requests, the Board has not begun any process to add mitigation of adverse effects on recreational users to the permit conditions. The Department of Water Resources is responsible for the maintenance of levees on the right bank of the Feather River near Nicolaus. DWR has erected gates and maintained those gates locked in order to obstruct the public's access over the levee to the river. I am told by DFW staff that at time DWR has refused to permit access by DFW staff to DFW lands inside the levees at this location. The Department of Fish and Wildlife controls a lot of land along navigable streams in California. At least in Sutter County, DFW does not post signs to indicate that the property is public land and open for some uses. The DFW does not mark its boundaries, so that a user might know when he is on DFW land subject to DFW regulation, and when he is on private land. The DFW wardens will issue citations for act done on DFW land without any certainty as to whether they are on DFW land. The wardens will threaten to issue a trespassing ticket for presence on private land, when no legal cause exists. The DFW assumes it has the right to close or limit the user of public access to a navigable stream, even if that access is a 100-year old formally created public road. That is, to be clear, DFW believes it can out-law the carrying of a firearm (unloaded and in a case) or the riding of a bicycle across Starr Bend Road, a formally established public road in Sutter County, from the levee to the river. At the time the warden wrote me a citation while I was using this road, last summer, the warden was "unaware" that the road continued to exist as a public right of way, even though he had been at the County Supervisor's meeting when the Supervisors closed the road to vehicular traffic but kept it for pedestrian traffic. That is, DFW and DFG have practically no regard for the public's right to use the public trust lands, and the agency's obligation to refrain from unnecessarily interfering with the use. DFW actually affirmatively interferes with the use of public access to the river. CalTrans, faced with a forty-year old law (Streets and Highways Code section 84.5) requiring it to conduct a study of the feasibility of providing a means of public access to a navigable river for public recreational purposes, while constructing its new bridge conveying SR 99 across the Feather River in Sutter County, first flatly refused to conduct the study, saying it was not one of their priorities and they had not budgeted for it; and then, subject to encouragement from the State Lands Commission, dummied up a document in which most factual statement were simply false, and which listed as an author (the biologist) a person who was unaware that the report existed, let alone that her name was attached to it. The above discussion of what public agencies have been doing is meant to make clear that it is necessary to discuss these issues in this set of documents. In summary the documents must contain: - an acknowledgment of the public right to engage in recreational activity on the bed of the	bank fishing. Mitigation Measure REC-2 would be implemented to provide alternative bank fishing sites. To compensate for the loss of these informal sites during construction, the project proponents will enhance nearby formal fishing access sites, including partnering with Yolo County to enhance the Clarksburg Fishing Access site on the west bank of the Sacramento River, with the Sacramento County Department of Regional Parks to enhance the Cliffhouse Fishing Access site on the east bank of the Sacramento River and the Georgiana Slough Fishing Access site east of the Sacramento River, and with Contra Costa County to enhance fishing sites near Clifton Court Forebay, as well as other nearby sites. Prior to construction of the proposed water conveyance facilities, the project proponents will ensure adequate signage will be placed at the informal sites that would be directly affected by construction of the intakes, directing anglers to the formal sites. Upgrading the existing fishing access sites will be completed prior to beginning construction of the intakes.

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		navigable stream, including the temporarily dry bed below ordinary high water mark; and - an acknowledgment of every state agency's obligation to refrain from unnecessarily interfering with this public right; and, - recognition that the "recreational areas" affected by the project include the entire length of the banks of affected navigable streams below ordinary high water mark, throughout the project area; and, - a discussion of what can be done to minimize the adverse effects of this project on the public's right to use the public trust lands (including access to those lands). - a discussion of identifying public route of access to the rivers, including those established by use or dedication and otherwise not documented; and, preserving those routes.	
42	1	The public has an existing right to be on any navigable river, including the temporarily dry banks of the river below ordinary high water mark. State agencies are obligated to refrain from unnecessarily interfering with the pubic use of these public trust lands. In discussing the effect of the project on recreation, the documents do not recognize that the entire length of the river and its banks below high water mark are now lands open to public recreation; and, therefore fail to address the effect of the project on the public use of these lands. The documents assume that one can make up for blocking access at one point on the river by improving another existing access point. The simplest measure of how much public use of a riverbank there is, is the measure of how far a person can reasonably be expected to walk from an access point. Closing off any access point cuts off a length of riverbank running both up and downstream from public access and use. Adding a picnic table, parking spaces or other improvements at an existing access point does not add any linear feet of accessible riverbank. In order to offset any loss of access, one must provide a new point of access. The documents do not discuss this net loss of access to the river. Much access is presumably by dedicated, undocumented but nonetheless recognized at law access. The report seems to ignore this concept, and thereby fail to address the effect of the project in terms of interference with dedicated routes of access. There is no mention of any effort to identify existing dedicated routes of access which might be affected by the project. The documents therefore fail to discuss the effect of the project on current rights of public access to the recreational resource.	The proposed project would not deny users access to dry banks or navigable streams. Impact REC-3, which discusses impacts that would result in a long-term reduction of recreational navigation opportunities, includes and assumes all navigable waters, such as sloughs, rivers, and streams. Because the Delta is so expansive, recreation would be able to occur throughout the Delta during and after construction. The EIR/S focuses on formal recreation sites for Impact REC-1, which analyzes well-established or private recreational facilities. However, the EIR/S does consider informal recreation, such as upland and on-land recreation, and on-water recreation (boating, kiteboarding, etc.), as well as bank fishing. Mitigation Measure REC-2 would be implemented to provide alternative bank fishing sites. To compensate for the loss of these informal sites during construction, the project proponents will enhance nearby formal fishing access sites, including partnering with Yolo County to enhance the Clarksburg Fishing Access site on the west bank of the Sacramento River, with the Sacramento County Department of Regional Parks to enhance the Cliffhouse Fishing Access site on the east bank of the Sacramento River and the Georgiana Slough Fishing Access site east of the Sacramento River, and with Contra Costa County to enhance fishing sites near Clifton Court Forebay, as well as other nearby sites. Prior to construction of the proposed water conveyance facilities, the project proponents will ensure adequate signage will be placed at the informal sites that would be directly affected by construction of the intakes, directing anglers to the formal sites. Upgrading the existing fishing access sites will be completed prior to beginning construction of the intakes.
42	2	[ATT 1: Duplicate of RECIRC41]	This comment describes an attachment to the comment letter. The attachment does not raise any additional issues related to the environmental analysis in the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS that are not already addressed in comment referencing the attachment or the Final EIR/EIS.
43	1	We must work to change human behaviors that waste water, and we must be vigilant about those who seek to circumvent the system and cheat the environment by taking more	This comment letter is in part a form letter that has been submitted by many commenters. To locate the response to the form letter portion of the comment, please refer to the index of commenters in Chapter 4

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		than their fair share. Make this part of your legacy. California is too important to waste any more water, or time.	of Volume II of the Final EIR/EIS, and cross reference the Form Master letter number shown there with the index of Form Masters also provided in Chapter 4 of Volume II of the Final EIR/EIS. The text below responds to the specific substantive portions of the comment letter that were submitted by the commenter. The Proposed Project proposes to stabilize water supplies, and exports could only increase under certain circumstances in which hydrological conditions result in availability of sufficient water and ecological objectives are fully satisfied. It is projected that water deliveries from the federal and state water projects under the Proposed Project would be about the same as the average annual amount of water that would be diverted under the No Action Alternative (i.e. 2025 conditions without the Proposed Project). Please refer to Master Response 3 regarding the purpose and need for the project. For more information regarding water demand management please see Master Response 6.
44	1	Subject: California water waste & Support Alternative 4A - the California Water Fix One of my major concerns is the water being wasted by the millions upon millions of gallons daily that are fed into out creeks to support such things as native fish, but then the water is allowed to dump in the ocean. Catch basins should be installed and that water rescued, pumped back up and put back into the aquifers. The cost of this would be minimal as compared to building desalinization plants and the savings in water would be astronomical.	This comment letter is in part a form letter that has been submitted by many commenters. To locate the response to the form letter portion of the comment, please refer to the index of commenters in Chapter 4 of Volume II of the Final EIR/EIS, and cross reference the Form Master letter number shown there with the index of Form Masters also provided in Chapter 4 of Volume II of the Final EIR/EIS. The text below responds to the specific substantive portions of the comment letter that were submitted by the commenter. No issues related to the adequacy of the environmental impact analysis in the EIR/S were raised. It is important to note that the project is not intended to serve as a state-wide solution to all of California's water problems, and it is not an attempt to address directly the need for continued investment by the State and other public agencies in agricultural and municipal/industrial water conservation, recycling, desalination, treatment of contaminated aquifers, or other measures to expand supply and storage (as described in Section 1.C.3 of Appendix 1C, Water Demand Management). No issues related to the adequacy of the environmental impact analysis in the EIR/S were raised.
61	1	I see a lot of our local problems at least caused by the time and difficulty in putting in reservoirs on private projects. The water from a few hours of a storm caught in a reservoir can meet the needs of a farm or vineyard for the summer season. Instead of punitive emergency restrictions, how about issuing emergency permits? There is still time if permits are obtained in the next month to build smaller reservoirs of a few acre-feet. If the energies spent on emergency regulation were instead spent on emergency solutions for next and future years. When heavy-handed restrictions, invasive questionnaires and threat of fines for failure to comply have people thinking of killing what fish are left in a creek so they won't be regulated so heavily it should be a red flag that regulation is not the answer.	This comment letter is in part a form letter that has been submitted by many commenters. To locate the response to the form letter portion of the comment, please refer to the index of commenters in Chapter 4 of Volume II of the Final EIR/EIS, and cross reference the Form Master letter number shown there with the index of Form Masters also provided in Chapter 4 of Volume II of the Final EIR/EIS. The text below responds to the specific substantive portions of the comment letter that were submitted by the commenter. No issues related to the adequacy of the environmental impact analysis in the EIR/S were raised. Future reservoir projects are still undergoing evaluation or review, including potential reservoir projects. Therefore, potential reservoir projects are only considered in the EIR/S as cumulative impact projects (please see Master Response 37). Appendix 1B, Water Storage, EIR/EIS, describes the potential for additional water storage and Appendix 1C, Demand Management Measures, EIR/EIS, describes conservation, water use efficiency, and other sources of water supply including desalination. While these elements are not proposed as part of the proposed project, the Lead Agencies recognize that they are important tools in managing California's water resources. Appendix 1B, Water Storage, EIR/EIS, describes the potential for additional water storage and Appendix 1C, Demand Management Measures, EIR/EIS, describes conservation, water use efficiency, and other sources of water supply including desalination. While these elements are not proposed as part of the proposed project, the Lead Agencies recognize that they are important tools in managing California's water resources.
61	2	Regulation on where reservoirs can be built also increases their cost. Current regulations prohibiting small gullies with only stormwater flow that could be dammed with a single	The Proposed Project is not intended to serve as a state-wide solution to all of California's water problems, and it is not an attempt to address directly the need for continued investment by the State and

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		embankment add to costs. It is much more expensive to build a 3 sided embankment on a hillside than a one sided embankment. And easier to release water for fish in low flow periods. The added cost can make a project unaffordable. And if it is a public project it is all our money. I do not like the attitude some have that something does not cost because there is a bond or federal grant paying for it.	other public agencies in surface water storage, agricultural and municipal/industrial water conservation, recycling, desalination, treatment of contaminated aquifers, or other measures to expand supply and storage (as described in Section 1.C.3 of Appendix 1C, Demand Management Measures). Those projects would be analyzed through the completion of separate engineering and environmental documentation. Please see Master Response 5 regarding cost.
62	1	We [Contra Costa County and Solano County] would like to review the new modeling and data that have been developed for the new alternatives (4A, 2D and 5A). Can you please make available to me the data and CALSIM and DSM2 modeling results discussed in ES.3.2.1.1 and subsequent sections? I would like the data in DSS format so that I can review the monthly CALSIM flow, storage and export data in detail, and the daily DSM2 simulations of EC and chloride at the key urban intakes in the Delta, as well as Mallard Slough, Jersey Point, Antioch, Vernalis and Port Chicago. The Draft EIR/EIS disclosed significant adverse water quality impacts in the Delta. It is our understanding that the REIR/SEIS modeling show reduced water quality impacts. We would like to be able review your data to fully understand and confirm why these water quality changes have occurred. I also understand that DWR is doing additional modeling studies with corrected versions of CALSIM and DSM2 for the Section 7 consultation. Can you also make those data available? As I understand it they will more closely represent the preferred project operations than the sensitivity studies presented in the REIR/SEIS. As we will only have until August 31 to submit our CEQA/NEPA comments, the sooner we get these data, the better.	The CALSIM II and DSM2 modeling results were provided to the commenter. Results of the water quality analyses are presented in Chapter 8 and associated appendices of the EIR/EIS.
63	1	Regarding the newly released Delta Tunnel Plan, I am requesting an extension of the comment period. 45 days is way too short. I also want to request a longer review period.	The comment period for the RDEIR/SDEIS was extended by 60 days. Please see Master Response 39 for more information about the public review period.
63	2	I fear the tunnels will bring salt water into the California Delta which would be very bad for our environment and our community.	No issues related to the adequacy of the environmental impact analysis in the EIR/EIS were raised. The potential for water conveyance operations to affect salinity conditions in the Delta (including Suisun Marsh) under existing conditions and future no action conditions, and with implementation of each project alternative (including conservation measures), is assessed in detail in the EIR/EIS. Where significant impacts to uses would occur due to the alternative, mitigation to lessen those impacts is provided.
64	1	I am one of the many thousands who love and support the Sacramento Delta, and hate to see greed destroy this amazing area by draining our precious water supply. With so many drought years, water flow is already at levels that are causing significant negative effects on this amazing fresh water estuary. Although it is sad, the farmers who bought hundreds of thousands of acres of desert in the valley, based on literally free water to irrigate, there	State constitutional restrictions require the reasonable and beneficial use of water and state law requires that water supplied from the Delta be put to beneficial uses. The lead agencies do not have the authority to designate what water deliveries are used for. Please see Master Response 34 regarding the potential uses of water delivered via the proposed conveyance facilities.

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		is simply not enough water to support them. As in other parts of the world, they must seriously consider farming in areas where water is available, or install desalination plants to remove the salt now entering the lower pumping stations, and pay for their water. Other parts of the world to this. Destroying the Delta is simply not an acceptable option. The mighty Colorado River was a victim of this mismanagement and greed, and several other lakes and rivers. Please do not let it happen to the Delta, it is time for those water hungry farms to either move, or pay the price for watering the desert.	Through the Legislature and through executive agencies, California has embraced water conservation on numerous fronts, as have many California water agencies. Many of these efforts are highlighted in Appendix 1C, Demand Management Measures, EIR/EIS, which describes conservation, water use efficiency, and other sources of water supply, including recycled water. While these elements are not proposed as part of the project, the Lead Agencies recognize that they are important tools in managing California's water resources.
65	1	The State is broke. When will our representatives get a clue?	No issues related to the adequacy of the environmental impact analysis in the EIR/S were raised. The proposed project was developed to meet the rigorous standards of the federal and state Endangered Species Acts, as such the proposed project is intended to be environmentally beneficial. By establishing a point of water diversion in the north Delta and new operating criteria to improve water volume, timing, and salinity, the proposed project is designed to improve native fish migratory patterns and allow for greater operational flexibility.
66	1	I object to the Delta Dual-Bore Tunnels proposal under Alternative 4A and under any other alternative. This is what we need in California: http://www.mjbarkl.com/floods.txt And this is why we need it: http://www.mjbarkl.com/floods.htm This Federal project is taken from 100 years of Federal and State reports with some enhancements and includes 34-42 million acre-feet of specific additional storage with three new conveyances and no tunnels. It will reduce the Central Valley flooding risk from a repeat of the floods of 1861-62, the least of seven such Biblical floods over the past 1800 years. It will also solve most of our other water problems, agriculture, cities, Delta, fish, and Colorado River overdraft. And this budget pays for it: http://www.mjbarkl.com/usbudget.pdf The tunnels solve none of this. They are a big fat waste of money. Scrap them and adopt this Federal project.	The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis provided in the EIR/S.
66	2	The problems: Floods of 1861-1862, approx 30-35 MAF in additional Central Valley runoff from 6 "Pineapple Express" storms in 5 weeks (runoff figure is an off-the-record guess by a hydrologist) (mjbarkl.com/floods.htm) Reliable, affordable irrigation supply Loss of the snow pack to global warming Flows for the salmon on the San Joaquin Flows to flush salt and contaminants from the Delta	While water storage is a critically important tool for managing California's water resources, it is not a topic that must be addressed in the EIR/EIS for the proposed project. This is because the proposed project does not, and need not, propose storage as a project component. Although the physical facilities contemplated by the proposed project, once up and running, would be part of an overall statewide water system of which new storage could someday also be a part, the proposed project is a stand-alone project for purposes of CEQA and NEPA, just as future storage projects would be. Appendix 1B, Water Storage, of FEIR/EIS, describes the potential for additional water storage. Please refer to Master Response 4 for additional details on the selection of alternatives. Appendix 1B, Water Storage, EIR/EIS, describes the potential for additional water storage. Please also see Master Response 37 regarding why an alternative focused on creating additional storage, either in the Delta or elsewhere, was not included in the EIR/EIS. Also, please see Master Response 3 for additional details on the project purpose and need.

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		Reduced Delta pumping for the fish and the flows No peripheral canal or silly tunnels Hetch Hetchy Supply for Los Angeles Supply for Arizona and Southern Nevada Endless squabbling and redundant expensive reports The answer, Storage, CVP III: Suspend [Section] 8 of Reclamation Act/Newlands Act of 1902 and its progeny and other conflicting statutes for this project, removes from the equation: DWR SWRCB CWC CCVFPB CEQA Cal ESA Voters Litigation Either Reclamation or USACE West Side Conveyance System (mjbarkl.com/westside.pdf): Raise Shasta, +2 MAF or 9.3 MAF, flood flows into West Side Conveyance System Intercept Clear Creek/Whiskeytown/Trinity exports Dams as part of the System on the forks of Cottonwood, Red Bank, Elder, and Thomes, +.5 ? Glenn Reservoir Complex, +9 to +12 Trade Dos Rios for Hetch Hetchy, +7.6 - .36; add Tuolumne flood storage Sites, +1.9, below Sites, link to: Expand and merge Glenn-Colusa and Tehama Colusa Canals , extend to Rio Vista with siphons across the Sacramento and San Joaquin to Bethany Reservoir; link Cross-Valley Canal from Thermalito to Glenn-Colusa; enlarge Glenn-Colusa; line Glenn-Colusa, +.125	

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		Berryessa expansion, +? Oristimba Reservoir +2, Los Banos Grande Reservoir +2, Enlarged San Luis +.13, Del Puerto Canyon +1, Garzas Creek +1 Enlarge and Extend Folsom South Canal for flood flows, Intercept flood flows from forebays at Dry Creek, Cosumnes, Mokelumne, & Calaveras Extend past Stockton & across south end of Delta to Bethany, Add a smaller Auburn Dam for flood flows, +1, more on Tuolumne +2 Add Temperance Flat, +2.5 Add Rodgers Crossing Reservoir +1 Research on reducing evaporation losses, ?? Total added storage, 36.14 - 43+ MAF; portion to handle CV floods, 25 ? Major funding: Flood Control plus trades with AZ & NV	
67	1	Stop the tunnel project. We don't think it is a good idea.	The comment does not raise any environmental issue related to the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS.
68	1	Extend the comment period! A 16 billion dollar project and a 45-day comment period! I know you want to railroad this through but be reasonable.	The comment period for the RDEIR/SDEIS was extended by 60 days. Please see Master Response 39 for more information about the public review period.
68	2	You lost all credibility when you sold this as an ecology project and then dropped that part from the proposal. It's a water grab, pure and simple.	By establishing a point of water diversion in the north Delta and new operating criteria to improve water volume, timing, and salinity, the proposed project is designed to improve native fish migratory patterns and allow for greater operational flexibility. The proposed project does not increase the amount of water to which DWR holds water rights or for use as allowed under its contracts. It is projected that water deliveries from the federal and state water projects under a fully implemented project would be about the same as the average annual amount diverted in the last 20 years. Refer to Master Response 26 (Changes in Delta Exports). Although the proposed project would not increase the overall volume of Delta water exported, it would make the deliveries more predictable and reliable, while restoring an ecosystem in steep decline. Although Alternatives 4A, 2D, and 5A include only those habitat restoration measures needed to provide mitigation for specific regulatory compliance purposes, habitat restoration is still recognized as a critical component of the state's long-term plans for the Delta. Such larger endeavors, however, will likely be implemented over time under actions separate and apart from these alternatives. The primary parallel habitat restoration program is called California EcoRestore (EcoRestore), which will be overseen by the California Resources Agency and implemented under the California Water Action Plan. Under EcoRestore, the state will pursue restoration of more than 30,000 acres of fish and wildlife habitat by 2020. These habitat restoration actions will be implemented faster and more reliably by separating them from the water conveyance facility implementation.
70	1	My name is Steven Mayo and I am the Program Manager of the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). Our agency is the administrator of the county-wide habitat conservation plan which has a vast overlap with	DWR staff representatives met with San Joaquin County staff on September 28, 2015 to discuss some of the County's comments.

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		the proposed project. The SJMSCP has been in collaborative discussions with the various staff members of the prior BDCP planning efforts (Natural Resource Agency, DWR, ICF, etc.) as to the potential impacts and issues regarding the proposed project. We would like to continue the efforts on the revisions to the BDCP. With the recirculation of the RDEIR/SDEIS, our staff would like to request a sit down meeting to discuss the new approach and specifics on the changes related to the San Joaquin County plan area (mitigation sites, restoration opportunities, land owner issues, etc.) to continue the collaborative efforts. Our staff would like to have the meeting in a timely manner in order to prepare and provide comments to the RDEIR/SDEIS by the very tight deadline of August 31st.	
70	2	[ATT 1: July 9, 2015, e-newsletter announcing release of BDCP/WaterFix REDIR/SDEIS and beginning of public comment period.]	This comment describes an attachment to the comment letter. The attachment does not raise any additional issues related to the environmental analysis in the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS that are not already addressed in comment referencing the attachment or the Final EIR/EIS.
81	1	As you know, the Recirculated Draft Environmental Impact Report/Supplement Draft Environmental Impact Statement was released for public review and comment on July 10, 2015, for a comment period ending August 31, 2015. The comment period is not long enough to allow interested parties, especially those in agriculture, to comment. Please take into consideration, this is a busy time for all California farmers who are harvesting and the time period does not grant sufficient time to review the document thoroughly. We would also like to point out that the overview of the Alternates 4A, 2D and 5A is over 2,000 pages alone, and that is not the entire document. We are requesting a 90-day comment period extension to allow adequate time to review the proposed changes and make comments. Changes in the Recirculated Draft Environmental Impact Report/Supplement Draft Environmental Impact Statement would make a significant impact on California agriculture, and warrants a longer period for review and comments.	The comment period for the RDEIR/SDEIS was extended by 60 days to October 30, 2015. Please see Master Response 57 for more information about the public review period. In order to facilitate a more easy review of the changes in the RDEIS/SDEIS compared to the Draft EIR/EIS, a version of the document was made available that included hyperlinks and track changes, in addition to a Section 508-compliant version. For more information regarding impacts to agriculture and its associated mitigation measures please see Chapter 14 of the FEIR/EIS.
82	1	Stone Lakes NWR [National Wildlife Refuge] is one of the largest complexes of wetlands, lakes and riparian areas remaining in the Sacramento-San Joaquin Delta and provides critical habitat for waterfowl and other migratory birds of international concern as well as a number of endangered plant and animal species. The Refuge and surrounding foraging acreage is "ground zero" for the impacts of the water conveyance facilities proposed as the "California Water Fix." Because of this fact, the Friends have been actively engaged in the BDCP process since submitting Scoping comments in May of 2008. Because of the Friends' long-standing interest in the Bay Delta Conservation Plan ("BDCP"), it is extremely concerned about the inordinately short review period for the recently released Partially Recirculated Draft EIR/Supplemental Draft EIS ("RDEIR/SDEIS") for the newly rechristened Bay Delta Conservation Plan/California Water Fix. A 45 day review period is needlessly short and fails to give the Friends, other interested parties, and -- not the least -- interested individual members of the public adequate time to read, understand, research and comment upon the extraordinary volume of new technical and scientific material. Accordingly, the Friends hereby respectfully request an extension of at least 75 days for submitting public comments on the BDCP/California Water Fix RDEIR/SDEIS to the BDCP Draft EIR/EIS. This request is to extend the deadline for public comment on those	The lead agencies thank you for your interest and engagement in the project throughout the environmental review process. The comment period for the RDEIR/SDEIS was extended by 60 days. Please see Master Response 39 for more information about the public review period.

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		documents from August 31, 2015, to November 16, 2015. This is a request for a 120 day period for public comment in place of the 45 day period currently being provided. There are a multitude of good practical, legal and policy reasons for the requested extension. The Friends are aware of a similar written request submitted by Friends of the River, Restore the Delta, the California Water Impact Network, the California Sportfishing Protection Alliance, and the Environmental Water Caucus (among others) on July 16, 2015, and rather than repeating all of the justifications and rationale for an extension as articulated by these organizations, the Friends wishes to put on record its concurrence with the statements and analysis as stated therein, and adopts them by reference as part of this letter.	
84	1	Support Alternative 4A - the California Water Fix This will focus our state on infrastructural improvements that mirror California's great public works of the past which, quite literally, built our state. We must continue to build thoughtfully and optimistically for our future and for the future of coming generations of Californians!	This comment letter is in part a form letter that has been submitted by many commenters. To locate the response to the form letter portion of the comment, please refer to the index of commenters in Chapter 4 of Volume II of the Final EIR/EIS, and cross reference the Form Master letter number shown there with the index of Form Masters also provided in Chapter 4 of Volume II of the Final EIR/EIS. The text below responds to the specific substantive portions of the comment letter that were submitted by the commenter. The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis provided in the EIR/S.
85	1	[Alternative 4A, the California WaterFix] is the only alternative that addresses fundamental problems with California's major water transport system: earthquake risks and reverse flows/entrainment of fish in the Delta.	This comment letter is in part a form letter that has been submitted by many commenters. To locate the response to the form letter portion of the comment, please refer to the index of commenters in Chapter 4 of Volume II of the Final EIR/EIS, and cross reference the Form Master letter number shown there with the index of Form Masters also provided in Chapter 4 of Volume II of the Final EIR/EIS. The text below responds to the specific substantive portions of the comment letter that were submitted by the commenter. The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis provided in the EIR/S.
86	1	We need to stop hurting the Delta, wildlife and lands from tunnels and rock towers. They are hurting our way of life and enjoyment. Our bay needs dredging and removal of weeds all caused by this careless act. Our home values are going down and our use of water is scarce.	When required, DWR would provide compensation to property owners for economic losses due to implementation of the proposed project. Construction of water conveyance facilities would be sequenced over approximately 10 years. Construction of individual components (e.g. intakes, tunnels) would range from one to six years. Temporary construction-related impacts include noise, visual, and transportation, among others. The construction-related impacts are disclosed in individual resource area chapters in the Draft BDCP Environmental Impact Report/Environmental Impact Statement (EIR/EIS). All impacts would be minimized and mitigated to the degree feasible and are described under each alternative in the RDEIR/SDEIS individual resource chapters and in the BDCP Appendix 3B, Environmental Commitments, EIR/EIS. An analysis of economic impacts of the proposed project, including impacts related to agriculture, recreation, water rates, and taxes are also evaluated and described in the Bay Delta Conservation Plan Statewide Economic Impact Report (http://baydeltaconservationplan.com/Libraries/Dynamic_Document_Library/Draft_BDCP_Statewide_Economic_Impact_Report_8-5-13.sflb.ashx).
87	1	Support the California Water Fix? You must be joking. I don't know who dreamed up this fiasco in the making, but whoever it was should be checked out by a team of doctors, because he/she is obviously deranged. How can any plan to take more water from Northern California help the Delta? How can	The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis provided in the EIR/S. By establishing a point of water diversion in the north Delta and new operating criteria to improve water volume, timing, and salinity, the proposed project is designed to improve native fish migratory patterns and allow for greater operational flexibility. The project does not increase the amount of water to which DWR holds water rights or for use as allowed

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		any plan to bury two 40' tunnels under or near the Delta help it? No, sir, you will not get my support. In fact, I will do anything in my power to help any opposition faction to keep this so-called fix from ever happening.	under its contracts. It is projected that water deliveries from the federal and state water projects under a fully implemented project would be about the same as the average annual amount diverted in the last 20 years. Refer to Master Response 26 (Changes in Delta Exports).
88	1	We continue to be concerned about the massive project which will not help us with our water needs in the San Joaquin Valley to irrigate our ranch. And this tunnel project will take/grab hundreds of acres of productive farmland which has been in family farms for one-two hundred years.	The California WaterFix project is being proposed to address the conflict between the ecological needs of a range of at-risk Delta species and natural communities, while providing for more reliable water supplies for people, communities, agriculture, and industry. In its efforts to achieve the co-equal goals of water supply reliability and ecosystem restoration, the California WaterFix seeks to protect dozens of species of fish and wildlife in the Delta while also securing reliable water deliveries for two-thirds of California. Please refer to Master Response 3 for additional information regarding the purpose and need behind the proposed California WaterFix.
88	2	We are concerned that the wildlife, birds, fish, etc. will not be cared for and cause irreparable harm to endangered species in on and around the Sacramento River.	Chapter 11 of the Final EIR/EIS addresses the potential for project alternatives to affect fish. Chapter 12 of the Final EIR/EIS addresses the potential for project alternatives to affect animals. Both chapters describe the impacts, both negative and positive, and discuss measures that would be implemented to avoid and minimize impacts and to compensate for significant impacts.
88	3	This ill-conceived project is not worthy of the billions of dollars allocated for its construction. Please cancel/drop the twin tunnel project.	The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis provided in the EIR/S.
89	1	Brown's Delta Tunnels idea is so out of date with what is happening in California today that is hard to believe that it is still under consideration. If the tunnels were in existence for the last 5 years, then no water would have been passed through them in the last 4 years as the lack of rain and the saline levels proposed by the BDCP would have prevented any transfer of water. Big SoCal Ag would be doing its best to change those restricting saline levels, but it would kill the Delta and a lot more jobs than any jobs in SoCal Ag.	No issues related to the adequacy of the environmental impact analysis in the EIR/S were raised. SWP and CVP deliver water in accordance with existing water rights and federal, State, and local agency regulatory requirements. Frequently, compliance with these requirements results in reductions in SWP and CVP water contract deliveries including periods with no deliveries under some alternatives, as shown in Part 13 of Appendix 5A, Section C, Modeling Results, of the Final EIR/EIS. Under the range of alternatives considered in the EIR/EIS full contract amounts are not delivered in the majority of times to the SWP and CVP water contractors, as presented in Appendix 5A, Section C, CALSIM II and DSM2 Model Results, of the EIR/EIS. The proposed project is not intended to serve as a state-wide solution to all of California's water problems, and it is not an attempt to address directly the need for continued investment by the State and other public agencies in agricultural and municipal/industrial water conservation, recycling, desalination, treatment of contaminated aquifers, or other measures to expand supply and storage (as described in Section 1.C.3 of Appendix 1C, Water Demand Management).
89	2	Desalinization is the answer. Place the plants inland, at areas that are below sea level and the water flow from the ocean will be free. Solar powered for conservation and cost. Won't cost $50 Billion and guarantees water no matter what the weather is.	For more information regarding desalination please see Master Response 7.
90	1	Due to my work schedule, it is hard for me to review the agenda on the tunnels, I would appreciate if you would push it back at least 30 days.	Please see Master Response 39 for more information about the public review period.
91	1	I am strongly opposed to the tunnel plan. It seems based on the idea that the water from the Sacramento River system should be diverted to Westlands water district and the L. A. Basin based on increased need. The farmers can adjust to getting less water by crop changes, and there are several ways to both reduce per capita consumption in urban areas and to develop local sources, such as desalination. These options have economic, ecological and political costs, but they are real options. Conversely, the salmon in the Sacramento system are already endangered	In accordance with the Project Objectives and Purpose and Need (see Chapter 2 of the EIR/S), all of the action alternatives would continue the operation of the SWP and CVP in accordance with the existing water rights and regulatory criteria adopted by the State Water Resources Control Board, U.S. Fish and Wildlife Service, National Marine Fisheries Service, and California Department of Fish and Wildlife. All of the alternatives evaluated in the EIR/EIS would only divert water under existing water rights which were issued to DWR and Reclamation by the State Water Board with consideration for senior water rights and Area of Origin laws and requirements. The amount of water that DWR and Reclamation can divert from the new north Delta facilities is set by Federal and State regulating agencies, ESA compliance, and project

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		by the low flows, and there is no more room for flow reduction. People can adjust, the salmon resource cannot.	design. Operations for the Proposed Project would still be consistent with the criteria set by the U.S. Fish and Wildlife Service and National Marine Fisheries Service biological opinions and State Water Resources Control Board Water Right Decision 1641 (D-1641), subject to adjustments made pursuant to the project and the adaptive management process, as described in Chapter 5, Water Supply of the EIR/EIS. The Proposed Project is not intended to serve as a state-wide solution to all of California's water problems, and it is not an attempt to address directly the need for continued investment by the State and other public agencies in agricultural and municipal/industrial water conservation, recycling, desalination, treatment of contaminated aquifers, or other measures to expand supply and storage (as described in Section 1.C.3 of Appendix 1C, Demand Management Measures).
92	1	I have a few questions about the BDCP RDEIR/SDEIS regarding EC, specifically, Appendix A (the redline of the Dec 2013 DEIR/DEIS) in Appendix 8H Table EC-15A through Table EC-15D. For each table label, there are two tables shown. I [am] assuming one is added and one is deleted, but not clear which is which. Also, why do the results change? I did not think that LLT modeling was updated.	As shown in the red "strikeout" line on the second table (at the bottom), the second table for each Alternative 4 scenario H1-H4 was struck from Appendix 8H, because it shows results for Threemile Slough, and replaced with the first table. Threemile Slough is not a compliance point under Alternative 4.
95	1	I've read through the Executive Summary of the recirculated EIR/EIS of the Bay Delta Conservation Plan and find no bibliographic references in the summary, even though citation with dates are employed throughout the document. Is the reference section in some other document, or was it omitted from the Executive Summary?	To streamline the Executive Summary and maintain readability, the Lead Agencies did not cite source material in the Executive Summary. Instead, the Executive Summary points readers to locations in the RDEIR/SDEIS for further information. The discussions and analysis in the RDEIR/SDEIS chapters contain extensive citations to source material.
96	1	I have an idea that I believe merits media exposure and serious review: The California Delta Fresh Water Assurance Barrier. This idea is not new. I have found information of similar proposals that go back over 100 years. However, California was a dramatically different place then. I believe its time has now come. Imagine California to have a large bucket of sweet, fresh water in the middle of a parched desert. This bucket is surrounded by a crowd of thirsty people, all with straws, all continuously sucking from this bucket as hard as they can. Their lives depend on it. The bucket is periodically replenished, but these events are unpredictable as to frequency and volume. Sometimes, the bucket can get precariously low and replenishment uncertain. But here is the sting: The bucket has a huge leak in the bottom and much of the precious water is running out of the hole...lost forever! The California Delta is the "bucket". The hole in the bottom is the Carquinez Strait. Much of California's primary supply of precious fresh water is simply running out into the ocean! Vast amounts of fresh water are allowed to flow through the Carquinez Strait into the Bay and thence to sea...lost forever. EVERY DAY...24x7! Indeed, California now releases precious fresh water from reservoirs just to hold back the salt water from creeping upstream and spoiling the fresh water...and this condition is at its worst in drought years.	Please see Master Response 4 for discussion of the scope of the proposed project and alternatives (such as desalination) that were not carried forward for analysis in this document due to the fact that required actions beyond the scope of the proposed project. . The alternatives included in the EIR/EIS represent a legally adequate reasonable range of alternatives and the scope of the analysis of alternatives fully complies with both CEQA and NEPA. The proposed project was developed to meet the rigorous standards of the federal and state Endangered Species Acts, as such it is intended to be environmentally beneficial, not detrimental. By establishing a point of water diversion in the north Delta and new operating criteria to improve water volume, timing, and salinity, the proposed project is designed to improve native fish migratory patterns and allow for greater operational flexibility. Also, please see Master Response 3 for additional details on the project purpose and need.

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		Let's plug this huge leak in California's bucket and stop this waste! California should build a permanent barrier across the Carquinez Strait somewhere between Benicia and Vallejo. This would essentially be a low dam, perhaps 10-15 feet higher than the maximum high tide level of the Bay. East of the barrier all water would be fresh water; to the west, all salt water. There would be locks for ship and recreational boat traffic. There would be extensive and efficient fish ladders to facilitate unfettered fish migration. The fresh water behind the barrier would be kept at a continuous high tide level all year round, vastly increasing the fresh water reserve held in the Delta Fresh Water Reserve. The Barrier would eliminate all salt water incursion concerns related to possible levee failure, earthquakes and sea level change. Thus, there would be no need for any diversion tunnels or canals (aka the Peripheral Tunnels/Canal). Fresh water integrity and supply would be assured at all times. The Sacramento River and its inflow tributaries would continue to flow unfettered into and THROUGH the entire Delta, flushing the water and preserving water quality and ecology before being exported by the various export pumps. The export pumps at Byron would run at full capacity practically at all times since all the water now lost to the sea would be saved and fully available. Optionally, intake tunnels running from the Byron pumps to the Barrier at Carquinez Strait might be considered in order to more perfectly emulate the original, natural flow of the Delta. Vastly improved modern fish screens would be installed to virtually eliminate fish loss at the pumps. The Bay would experience its own flushing by its vast tidal flows through the Golden Gate. The north bay would be similar to the south bay. During wet years, spillways at the Barrier would allow any excess runoff water in the Delta Reserve to flow harmlessly into the Bay and out to sea, preventing floods. Thus, California would create an enormous fresh water inland resource with no precious fresh water lost to the sea, protected from salt water intrusion and disasters. I believe this would cost no more or perhaps even less than the current Peripheral Tunnel project. Our Golden State's population is approaching 40 million people. Our contribution to the world's GNP is among the top 10. With more fresh water available, California's GNP would likely rise even higher. Our agricultural products supply much our Nation's needs and beyond. However, everything depends on a reliable supply of precious fresh water. We simply can no longer allow "the hole in the bottom of the Bucket". To allow such to continue seems	

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		simply preposterous.	
97	1	As citizens, we have spent years, since 2009, in public meetings, reviews, and discussions concerning the positive and negative aspects of the BDCP. We poured over thousands of pages of the BDCP plan and tried to submit thoughtful comments about the benefits of the habitat restoration projects versus the negative impacts both the tunnel construction and ultimate tunnel operation would have on Delta farms, Delta ecology, our community's economy, and the wonderful recreation now enjoyed throughout the Delta. Many of us would love to see the Delta designated as a National Recreation Area and preserved!	This comment letter is in part a form letter that has been submitted by many commenters. To locate the response to the form letter portion of the comment, please refer to the index of commenters in Chapter 4 of Volume II of the Final EIR/EIS, and cross reference the Form Master letter number shown there with the index of Form Masters also provided in Chapter 4 of Volume II of the Final EIR/EIS. The text below responds to the specific substantive portions of the comment letter that were submitted by the commenter. No issues regarding the adequacy of the environmental impact analysis in this EIR/EIS is raised. The proposed project was developed to meet the rigorous standards of the federal and state Endangered Species Acts, as such the proposed project is intended to be environmentally beneficial. By establishing a point of water diversion in the north Delta and new operating criteria to improve water volume, timing, and salinity, the project is designed to improve native fish migratory patterns and allow for greater operational flexibility.
97	2	At the end of 2013, there were still significant concerns, especially from citizens in northern California, about the BDCP. The EPA weighed in and agreed -- the plan could not be approved due to the environmental issues regarding building the two tunnels directly through the sensitive Delta estuary.	This is a general comment about project approval. As of the writing of this Final EIR/EIS, no decisions on project approval have been made by the lead agencies. All of the effects of the alternatives and input from commenters will be considered during the project approval process.
98	1	Friends of the River (FOR), Restore the Delta, the Center for Biological Diversity, the California Water Impact Network, the California Sportfishing Protection Alliance, and the Environmental Water Caucus (EWC) (a coalition of over 30 nonprofit environmental and community organizations and California Indian Tribes) object to approval of the Bay Delta Conservation Plan (BDCP)/California Water Fix project including the Delta Water Tunnels. We also object to approval of a Final Environmental Impact report/Environmental Impact Statement (EIR/EIS) for the Water Tunnels. The lead agencies for the project are the U.S. Bureau of Reclamation and the California Department of Water Resources (DWR).	The comment asserts objection to the Final EIR/EIS for the proposed project, but does not raise any specific environmental issues related to the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS.
98	2	Development of alternatives increasing flows through the Delta has always been a direct and obvious first step to complying with California's public trust doctrine protecting Delta water quantity and quality. Instead of complying with the Delta Reform Act, the Endangered Species Act (ESA), the Clean Water Act and applying the public trust doctrine, all of the so-called BDCP alternatives involve new conveyance as opposed to consideration of any through-Delta conveyance alternatives reducing exports.	15 alternatives and 3 additional subalternatives were analyzed in the Final EIR/EIS and the RDEIR/RSEIS respectively. Four major alignments have been included in the Final EIR/EIS: Through-Delta, East of the Sacramento River, West of the Sacramento River, and a Tunnel under the Delta. Many additional proposals by public and private individuals and organizations have also been evaluated and described in Chapter 3 of the Final EIR/EIS and Appendix 3A, Identification of Water Conveyance Alternatives, Conservation Measure 1. Regarding development of alternatives for the RDEIR/SEIS, a description of the process the Lead Agencies followed to develop and screen alternatives is provided in Master Response 4. Consideration of the specific determination contained in the Delta Flow Criteria Report, which identified 75% of unimpaired net Delta outflow for January through June, would not have been feasible to include as an alternative in the Final EIR/EIS. A letter from the Executive Director of the State Water Board to the deputy secretary of the Natural Resources Agency on April 19, 2011 recognized that the determination did not consider the competing needs for water or other public trust resource needs, such as the need to manage cold-water resources in tributaries to the Delta. Further, implementation of these flows would also likely affect water users beyond those receiving CVP and SWP deliveries south of the Delta. As described in Section 3A.3.5, alternatives requiring impairment of senior water rights held by entities not participating in the BDCP were eliminated from full consideration in the EIR/EIS, as such rights could not be infringed by CDFW, USFWS, or NMFS through those agencies' actions in response to an HCP/NCCP

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			application filed by DWR or through "ESA Section 7 consultation" with Reclamation. For more information regarding supplemental modeling conducted by the SWRCB related to increased delta outflows please see Appendix 5E of the Final EIR/EIS. For more information regarding public trust doctrine please see Master Response13.
98	3	The alternatives section (Chapter 3) of the Draft EIR/EIS and the ESA-required Alternatives to Take section (Chapter 9) of the BDCP Draft Plan failed to include even one alternative that would increase water flows through the San Francisco Bay-Delta by reducing exports, let alone the National Environmental Policy Act (NEPA), California Environmental Quality Act (CEQA), and ESA required range of reasonable alternatives. Instead, all BDCP alternatives including new Recirculated Draft EIR (RDEIR)/Supplemental Draft EIS (SDEIS) alternatives 4 modified, 4A, 2D, and 5A would do the opposite of increasing flows, by reducing flows through the Delta by way of new upstream diversion of enormous quantities of water for the proposed Water Tunnels. These intentional violations of law require going back to the drawing board to prepare a new Draft EIR/EIS that would include a range of real alternatives, instead of just replicating the same conveyance project dressed up in different outfits. To be clear, 14, of the so-called 15 "alternatives" in the Draft EIR/EIS, 10 of the so-called 11 "take alternatives" in the Draft Plan (Chapter 9) and the 4 "alternatives" in the new RDEIR/SDEIS are all peas in the same pod. They would create different variants of new upstream conveyance to divert enormous quantities of freshwater away from the lower Sacramento River, sloughs, and San Francisco Bay-Delta for export south.	The alternatives included in the FEIR/EIS represent a legally adequate reasonable range of alternatives and the scope of the analysis of alternatives fully complies with both CEQA and NEPA. Please see also response to comment 98-2. For more information regarding supplemental modeling conducted by the SWRCB related to increased delta outflows please see Appendix 5E of the Final EIR/EIS. For more information regarding supplemental modeling by the SWRCB related to increased Delta outflows please see Appendix 5E of the Final EIR/EIS. Please refer to Master Response 4 for details on the selection of alternatives and the range of alternatives considered. Also, please see Master Response 3 for details on the project purpose and need.
98	4	[Friends of the River has] already communicated several times over the years with BDCP officials about the failure to develop a range of reasonable alternatives in the BDCP process.[Footnote: 1] The direct and obvious way to increase flows through the Delta is to take less water out. The broad policy alternatives that should be highlighted in the BDCP NEPA and CEQA documents are to: 1) reduce existing export levels and thereby increase Delta flows; 2) maintain existing export levels and Delta flows; and 3) further reduce Delta flows by establishing a massive new diversion, the Delta Water Tunnels, upstream from the Delta.[Footnote: 2] The BDCP agencies and the new RDEIR/SDEIS continue to ignore the direct and obvious broad policy alternative of reducing existing export levels to thereby increase Delta flows--which is mandated by section 85021 of the California Water Code. Reclamation and DWR have ignored our repeated calls over the past several years to develop and consider alternatives increasing freshwater flows though the Delta by reducing exports. They do so to stack the deck making it easier for them to adopt the Water Tunnels alternative because they do not consider any alternatives other than new, upstream conveyance. This deficient BDCP California Water Fix alternatives analysis is not something that can be "fixed" by responses to comments in a Final EIR/EIS. Instead, Reclamation and DWR need to prepare and circulate a new Draft EIR/EIS that will include alternatives increasing Delta flows for consideration by the public and decision-makers. [Footnote: 1]This letter follows previous comments including our Friends of the River comment letter of May 21, 2014, our joint May 28, 2014 and joint September 4, 2014 comment letters focused on the failure of the BDCP Draft plan and Draft EIR/EIS to identify and evaluate a range of reasonable alternatives that are the declared "heart" of both the	As described in Appendix 3A, Identification of Water Conveyance Alternatives, Final EIR/EIS, comments and suggestions received from the State Water Board were influential in defining the range and content of alternatives considered in the EIR/EIS, including the State Water Board's Delta Flow Criteria Report, prepared pursuant to the Sacramento-San Joaquin Delta Reform Act of 2009. Scoping comments from the State Water Board included requests for an alternative providing for reduced diversions and an alternative incorporating changes to Delta outflows (and potentially inflows) that would reflect a more natural hydrograph. The Lead Agencies determined that an additional alternative would be required to be responsive to the State Water Board's comments. Informed by these comments, as well as several letters from the State Water Board to the Natural Resources Agency, DWR met with State Water Board staff to identify a general approach to model an increased spring Delta outflow alternative. This alternative was designed to increase spring Delta outflow by approximately 1.5 million acre-feet, on average, above the NEPA baseline assumptions. This became Alternative 8 as analyzed in the EIR/EIS. Furthermore, as described in Section 3A.10.6, consideration of outflows necessary to achieve biological goals and objectives for delta and longfin smelt have been explicitly incorporated into the proposed project through a decision tree process that allows for alternative outcomes for water operations based on the results of targeted research and studies. See Master Response 44 for more information regarding the decision tree process. See also response to comment 98-2. As described in response to comment 98-2, 15 alternatives and 3 additional subalternatives were analyzed in the EIR/EIS and the RDEIR/RSEIS respectively. Four major alignments have been included in the EIR/EIS: Through-Delta, East of the Sacramento River, West of the Sacramento River, and a Tunnel under the Delta. Many additional proposals by public and private individuals and organizations have also been evaluated and described in Chapter 3 of the Final EIR/EISS and Appendix 3A, Identification of Water Conveyance

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		NEPA and CEQA required EISs and EIRs. A detailed evaluation of the Draft EIR/EIS's inadequate alternatives analysis was provided by the EWC in its comment letter of June 11, 2014, accessible online at http:/ /ewccalifornia.org/reports/bdcpcomments6-11-2014-3.pdf. [Footnote: 2]Though the Delta Water Tunnels alternative is a broad policy alternative, the Tunnels alternative is infeasible in terms of being actually adopted because it is not permissible under the ESA, Clean Water Act, Delta Reform Act and the public trust doctrine. Consequently, Alternative 4, DWR's original preferred alternative, and new Alternative 4A, Reclamation and DWR's new preferred alternative, are not actually feasible because they are not lawful. What is puzzling at this Draft EIR/EIS stage of the NEPA and CEQA process is why would the BDCP agencies refuse to consider lawful alternatives increasing Delta flows while both considering and giving preferred alternative status to alternatives that are at least arguably unlawful? As the RDEIR/SDEIS admits, " Many commenters argued that because the proposed project would lead to significant, unavoidable water quality effects, DWR could not obtain various approvals needed for the project to succeed (e.g., approval by the State Water Resources Control Board of new points of diversion for North Delta intakes)." (RDEIR/SDEIS ES-2).	Alternatives, Conservation Measure 1. Please refer to Master Response 4 for additional details on the selection of alternatives and Master Response 31 and Appendices 3I and 3J if the Final EIR/EIS for discussion of compliance with the Delta Reform Act. Please also note that all comments received during the 2013 and 2015 public comment period are included in the FEIR/EIS. Please refer to the table of commenters to locate the letter of interest.
98	5	Deliberate BDCP Refusal to Consider Alternatives Increasing Delta Flows: The BDCP's omission of alternatives reducing exports to increase flows has been deliberate. A claimed purpose of the BDCP is "Reducing the adverse effects on certain listed [fish] species due to diverting water." (BDCP Draft EIR/EIS Executive Summary, p. ES-10). "[H]igher water exports" are among the factors the RDEIR/SDEIS admits "have stressed the natural system and led to a decline in ecological productivity." (RDEIR/SDEIS 1-10). "There is an urgent need to improve the conditions for threatened and endangered fish species within the Delta." (Draft EIR/EIS ES-10; RDEIR/SDEIS ES-6). The new RDEIR/SDEIS admits that "the Delta is in a state of crisis" and that "Several threatened and endangered fish species...have recently experienced the lowest population numbers in their recorded history." (RDEIR/SDEIS ES-1). Alternatives reducing exports are the obvious direct response to claimed BDCP purposes of "reducing the adverse effects on certain listed [fish] species due to diverting water" and "to improve the conditions for threatened and endangered fish species within the Delta." The way to increase Delta flows is to take less water out.	Please refer to Master Response 4 for additional details on the selection of alternatives. Also, please see Master Response 3 for additional details on the project purpose and need.
98	6	Reclamation and DWR must develop and consider an alternative that would increase flows by reducing exports in order to satisfy federal and California law. The Delta Reform Act establishes that "The policy of the State of California is to reduce reliance on the Delta in meeting California's future water supply needs through a statewide strategy of investing in improved regional supplies, conservation, and water use efficiency." Cal. Water Code § 85021 (emphasis added). The Act also mandates that the BDCP include a comprehensive review and analysis of "A reasonable range of flow criteria, rates of diversion, and other operational criteria...necessary for recovering the Delta ecosystem and restoring fisheries under a reasonable range of hydrologic conditions, which will identify the remaining water available for export and other beneficial uses." Cal. Water Code § 85320(b)(2)(A). And, the Act requires: "A reasonable range of Delta conveyance alternatives, including through-Delta," as well as new dual or isolated conveyance alternatives. Cal. Water Code § 85320(b)(2)(B). In addition, the Act mandates that "The long-standing constitutional principle of reasonable use and the public trust doctrine shall be the foundation of state water management policy and are particularly important and applicable to the Delta." Cal.	Master Response 31 and Appendices 3I and 3J if the Final EIR/EIS for discussion of compliance with the Delta Reform Act. See also Master Response 13 for an explanation of the proposed project's compliance with the Public Trust Doctrine. Since 2006, the proposed has been developed based on sound science, data gathered from various agencies and experts over many years, input from agencies, stakeholders and independent scientists, and more than 600 public meetings, working group meetings and stakeholder briefings. Please refer to Master Response 4 for additional details on the selection of alternatives and compliance with CEQA and NEPA and the Delta Reform Act.

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		Water Code § 85023. Reclamation and DWR[Footnote: 3] have now marched along for over four years in the face of "red flags flying" deliberately refusing to develop and evaluate a range of reasonable alternatives, or indeed, any real alternatives at all, that would increase flows by reducing exports. Four years ago the National Academy of Sciences declared in reviewing the then-current version of the draft BDCP that: "[c]hoosing the alternative project before evaluating alternative ways to reach a preferred outcome would be post hoc rationalization--in other words, putting the cart before the horse. Scientific reasons for not considering alternative actions are not presented in the plan." (National Academy of Sciences, Report in Brief at p. 2, May 5, 2011). [Footenote: 3]BDCP Applicants include San Luis Delta Mendota Water Authority, Westlands Water District, Kern County Water Agency, Zone 7 Water Agency, Metropolitan Water District of Southern California, and Santa Clara Valley Water District.	
98	7	More than three years ago, on April 16, 2012, the Co-Facilitators of the EWC [Environmental Water Caucus] transmitted a letter to then-Deputy Secretary of the California Natural Resources Agency Gerald Meral. The letter stated EWC's concerns with BDCP's current approach and direction of the [BDCP] project. (Letter, p. 1). Most of the letter dealt with the consideration of alternatives. The penultimate paragraph of the letter specifically states: "The absence of a full range of alternatives, including an alternative which would reduce exports from the Delta. It is understandable that the exporters, who are driving the project, are not interested in this kind of alternative; however, in order to be a truly permissible project, an examination of a full range of alternatives, including ones that would reduce exports, needs to be included and needs to incorporate a public trust balancing of alternatives. (Letter, p. 2)." The EWC provided its "Reduced Exports Plan" to BDCP agency officers back in December 2012 and again in person on February 20, 2013. EWC Co-Facilitator Nick DiCroce stated in his December 2012 message to Deputy Secretary Meral that: "Now that the project is nearing its EIR/EIS stage, we feel it is important to formally present it [Reduced Exports Plan] to you and request that you get it on the record as an alternative to be evaluated....As you know, CEQA and NEPA both require a full range of reasonable alternatives to be evaluated. (December 15, 2012 email DiCroce to Meral)." On November 18, 2013, FOR [Friends of the River] submitted a comment letter in the BDCP process urging those carrying out the BDCP to review the "Responsible Exports Plan," an update of the previous "Reduced Exports Plan" proposed by the EWC: "as an alternative to the preferred tunnel project. This Plan calls for reducing exports from the Delta, implementing stringent conservation measures but no new upstream conveyance. This Plan additionally prioritizes the need for a water availability analysis and protection of public trust resources rather than a mere continuation of the status quo that has led the Delta into these dire circumstances. Only that alternative is consistent with the EPA statements indicating that more outflow is needed to protect aquatic resources and	Please refer to Master Response 4 for additional details on the selection of alternatives. Also, please see Master Response 3 for additional details on the project purpose and need. More than two-thirds of the residents of the state and more than two million acres of highly productive farm land receive water exported from the Delta watershed. The proposed project aims to provide a more reliable water supply, in a way more protective of fish. However, the lead agencies have no authority to designate what water is used for. One of the State Water Resources Control Board's (State Water Board's) charges is to ensure that the State's water is put to the best possible use and that this use is in the best interest of the California public. This charge is reflected in part by the designation of beneficial uses established through the State Water Board's planning process. These beneficial uses are identified in each Water Quality Control Plan (Basin Plan) issued by the State Water Board. The (proposed project) Lead Agencies have no power to impose penalties on individual water users. DWR and Reclamation have contracts with various entities, some of which sell water to water retailers, who have individual policies and programs to motivate ratepayers to conserve water. Different districts have the right to take different approaches depending on their individual circumstances. Please see also Master Response 6, (Water) Demand Management.

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		fish populations. The EWC Responsible Exports Plan is feasible and accomplishes project objectives and therefore should be fully analyzed in a Draft EIS/EIR. (FOR November 18, 2013 comment letter at p. 3, Attachment 4 to FOR January 14, 2014 comment letter)." All of the so-called project alternatives set forth in the Draft Plan, Draft EIR/EIS, and new RDEIR/SDEIS create a capacity to divert more water from the Delta far upstream from the present diversion, which will undoubtedly decimate Delta-reliant species already on the brink of extinction, including the Delta smelt, chinook salmon, steelhead, San Joaquin kit fox, and tricolored blackbird, among dozens of others. The Draft EIR/EIS itself describes differences among the alternatives as "slight." Yet the Water Tunnels would divert enormous quantities of water from the Sacramento River near Clarksburg, California--waters that presently flow through designated critical habitats for the host of imperiled species in the Sacramento River and sloughs to and through the Bay-Delta. Should the Tunnels be completed, these waters would instead be exported through the northern intakes upstream from the Delta. And they would do so contrary to ESA Section 10 (prohibiting reduction of the likelihood of survival and recovery of listed species), ESA Section 7 (prohibiting federal agency actions that are likely to jeopardize the continued existence of any endangered species or that "result in the destruction or adverse modification of [critical] habitat of [listed] species" 16 U.S.C. § 1536 (a)(2)), and California Water Code Section 85021 (requiring that exporters reduce reliance on the Delta for water supply).	
98	8	BDCP Agencies Must Consider Alternatives That Will Increase Delta Flows As Proposed Under the Responsible Exports Plan: Friends of the River yet again, request development of a range of reasonable alternatives increasing Delta flows and reducing exports. The BDCP agencies must take this opportunity as part of preparing a new, legally sufficient, Draft EIR/EIS that incorporates actions called for by the Responsible Exports Plan (attached to our previous comment letters and also posted at http://www.ewccalifornia.org/reports/responsibleexportsplanmay2013.pdf). These actions include: reducing exports to no more than 3,000,000 acre-feet in all years in keeping with State Water Resources Control Board (SWRCB) Delta flow criteria (for inflow as well as outflow); water efficiency and demand reduction programs including urban and agricultural water conservation, recycling, storm water recapture and reuse; reinforced levees above [Public Law] PL 84-99 standards; installation of improved fish screens at existing Delta pumps; elimination of irrigation water applied on up to 1.3 million acres of drainage-impaired farmlands south of the Bay-Delta; return the Kern Water Bank to State control; restore Article 18 urban preference; restore the original intent of Article 21 surplus water in SWP contracts; conduct feasibility study for Tulare Basin water storage; provide fish passage above and below Central Valley rim dams for species of concern; and retain cold water for fish in reservoirs. We also request that the range of reasonable alternatives include reducing exports both more and less than the 3,000,000 acre feet limit called for by the Responsible Exports Plan.[Footenote: 4] Responsible Exports Plan Alternatives could vary by how much time is allotted to phase in export reductions over time. For instance, they could range from 10 to 40 years, which would comparatively span the same range of timelines provided for Tunnels construction. [Footenote: 4]We attach for the BDCPComments@icfi.com addressee a pre-publication copy of EWC's new "A Sustainable Water Plan for California" (May 2015) as an updated EWC alternative to the BDCP California Water Fix Delta Tunnels. The features of the new	Please refer to Master Response 4 for additional details on the selection of alternatives. Also, please see Master Response 3 for additional details on the project purpose and need.

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		plan are similar in pertinent part to the previous Responsible Exports Plan recommendations and features set forth above.	
98	9	The RDEIR/SDEIS admits the existence of paper water, "quantities totaling several times the average annual unimpaired flows in the Delta watershed could be available to users based on the face value of water permits already issued." (RDEIR/SDEIS 1-11). The BDCP agencies misuse the Delta Reform Act's definition of the coequal goals:"'Coequal goals' means the two goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem..." Cal. Water Code § 85054. Providing "a more reliable water supply" means real water actually available, not paper water, and reflecting water available for export while meeting the needs for Delta water quantity, quality, freshwater flows, fisheries, public trust obligations, the ESA, the Clean Water Act, and senior water rights holders. It does not mean moving the exporters who are junior water rights holders--including 1.3 million acres of drainage impaired lands--to the front of the line ahead of everyone and everything else. It also does not mean putting the exporters in the front of the line during a lengthy extreme drought, crashing fish populations, and reductions in water use being made by millions of Californians.	The EIR/EIS was prepared in a manner to comply with the 2009 Delta Reform Act, including sections that are included in this comment, as described in Master Response 31 and Appendices 3I and 3J of the Final EIR/EIS. Water rights issued on rivers in the Trinity and Central Valley watersheds include a wide range of beneficial uses from hydropower to municipal, industrial, and agricultural water users. However, not all of the water diverted under the water rights is consumptively used. For example, water diverted for hydropower electric generation is fully returned to the water bodies; and a portion of the water diverted from municipal, industrial, and agricultural water uses is returned to the water bodies. In addition, the amount of water diverted is dependent upon water rights priorities and the need to meet environmental flow and quality requirements. Therefore, it is difficult to compare the total volume of water rights licenses to the total amount of water available in the system. For example, water rights issued to DWR and Reclamation are not fully available to provide water under the SWP and CVP water contracts in many years due to the demands of senior water rights holders and regulatory requirements. All of the alternatives evaluated in the EIR/EIS would only divert water under existing water rights that were issued to DWR and Reclamation by the State Water Board with consideration for senior water rights and Area of Origin laws and requirements. Senior water rights holders are not affected by implementation of action alternatives. The amount of water that DWR and Reclamation would be able to pump from the proposed north Delta facilities is set by Federal regulating agencies, ESA compliance and project design, and not by the water contractors. Operations for the proposed project would still be consistent with the criteria set by the U.S. Fish and Wildlife Service and National Marine Fisheries Service biological opinions and State Water Resources Control Board Water Right Decision 1641 (D-1641), subject to adjustments made pursuant to the adaptive management process, as described in Chapter 5, Water Supply of the Final EIR/EIS. In addition to permitting constraints on daily operations of the SWP and CVP, DWR and Reclamation must maintain proper performance and bypass flows across fish screens when endangered and threatened fish species are present within the north Delta facilities area. The project is just one element of the state's long-range strategy to meet anticipated future water needs of Californians in the face of expanding population and the expected effects of climate change. The project is not a comprehensive, statewide water plan, but is instead aimed at addressing many complex and long-standing issues related to the operations of the SWP and CVP in the Delta, including reliability of exported supplies. It is important to note that the project is not intended to serve as a statewide solution to all of California's water problems, and it is not an attempt to address directly the need for continued investment by the State and other public agencies in conservation, storage, recycling, desalination, treatment of contaminated aquifers, or other measures to expand supply and storage (as described in Section 1.C.3 of Appendix 1C, Water Demand Management) of the Final EIR/EIS. Changes water deliveries and surface water flows in the Sacramento Valley under the action alternatives as compared to the Existing Conditions and the No Action Alternative are presented in Chapter 5 and Appendix 5A of the Final EIR/EIS; and associated changes in aquatic resources along the Sacramento River are presented in Chapter 11 of the Final EIR/EIS.
98	10	The estimated $15 billion cost of the Water Tunnels--which in reality will amount to $30 billion or more including capital cost (and costs normally being greater than when under estimated by self-interested project consultants)--represents an "opportunity cost." The enormous sums spent on the Water Tunnels would be opportunity lost to making modern water quality and quantity improvements including recycling, conservation, and technical	The Proposed Project is not intended to serve as a state-wide solution to all of California's water problems, and it is not an attempt to address directly the need for continued investment by the State and other public agencies in agricultural and municipal/industrial water conservation, recycling, desalination, treatment of contaminated aquifers, or other measures to expand supply and storage (as described in Section 1.C.3 of Appendix 1C, Demand Management Measures of the Final EIR/EIS).

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		improvements such as drip-irrigation. In other words, the sums spent on outdated concepts--the Water Tunnels--would be lost to effective modern measures actually increasing water availability. The only true benefit cost study prepared on the Water Tunnels concluded that the costs are 2 to 3 times higher than the benefits. Dr. Jeffrey Michael, "Benefit-Cost Analysis of Delta Water Conveyance Tunnels" (Eberhardt School of Business, University of the Pacific, July 12, 2012). Now that the project has dropped the features of habitat conservation while keeping only the Water Tunnels the exporters would not have the benefit of 50 year permits and virtually guaranteed water deliveries. That change, in addition to worsening the adverse environmental impacts of the Water Tunnels, also increases the already negative cost benefit ratio. The change also leaves the taxpaying public to be stuck with all costs to mitigate the adverse impacts of the Water Tunnels.	The Proposed Project was developed to improve Delta habitat and SWP/CVP water supply reliability. Although the Proposed Project does not involve HCP or NCCP components, the lead agencies maintain that the Proposed Project would continue to meet the co-equal goals of a reliable water supply and a restored Delta ecosystem to benefit all water users. The implementation costs include the cost of habitat restoration to mitigate impacts of the construction and operation of the conveyance facilities. The construction of the water delivery facilities is estimated to cost $14.9 billion, an amount that would be paid for by the state and federal water contractors who rely on Delta exports. The range of costs for water vary widely among contractors south of the Delta. Costs depend on the source of water, transport facilities, energy requirements, among other factors. For the agricultural customers of the CVP, prices range from $100 per acre-foot to more than $400 per acre-foot. The Metropolitan Water District of Southern California, which buys water from the SWP, estimates that the cost of the proposed project would translate into about $5.00 extra per household, per month in its service area. The final cost of water from the new conveyance facilities would be determined by numerous factors. A number of these significant factors, such as the project yield and allocation of costs, have yet to be determined. Please see Master Response 5 for information regarding funding of the proposed project.
98	11	BDCP Agencies Must Meaningfully Present and Evaluate Alternatives that will Increase Delta Flows in order to Comply with NEPA and CEQA Under NEPA Regulations, "This [alternatives] section is the heart of the environmental impact statement." The alternatives section should "sharply" define the issues and provide a clear basis for choice among options by the decision-maker and the public. 40 C.F.R. § 1502.14. Moreover, if "a draft statement is so inadequate as to preclude meaningful analysis, the agency shall prepare and circulate a revised draft of the appropriate portion. The agency shall make every effort to disclose and discuss at appropriate points in the draft statement all major points of view on the environmental impacts of the alternatives including the proposed action." § 1502.9(a). The Responsible Exports Plan and variants on it must be among those alternatives in a new Draft EIR/EIS for BDCP that helps to disclose, sharpen and clarify the issues.[Footenote: 5] Reclamation and DWR have failed to produce an alternatives section that "sharply" defines the issues and provides a clear basis for choice among options as required by the NEPA Regulations, 40 [Code of Federal Regulations] C.F.R. § 1502.14. Again, those issues must include producing more Delta inflow and outflow through the estuary as habitat for listed fish species, and documenting the impacts on Delta ecosystems as called for in Water Code § 85021. The choice presented must include increasing flows by reducing exports, not just reducing flows by increasing the capacity for exports as is called for by all of the so-called "alternatives" presented in the BDCP Draft Plan, Draft EIR/EIS, and RDEIR/SDEIS.[Footenote: 6] Instead of sharply defining the issues and providing a clear basis for choice among options, the BDCP consultants have now produced 48,000 pages of conclusory Water Tunnels advocacy. [Footenote: 5]The EIS alternatives section is to "Rigorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated." § 1502.14(a). [Footenote: 6]In California v. Block, 690 F.2 753, 765-769 (9th Cir. 1982), the project at issue involved allocating to wilderness, non-wilderness or future planning, remaining	Please refer to Master Response 4 for additional details on the selection of alternatives. See also Master Response 28 for discussion of exports in drier years and general information regarding the adequacy of operational criteria. See also response to comment 98-14.

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		roadless areas in national forests throughout the United States. The court held that the EIS failed to pass muster under NEPA because of failure to consider the alternative of increasing timber production on federally owned lands currently open to development; and also because of failure to allocate to wilderness a share of the subject acreage "at an intermediate percentage between 34% and 100%." 690 F.2d at 766. Like the situation here where the BDCP agencies claim a trade-off involved between water exports and Delta restoration (RDEIR/SDEIS ES 4-6), the Forest Service program involved "a trade-off between wilderness use and development. This trade-off however, cannot be intelligently made without examining whether it can be softened or eliminated by increasing resource extraction and use from already developed areas." 690 F.2d at 767. Here, likewise, trade-offs cannot be intelligently analyzed without examining whether the impacts of alternatives reducing exports can be softened or eliminated by increasing water conservation, recycling, and eventually retiring drainage-impaired agricultural lands in the areas of the exporters from production. "Accord, Oregon Natural Desert Assn. v. Bureau of Land Management," 625 F.3d 1092, 1122-1124 (9th Cir. 2010) (EIS uncritical alternatives analysis privileging of one form of use over another violated NEPA). Here, the BDCP alternatives analysis has unlawfully privileged water exports over protection of Delta water quality, water quantity, public trust values, and ESA values.	
98	12	The failure to include a range of reasonable alternatives also violates CEQA. An EIR must "describe a range of reasonable alternatives to the project...which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives." 14 Code California Regulations (CEQA Guidelines) § 15126.6(a). "[T]he discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly." § 15126.6(b). Recirculation of a new Draft EIR/EIS will be required by CEQA Guidelines section 15088.5(a)(3) because the Responsible Exports Plan alternative and other alternatives that would reduce rather than increase exports have not been previously analyzed but must be analyzed as part of a range of reasonable alternatives.	Please refer to Master Response 4 for additional details on the selection of alternatives.
98	13	With respect to the ESA, Friends of the River has repeated several times in 2013 and 2014 that the failure of the federal agencies to prepare the ESA required Biological Assessments and Opinions concerning the US Bureau of Reclamation's activities with the BDCP violates both the ESA Regulations (50 C.F.R. [Code of Federal Regulations] § 402.14(a) "at the earliest possible time'' requirement and the NEPA Regulations (40 C.F.R. § 1502.25(a) "concurrently with" and "integrated with" requirements. (FOR January 14, 2014 comment letter and its four attachments). The Biological Assessments and Biological Opinions, still missing (RDEIR/SDEIS 1-15), are essential to any meaningful public review and comment on a project claimed to be responsive to declining fish populations. As conceded by BDCP Chapter 9, Alternatives to Take, the analysis of take alternatives must explain "why the take alternatives [that would cause no incidental take or result in take levels below those anticipated for the proposed actions] were not adopted." (BDCP Plan, Chapter 9, pp. 9-1, 9-2). Here, the lead agencies failed to even develop let alone adopt alternatives reducing exports and increasing flows to eliminate or reduce take. Reclamation and DWR have ignored the EWC's alternative that was handed to them on a silver platter	Since 2006, the proposed has been developed based on sound science, data gathered from various agencies and experts over many years, input from agencies, stakeholders and independent scientists, and more than 600 public meetings, working group meetings and stakeholder briefings. Please refer to Master Response 4 for additional details on the selection of alternatives. Also, please see Master Response 3 for additional details on the project purpose and need.

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		back in December 2012, two and one half years ago. In short, the fundamental flaws in the alternatives sections in the BDCP Draft EIR/EIS, Chapter 9 of the BDCP plan and the RDEIR/SDEIS have led to NEPA and CEQA documents "so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded." 40 C.F.R. § 1502.9(a).	
98	14	Expert Federal and California Agencies have also Found the Current BDCP Alternatives Analysis Deficient: On August 26, 2014, the U.S. Environmental Protection Agency (EPA) issued its 40-page review of the Draft BDCP EIS finding in BDCP's case that: "operating any of the proposed conveyance facilities... would contribute to increased and persistent violations of water quality standards in the Delta, set under the Clean Water Act, measured by electrical conductivity (EC) and chloride concentrations. We recommend that the Supplemental Draft EIS include one or more alternatives that would, instead, facilitate attainment of all water quality standards in the Delta. Specifically, we recommend that an alternative be developed that would, at minimum, not contribute to an increase in the magnitude or frequency of exceedances of water quality objectives, and that would address the need for water availability and greater freshwater flow through the Delta. Such an alternative should result in a decrease in the state and federal water projects' contributions to the exceedance of any water quality objectives in the Delta. (Id., p.2). " EPA further stated that "Data and other information provided in the Draft EIS indicate that all CM1 [Tunnels project] alternatives may contribute to declining populations of Delta smelt, Longfin smelt, green sturgeon, and winter-run, spring-run, fall-run and late-fall run Chinook salmon." (p. 10). "We recommend that the Supplemental Draft EIS consider measures to insure freshwater flow that can meet the needs of those [declining fish] populations and ecosystem as a whole, and is supported by the best available science. We recommend that this analysis recognize the demonstrated significant correlations between freshwater flow and fish species abundance." (Id.). "Other reasonable alternatives could be developed by incorporating a suite of measures, including Integrated Water Management, water conservation, levee maintenance, and decreased reliance on the Delta." (Id. p. 3). In addition, EPA concluded that "The Draft EIS does not address how changes in the Delta can affect resources in downstream waters, such as San Francisco Bay, and require changes in upstream operations, which may result in indirect environmental impacts that must also be evaluated. We recommend that the Supplemental Draft EIS include an analysis of upstream and downstream impacts." (Id.). On July 29, 2014, the State Water Resources Control Board (SWRCB) issued its 38 page review of the Draft BDCP EIS/EIR. The SWRCB declared that the "environmental documentation prepared for the project must disclose the significant effects of the proposed project and identify a reasonable range of interim and long-term alternatives that would reduce or avoid the potential significant environmental effects." (Letter, comment 9 pp. 11-12). Further, "The justification for this limited range of Delta outflow scenarios is not clear given that there is significant information supporting the need for more Delta outflow for the protection of aquatic resources and the substantial uncertainty that other conservation measures will be effective in reducing the need for Delta outflow.	Please refer to Master Response 4 for additional details on the selection of alternatives. Also, please see Master Response 3 for additional details on the project purpose and need. Regarding water quality, effects of the alternatives on salinity levels are described in Chapter 8, Water Quality, and Appendix 8H, Electrical Conductivity, the RDEIR/SDEIS. Modeling results indicate that the implementation of the water conveyance facilities may positively or adversely affect in-Delta water quality, depending on a number of factors including location, time of year, and hydrologic conditions. See tables in Appendices 8E through 8N for specific results related to various water quality constituents (including bromide and chloride). RDEIR/SDEIS 4.3.4 (4A) describes whether concentrations of various water quality constituents are expected to increase or decrease with the project, relative to existing conditions and the No Action Alternative. To the extent that concentrations of various water quality constituents are expected to increase, 4.3.4 describes whether these increases are expected to result in impacts to beneficial uses of water in the Delta. For constituents for which adverse impacts were expected, mitigation and other commitments, such as additional evaluation and modeling and consultation with water purveyors to identify additional measures to avoid and minimize or offset these impacts, were introduced to address those impacts. Additionally, adding intakes in the North Delta will allow for operational flexibility that can improve natural flow in the Delta and avoid impacts to migratory fish based on real time data and operations Regarding species impacts, the proposed project is going to mitigate for impacts and restore habitat for fish and wildlife listed in Section 4.3.7 and 4.3.8 of the RDEIR/SDEIS. Impacts that are going to potentially occur during the implementation timeline are fully disclosed with its associated mitigation measure to decrease the severity of said impact to covered species. Please see Appendix 1A Evaluation of Species Considered for Coverage of the BDCP for additional information on screening criteria of fish and wildlife species that were selected for the other 15 conveyance alternatives. Chapters 11 and 12 of the Final EIR/EIS include in-depth, comprehensive analyses of potential effects on all endangered fish and wildlife known or expected to occur in the BDCP Plan Area.

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		For this reason a broader range of Delta outflows should be considered for the preferred project." (Id. comment 10 p. 12). On July 16, 2014, the U.S. Army Corps of Engineers found that: "the EIS/EIR is not sufficient at this time in meeting the Corps' needs under the National Environmental Policy Act (NEPA)...in particular with regard to the incomplete description of the proposed actions, alternatives analysis...and impacts to waters of the United States and navigable waters, as well as the avoidance and minimization of, and compensatory mitigation for, impacts to waters of the United States." (Letter p. 1). Additional Corps comments include the absence in the ETR/EIS of "an acceptable alternatives analysis" (comment 4), no showing on which alternative may contain the Least Environmentally Damaging Practicable Alternative (LEDPA) for section 404, Clean Water Act purposes (Comment 5), "the document needs a clear explanation of a reasonable range of alternatives and a comparison of such, including a concise description of the environmental consequences of each" (comment 19), and "new conveyance was not a part of the preferred alternative for CalFed. Does this EIS/EIR describe why the reasons for rejecting new conveyance in CalFed are no longer valid?" (Comment 22). Finally, Reclamation and DWR had to drop the attempt to deceive the public that the Water Tunnels are part of a habitat conservation plan because of the refusal of U.S Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) scientists to falsely find that the Water Tunnels would not be harmful to endangered species of fish and their habitat. The RDEIR/SDEIS calls this "difficulties in assessing species status and issuing assurances over a 50 year period…" (RDEIR/SDEIS 1-2). In fact, the federal scientists have been issuing "red flag" warnings that the Water Tunnels threaten the "potential extirpation of mainstem Sacramento River populations of winter-run and spring-run Chinook salmon over the term of the permit" for more than three years. Reclamation and DWR in their RDEIR/SDEIS have ignored what the EPA, SWRCB, Army Corps, USFWS and NMFS had to say, just as they have ignored the National Academy of Sciences and the EWC [Environmental Water Caucus] for the past four years.	
98	15	[ATT1:] California's drought is dire, and has focused legislative and public attention on the enormity of the state's water problems. As noted in earlier Environmental Water Caucus (EWC) reports, California already was in a state of crisis prior to the current drought. Four years of minimal precipitation have only worsened our situation. Our most pressing problems include: the over allocation of surface water by a factor of at least five, leading to supply unreliability for many users and what is referred to as "paper water;" degraded ecosystems and fisheries; and overexploitation of groundwater supplies. All these issues are exacerbated by ongoing climate change and population growth. The current drought has caused significant new legislation and rules for the state's water supplies. These are positive developments, and could lead to new approaches for water use; however, too many of these "solutions" are predicated on the false assumption that current drought conditions are temporary. Thirty percent of recent years can be classified as drought years, and multiple drought years are common. According to DWR, 40 of the last 100 years have been drought or multiple drought years. We must consider our water in new ways. We must acknowledge that California is a drought-prone state, that water is and will be limited, and that every citizen, fanner and commercial enterprise must consume	The proposed project is one component, among many, of the California Water Action Plan. The California Water Plan evaluates different combinations of regional and statewide resources management strategies to reduce water demand, increase water supply, reduce flood risk, improve water quality, and enhance environmental and resource stewardship. Follow the California Water Plan here: http://www.waterplan.water.ca.gov/. By establishing a point of water diversion in the north Delta the proposed project is designed to improve native fish migratory patterns while securing reliable water deliveries. Appendix 3A, Identification of Water Conveyance Alternatives, Conservation Measure 1, EIR/EIS, describes the range of conveyance alternatives considered in the development of the EIR/EIS. Appendix 1B, Water Storage, EIR/EIS, describes the potential for additional water storage and Appendix 1C, Demand Management Measures, EIR/EIS, describes conservation, water use efficiency, and other sources of water supply including desalination. While these elements are not proposed as part of the proposed project, the Lead Agencies recognize that they are important tools in managing California's water resources. The Natural Resources Agency and DWR staff will continue seeking improvements and refinements to the current proposal in order to enhance species benefits and to avoid, reduce or mitigate for negative impacts to people, communities, sensitive species and habitats.

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		water responsibly, rationally, and in line with available supplies. Unfortunately, many of the plans and actions proposed by our public agencies are based on a fantasy of ever-increasing supply. They demonstrate a bizarre and potentially catastrophic unwillingness to align demand and water contracts with actual supplies and a total disregard for economically disadvantaged communities, fish, and wildlife. Further, state officials are exploiting the current drought to justify a tired and bankrupt ideology that promotes more dams, tunnels, and infrastructure as a solution to water shortfalls. Most egregiously, they avoid any objective analysis of the true costs and benefits of additional surface storage or the proposed "Twin Tunnels" trans-Delta project. The Governor's Water Action Plan and the recently authorized Water Bond continue the destructive and ultimately unsustainable momentum toward more surface storage and delivery infrastructure while not creating any new water supplies.	The California Water Action Plan recognizes that all Californians have a stake in the future of our state's water resources, and that a series of actions are needed to comprehensively address the water issues before us. The five-year agenda spells out a suite of actions in California to improve the reliability and resiliency of water resources and to restore habitat and species — all amid the uncertainty of drought and climate change. For more information regarding future developments of the California Action Water Plan please follow http://resources.ca.gov/docs/Final_Water_Action_Plan_Press_Release_1-27-14.pdf. Future committees for the Proposed Project implementation may provide future opportunities for innovative input as well. The California Water Plan evaluates different combinations of regional and statewide resources management strategies to reduce water demand, increase water supply, reduce flood risk, improve water quality, and enhance environmental and resource stewardship. Follow the California Water Plan here: http://www.waterplan.water.ca.gov/. Appendix 3A, Identification of Water Conveyance Alternatives, Conservation Measure 1, EIR/EIS, describes the range of conveyance alternatives considered in the development of the EIR/EIS. Appendix 1B, Water Storage, EIR/EIS, describes the potential for additional water storage and Appendix 1C, Demand Management Measures, EIR/EIS, describes conservation, water use efficiency, and other sources of water supply including desalination. While these elements are not proposed as part of the proposed project, the Lead Agencies recognize that they are important tools in managing California's water resources. Please see Master Response 4 regarding the selection of alternatives analyzed, Master Response 7 regarding desalination, Master Response 6 regarding demand management and Master Response 37 regarding water storage. Water rights issued on rivers in the Trinity and Central Valley watersheds include a wide range of beneficial uses from hydropower to municipal, industrial, and agricultural water users. However, not all of the water diverted under the water rights is consumptively used. For example, water diverted for hydropower electric generation is fully returned to the water bodies; and a portion of the water diverted from municipal, industrial, and agricultural water uses is returned to the water bodies. In addition, the amount of water diverted is dependent upon water rights priorities and the need to meet environmental flow and quality requirements. Therefore, it is difficult to compare the total volume of water rights licenses to the total amount of water available in the system. For example, water rights issued to DWR and Reclamation are not fully available to provide water under the SWP and CVP water contracts in many years due to the demands of senior water rights holders and regulatory requirements. The SWP and CVP operations under the proposed project and other action alternatives would only deliver water under existing water rights issued by the State Water Resources Control Board to DWR and Reclamation for use by the SWP and CVP with consideration for senior water rights and Area of Origin laws and requirements. The proposed project does not seek any new water rights nor reduction in total water rights issued to DWR and Reclamation. See also Master Response 26 for an explanation of area of origin protections.
98	16	[ATT1:] We must recognize that the state's largest water user-- irrigated agriculture--uses 80% of the state's developed water supply and contributes less than 2% to the states' economy and payroll, and adjust water practices and priorities accordingly. The continuous planting of permanent crops south of the Delta, where water supply is not reliable and water rights are junior, does not meet the ''reasonable use'' criteria called for in the California	State constitutional restrictions require the reasonable and beneficial use of water and state law requires that water supplied from the Delta be put to beneficial uses. The lead agencies do not have the authority to designate what water deliveries are used for. Please see Master Response 34 regarding the potential uses of water delivered via proposed conveyance facilities. Through the Legislature and through executive agencies, California has embraced water conservation on numerous fronts, as have many California water agencies. Many of these efforts are highlighted in Appendix 1C, Demand Management Measures, Final EIR/EIS, which describes conservation, water use

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		Constitution. Most of the state's plans will not reduce water demand or increase supplies. Rather, they pointedly ignore two practices that will augment supplies dramatically: water conservation and recycling. Further, following any brief respite to the drought, there is the omnipresent danger that the state will revert to the "endless supply" mindset that has characterized California water policy for decades. Since 2009 the Environmental Water Caucus has proposed an approach to our limited water supplies that is efficient, cost-effective and equitable. It will carry us sustainably into the future, and it addresses the deficiencies described above. Unlike our state bureaucracies, we are not simply trying to squeak through the drought; we are advocating for a wholly different management regime. The EWC plan was proposed prior to the current drought, but it addresses the extant crisis and any future period characterized by water shortages. As stressful as it is for ratepayers, farmers and businesses, the current drought enables reform. More to the point, it demands it. Our public officials must recognize this opportunity, and seize it.	efficiency, and other sources of water supply, including recycled water. While these elements are not proposed as part of the proposed project, the Lead Agencies recognize that they are important tools in managing California's water resources.
98	17	[ATT1:] The EWC [Environmental Water Caucus] plan puts particular emphasis on actions related to the Sacramento-San Joaquin Delta/San Francisco Bay estuary. The consensus diagnosis for the Delta estuary is dire. The EWC plan prescribes greater river flows and reduced fresh water exports to speed Delta recovery. Further, the plan specifies the ways water supply reliability can be improved while reducing exports from the Bay Delta estuary. Many of our recommendations have been presented to the Delta Stewardship Council as an alternative for the Delta Plan. We have now packaged these recommendations into a single plan for consideration in any future NEPA or CEQA evaluations, or by any action by the State Water Resources Control Board. (These proposals actions are largely based on the EWC report California Water Solutions Now, which can be referenced at www.ewccalifornia.org.) EWC's Sustainable Water Supply Plan presents the partner organizations' alternatives to the Bay Delta Conservation Plan (BDCP). (Previous versions of the EWC plan were entitled the Reduced Exports Plan (RX Plan) and The Responsible Exports Plan. The current version's title has been changed to reflect the statewide applicability of the plan, and has been revised to include information on the recently passed Proposition 1 and recent statewide Groundwater legislation, as well as updates to earlier recommendations and implementation actions. This plan will accomplish goals central to any rational state water policy. First, it will reduce water exports from the Bay Delta estuary, increasing flows and outflows and creating the extensive brackish "lens" needed to sustain fisheries and wildlife habitat. It will also reduce demand for Delta water, emphasizing more resilient and cost-effective approaches to water supply. It is the only extant plan that will modernize existing facilities in the Bay Delta, including improved fish screens at the South Delta and levees reinforced above the PL [Public Law] 84-99 standard; these reinforced levees will increase water supply reliability throughout the Delta. The EWC plan will increase flows through the Delta to improve habitat and fish stocks, avoiding the huge infrastructure costs of the subterranean Twin Tunnels (BDCP). It will also provide increased self-reliance for south-of-Delta water users through inter-regional water transfers and higher priority for south of Delta groundwater	As stated in response to comment 98-15, the proposed project is not intended to serve as a state-wide solution to all of California's water problems and it is not an attempt to address directly the need for continued investment by the State and other public agencies in conservation, recycling, desalination, treatment of contaminated aquifers, or other measures to expand supply and storage. Nor is the proposed project intended to solve all environmental challenges facing the Delta. Please see Master Response 5 for further information regarding how many of the suggested components have merit from a state-wide water policy standpoint, and some are being implemented or considered independently throughout the state, but are beyond the scope of the proposed project. Rather, the scope and purpose of the proposed project is much more limited. As explained in Chapter 2 Project Objectives and Purpose and Need of the Final EIR/EIS, the fundamental purpose of the proposed project is to make physical and operational improvements to the State Water Project (SWP) system in the Delta necessary to restore and protect ecosystem health, water supplies of the SWP and Central Valley Project (CVP) south-of-Delta, and water quality within a stable regulatory framework with statutory and contractual obligations. DWR's fundamental purpose of the proposed project is to make physical and operational improvements to the SWP system in the Delta necessary to restore and protect ecosystem health, water supplies of the SWP and CVP south of the Delta, and water quality within a stable regulatory framework, consistent with statutory and contractual obligations. The project would help to address the resilience and adaptability of the Delta to climate change through water delivery facilities combined with a range of operational flexibility. In addition to the added water management flexibility created by new water diversions and operational scenarios, the project would improve habitat, increase food supplies and reduce the effects of other stressors on the Delta ecosystem. For discussion of compliance with the Delta Reform Act see Master Response 31 and Appendices 3I and 3J of the Final EIR/EIS. Although many of the proposed alternatives included meritorious water policy principles, the proposals rejected by the Lead Agencies did not qualify as appropriate alternatives for various reasons. For example, proposals were rejected because they were inconsistent with the project's objectives and purpose and need or included components that are beyond the scope of the project. The text of the Draft EIR/EIS in Chapter 3 (section 3.2) and Appendix 3A to that document thoroughly explain the process used

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		storage projects (so long as groundwater storage basins in other parts of the state are not depleted). And it will accomplish the legislated goals of estuary restoration and water reliability for billions of dollars less than currently contemplated plans. The Environmental Water Caucus' position is based on economically and technologically feasible measures that are readily available to satisfy all future water needs. Our program includes providing clean drinking water and water to restore the environmental health of our once-magnificent rivers, recovering our fisheries from the edge of extinction, fostering healthy commercial and recreational fisheries, maintaining our essential recreation and tourism[Footnote 2: California's Rivers A Public Trust Report. Prepared for the State Lands Commission. 1993. P. 47. http://www.slc.ca.gov/Reports/CA_Rivers_ Rpt.html], [Footnote 3: California Travel and Tourism Commission. California Travel Impacts by County. 2008 Preliminary State Estimates. Total direct travel spending alone was $96.7 billion in 2008. ES-2. http://tourism.visitcalifomia.com/media/uploads/files/editor/Research/CAImp08pfinal.pdf .] industries, and supporting a thriving agricultural sector. We will thus ensure that all stakeholders have access to sufficient, safe and affordable water.	to develop the alternatives, and explain why certain potential alternatives were considered but ultimately rejected by the Lead Agencies. Additional water storage was eliminated from consideration in the Draft EIR/EIS and RDEIR/SDEIS through the alternatives development and screening process (discussed in Appendix 3A, Identification of Water Conveyance Alternatives). As such, the proposed project does not propose storage as a project component. Although the proposed project would be part of an overall statewide water system of which new storage could someday also be a part, Alternative 4A is a stand-alone project which demonstrates independent utility just as future storage projects would demonstrate. Please refer to Master Response 4 (Alternatives) and Master Response 37 (Water Storage) for additional information. Although Alternatives 4A ("WaterFix"), 2D, and 5A include only those habitat restoration measures needed to provide mitigation for specific regulatory compliance purposes, habitat restoration is still recognized as a critical component of the state's long-term plans for the Delta. Such larger endeavors, however, will likely be implemented over time under actions separate and apart from these alternatives. The primary parallel habitat restoration program is called California EcoRestore (EcoRestore), which will be overseen by the California Resources Agency and implemented under the California Water Action Plan.
98	18	[ATT1:] A major influencing factor in California's water solutions is the impact of global climate change. Based on current research, the natural limits of our water supply and the economic deficiencies of our current water policy will become increasingly obvious; our ability to provide sustainable water solutions for all Californians will become more challenging. Unless we manage our water more efficiently and account for the current and future effects of global climate change, the availability and costs of providing reliable water to all users will overwhelm our ability to provide it.	The proposed project, other action alternatives, and the No Action Alternative were analyzed with future levels of climate change and sea level rise. As shown in Final EIR/EIS Appendix 5A, Section C, water deliveries will be reduced in the future No Action Alternative conditions as compared to the Existing Conditions.
98	19	[ATT1:] In addition to the commonly accepted NEP A and CEQA requirements for any Delta Estuary plan, there are other fundamental criteria for recovering the health of the Bay Delta estuary and its fish that any plan must meet. These include: 1. A statewide water availability analysis to align water needs with availability. 2. A statewide benefit/cost analysis to determine the economic desirability of any plan or major project, considering environmental benefits and costs. 3. A policy to ensure that water exports are consistent with full implementation of the public trust and Clean Water Act, as well as protection of sociological values 4. The enforcement of existing water quality regulations to speed recovery of the Estuary. 5. Satisfying the NCCP recovery standard for fish species. All current and past plans for the Bay/Delta estuary have failed in large part because the above criteria were not applied to plan projects by the responsible state and federal authorities.	This comment addresses issues that are not specifically addressed in the project objectives and purpose and need of this project (see Chapter 2 of the Final EIR/EIS). The project is not intended to serve as a state-wide solution to all of California's water problems, including restoration of the Delta ecosystem and full implementation under the State Water Resources Control Board authorization of the Clean Water Act. See also responses to comments 98-15 and 98-17.
98	20	[ATT1:]	

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		Once again, California is challenged by serious water shortages where water is most needed. It is time to stop being surprised by this. California climate not only naturally cycles with drier and wetter periods, but climate change will most certainly exacerbate the challenges that already vex us, through disappearing snow packs, longer droughts, more severe floods, and similar changes. We developed our modern water infrastructure based on overly-optimistic assumptions about our water supplies at the time and on insupportably hopeful projections about the ability of this infrastructure to meet our future desires. Further, we adopted water allocation laws and practices that have reinforced inequitable diversions, which prevent water from reaching its highest needs. At the beginning of the 20th century, excessive claims to water "rights" and escalating inequities in water use prompted Californians to embrace significant legal changes in water management. In 1913 the Legislature created the first regulatory system to administer new surface water rights, through the Water Commission Act. Fifteen years later, the electorate amended California's Constitution in large part due to a state Supreme Court holding that prioritized uses by one set of rights holders regardless of the reasonableness of their use (Henninghaus v. Southern Calif. Edison, 200 Cal. 81 (1926).) This landmark California Constitution amendment required that all water use in California be "reasonable" and "beneficial." Once again we face inequitable and unwise water management and use practices, requiring similarly significant changes in how we view and manage water in the state. For example, the public understandably wonders why "senior" users have priority over ''junior" users regardless of the relative societal benefits of their uses, and why groundwater is essentially unregulated. Green lawns and alfalfa grown in desert climates, a lack of clean drinking water in many California communities, and collapsing (both metaphorically and physically) groundwater tables raise questions about the state's commitment to wise water use in the face of escalating shortages. Mounting extinction threats, particularly to the iconic California salmon, trigger a growing lack of confidence over the state's ability and intent to protect the most vulnerable among us. It is time for us to come back once again to first principles. We must call up a shared sense of wisdom, equity and gratitude in re-envisioning how we will manage our use of the waters of the state. Wisdom means that we must recognize the climate we live in now, accept the current limits of waterways (including in light of their own needs), and respect the likely future scenario of additional water limits in the face of climate change. Equity means that survival needs must be met first- both human survival, as reflected in AB 685 (the Human Right to Water Act) and the survival of California waterways, fish and other aquatic species. Finally, we must integrate gratitude into our decision making- gratitude for the advances we make in sharing water wisely and equitably for our needs, and most importantly gratitude for the gifts that California's natural world continues to bestow on us. This Report attempts to reflect a vision of "policy driven by wisdom, equity and gratitude," and calls on water decision makers to do the same. Our Vision includes the following: - California must respect and adjust to meet the natural limits of its waters and waterways,	The SWP and CVP operations under the proposed project and action alternatives would only deliver water under existing water rights issued by the State Water Resources Control Board to DWR and Reclamation for use by the SWP and CVP with consideration for senior water rights and Area of Origin laws and requirements. The proposed project does not seek any new water rights nor reduction in total water rights issued to DWR and Reclamation. Exports do not come at the expense of other water rights holders. It is understood that water rights issued to DWR and Reclamation are not fully available in many years to deliver total contract amounts to SWP and CVP water users due to available water supplies and demands of senior water rights holders and regulatory requirements. See Response to Comment 98-7 and Master Response 34, Beneficial Uses of Water and Master Response 26.

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		including the limits imposed by climate change. - California must overhaul its existing piecemeal water rights policies, which already over-allocate existing water and distribute rights without regard to equity. - California's ecosystems and the life they support have a right to clean water and to exist and thrive for their own benefit and the benefit of future generations.	
98	21	[ATT1:] Several overarching issues characterize all efforts to develop sustainable, effective, and equitable water policies. They include periodic drought, climate change, environmental justice, the preservation of Native American cultural traditions, the precautionary principle, and population pressures.	The comment does not raise any environmental issue related to the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS.
98	22	[ATT1:] Periodic Drought: Drought is a consistent and recurrent part of California's climate. Multiple-year droughts have occurred three times during the last four decades [Footnote 4: California Drought Update. May 29, 2009. P.5. http://www.water.ca.gov/drought/docs/drought_update.pdf.] and California currently is in the dealing with one of these events. California's long history of multiple-year droughts should force state and local water and land use authorities to recognize the recurrence of drought periods and permanently put more effective water use policies in place. We cannot solve the problems of ongoing drought by continuously modifying water quality standards and water export quantities in ways that favor Delta exporters at the expense of urban ratepayers, the environment and fisheries. The Governor's current policy on water conservation [Footnote 5: 20x2020 Water Conservation Plan DRAFT, April 30, 2009. Executive Summary. Http://www.swrcb.ca.gov/water_issues/hot_topics/20x2020/index.shtml.] should be mandatory for all water districts (including agriculture); it should become a permanent part of water policy, rather than a response to current dry conditions. We can negotiate future droughts satisfactorily only by educating the public, recognizing limits, and learning to efficiently use the water we have.	The hydrologic analysis in the EIR/EIS considered changes over long-term conditions, which includes high flow events and drought periods, conditions similar to the 1976-1977 and 1987-1992 droughts, as described in Final EIR/EIS Appendix 5A, Modeling Technical Appendix. The EIR/EIS analysis did not evaluate emergency operations conditions such as during the recent drought because separate environmental documentation is prepared for those conditions. See also responses to comments 98-15 and 98-17.
98	23	[ATT1:] Climate Change: Climate models indicate that climate change already is affecting our ability to meet the goals enumerated in this report for a sustainable water plan for California. This data must be integrated into the implementation of our recommendations. The main considerations are: - More precipitation will fall as rain rather than snow, resulting in earlier runoff than in the past. [Footnote 6: National Wildlife Federation and the Planning and Conservation League Foundation. On the Edge: Protecting California's Fish and Waterfowl from Global Warming. 10-11. www.pcl.org/projects/globalwarming.html.] - Less snow will mean that the current springtime melt and runoff will be reduced in	The anticipated hydrologic changes due to climate change (increased temperatures and more years of critical dryness, increased water temperatures, changes in precipitation and runoff patterns, sea level rise, and tidal variations) will constrain and challenge future water management practices across the state, with or without the proposed project. The state is addressing climate change through strategies and a decision-making framework as outlined in the California Climate Adaptation Strategy and Adaptation Planning Guide. However, no single project and indeed none of the project alternatives would be able to completely counteract all of the impacts of climate change. The State of California has acknowledged that sea level rise threatens coastal and near coastal resources (such as the Delta and Delta water supplies) and that adaptation and resiliency planning to protect these resources from expected levels of sea level rise is appropriate. (OPC, 2013) http://www.opc.ca.gov/2013/04/update-to-the-sea-level-rise-guidance-document/ (CCC, 2013) http://www.coastal.ca.gov/climate/SLRguidance.html

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		volume. - Overall, average precipitation and river flow are expected to decrease. A recent paper in Frontiers in Ecology and the Environment [Footnote 7: Margaret A Palmer, Catherine A Reidy Liermann, Christer Nilsson, Martina Flörke, Joseph Alcamo, P Sam Lake, Nick Bond (2008) Climate change and the world's river basins: anticipating management options. Frontiers in Ecology and the Environment: Vol. 6, No. 2, pp. 81-89.] predicts that the average Sacramento River flow will decrease by about 20 percent by mid-century. - Precipitation patterns are expected to become more erratic, resulting in both prolonged periods of drought and greater flood risk. - Sea level rise will affect flows and operations within the Delta, endanger fragile Delta levees, and increase the salinity of Suisun Bay and Delta surface waters, and increase the salinity concentrations of some coastal groundwater aquifers. These changing conditions could affect all aspects of water resource management, including design and operational assumptions about resource supplies, system demands, performance requirements, and operational constraints. To address these challenges, we must enhance the resiliency of natural systems and improve the reliability and flexibility of water management systems.	EO S-3-05. http://gov.ca.gov/news.php?id=1861 EO S-13-08 http://gov.ca.gov/news.php?id=11036 AB 32 also mentions SLR as a threat to California. California Waterfix would help to address the resilience and adaptability of the Delta to climate change through water delivery facilities combined with a range of operational scenarios, measures focused on the protection, restoration, and enhancement of the Delta ecosystem and measures to reduce other stressors (Environmental Commitments 3, 4, 6, 7, 8, 9, 10, 11, 12, 15, and 16.) In addition to the added water management flexibility created by new water diversions and operational scenarios, California Waterfix would improve habitat, increase food supplies and reduce the effects of other stressors on the Delta ecosystem. By improving and expanding available habitat, the proposed project would increase resilience and adaptability to climate change by making alternative habitat available during periods of high stress, such as very high or low freshwater inflow or very high salinity intrusion. Multiple analyses were performed in the proposed project to test the robustness of the alternatives to a range of potential future conditions. Water supply, aquatic and terrestrial resources were all analyzed with projected future conditions. The proposed project will likely remain in place and functional far into the future when salinity intrusion may require less frequent use of the south Delta pumps. Far from being stranded assets, the tunnels will be part of the state's strategy in adapting to climate change. More information on ways in which the BDCP/California WaterFix proposes to improve resiliency and adaptability of the Delta to climate change can be found in Chapter 29, Climate Change, EIR/EIS and Appendix A RDEIR/SDEIS and Appendix 3E, Potential Seismic and Climate Change Risks to SWP/CVP Water Supplies, EIR/EIS and RDEIR/SDEIS (in appendix A). For additional information regarding GHG and Climate change, please see Master Response 19.
98	24	[ATT 1:] Environmental Justice: It is imperative that water policies and practices do not compound existing inequities or create new difficulties for economically disadvantaged Californians and communities of color. Further, our water policies and practices must anticipate any potential adverse effect and provide equitable benefits to these communities. An example of situation needing immediate rectification: Water moving south through the California Aqueduct and the Delta Mendota Canal flow past small valley towns that lack adequate or healthy water supplies.	Please refer to Master Response 13, Public Trust regarding Delta exports. The proposed project would not create new or compound existing inequities to communities near the Delta Mendota Canal. Any effects regarding environmental justice populations are described in the Final EIR/EIS Chapter 28, Environmental Justice. Mitigations, whenever and wherever possible, have been included in the project. See also Master Response 27, for a description of methods of incorporating environmental justice outreach into agency processes, decisions and programs, all of which have been brought into the project planning process.
98	25	[ATT1:] We know that climate change and drought will create catastrophic environmental change in California. Environmental justice requires that water policies and practices addressing climate change and drought provide special accommodations for vulnerable, underserved and disadvantaged communities.	See responses to comments 98-24 and 98-25.
98	26	[ATT1:] Other environmental justice water issues include:	See response to comment 98-25. See also FEIR Chapter 28 and Master Response 27 for additional discussion of Environmental Justice.

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		- Universal access to safe, affordable water sufficient for basic human needs. - Access to sufficient wastewater infrastructure that protects water quality and prevents overflows and other public health threats.	
98	27	[ATT1:] Other environmental justice water issues include: Restoration of water quality so that members of underserved communities can safely use the fish they catch in local waters to supplement their families' diets.	See response to comment 98-25. Additional detail related to microcystis (due to longer residence times of water) and mercury and selenium related to subsistence fishing was added to Chapter 28, Environmental Justice, in the RDEIR/SDEIS. As described under each alternative in Chapter 28 for Impact PH-3, the associated increase in human consumption of mercury caused by the action alternatives would depend upon the selection of the fishing location (and associated local fish body burdens), and the relative proportion of different Delta fish consumed. Different fish species would suffer bioaccumulation at different rates associated with the specific species, therefore the specific spectrum of fish consumed by a population would determine the effect of increased mercury body burdens in individual fish species. These confounding factors make demonstration of precise impacts on human populations infeasible. However, because minority populations are known to practice subsistence fishing and consume fish exceeding US EPA reference doses, any increase in the fish body burden of mercury may contribute to an existing adverse effect. Because subsistence fishing is specifically associated with minority populations in the Delta compared to the population at large this effect would be disproportionate on those populations. This effect would be adverse. See also FEIR Chapter 28 and Master Response 27 for additional discussion of Environmental Justice. Please refer to Master Response 14 regarding Microcystis.
98	28	[ATT1:] Other environmental justice water issues include: Equitable access to waterways for recreation.	As described in Section 28.5.3 of RDEIR/SDEIS Chapter 28, impacts on recreational facilities and opportunities are not carried forward for environmental justice analysis because adequate alternative recreational opportunities and facilities exist in the Delta. Therefore, temporary loss of particular facilities will not result in a disproportionate effect on environmental justice populations. While the action alternatives would affect subsistence fishing at the specific locations identified in RDEIR/SDEIS and Final EIR/EIS Chapter 15, Recreation, the construction of conveyance facilities is not expected to inhibit subsistence fishing overall. Because the Delta region contains an abundance of fishing locations generally (Delta Protection Commission 1997), and alternative locations near the action alternatives specifically are available (Shilling et al. 2010:2), the impacts described in Chapter 15, Recreation, Sections 15.3.3.2 through 15.3.3.16 and Sections 15.3.4.2 through 15.3.4.4, would not significantly diminish the overall availability of opportunities for subsistence fishermen. Alternative fishing venues and levee access points would remain open under all action alternatives. Chapter 15, Recreation, Sections 15.3.3.2 through 15.3.3.16 and Sections 15.3.4.2 through 15.3.4.4, Impact REC-1, identifies some permanent effects on recreational facilities that would result from the action alternatives. However, because substantial alternative venues exist this would not result in substantial effects on minority or low-income populations. For further details about water quality issues, see also Master Response 14. See also FEIR Chapter 28 and Master Response 27 for additional discussion of Environmental Justice.
98	29	[ATT1:] Other environmental justice water issues include: Providing statewide access to underserved communities to ensure they benefit from improved conservation, water recycling and other water innovations that improve efficiency and water quality.	The proposed project is intended to ensure water reliability to all residents across the state. It will provide a more reliable water supply, with diversions that are more protective for fish, in accordance with the Delta Reform Act co-equal goals of improving water supply reliability and Delta ecosystem health. See also responses to comments 98-15 and 98-17. See also FEIR Chapter 28 and Master Response 27 for additional discussion of Environmental Justice.
98	30	[ATT1:] Other environmental justice water issues include:	The proposed project aims to stabilize water supplies, and exports could only increase under certain circumstances. Water deliveries from the federal and state water projects under a fully-implemented Alternative 4A are projected to be about the same to the average annual amount diverted in the last 20 years. Although the proposed project would not increase the overall volume of Delta water exported, it

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		Mitigation of negative impacts from the inevitable reallocation of a portion of the water currently used in agriculture--the state's biggest water use sector--to cities and the environment. Reallocation will reduce irrigated acreage, the number of farm-related jobs, and local tax revenues.	would make the deliveries more predictable and reliable, while restoring an ecosystem in steep decline. Please see RDEIR/SDEIS Appendix A Chapter 14, Agricultural Resources, Impact AG-1 and Impact AG-2 and their associated mitigation measures for complete analysis of how the proposed project will effect and mediate important farmland in the Delta. With regards to agricultural impact mitigation, please see Master Response 18. See also FEIR Chapter 28 and Master Response 27 for additional discussion of Environmental Justice.
98	31	[ATT1:] Other environmental justice water issues include: Mitigation of third party impacts--including impacts to farm workers--associated with land conversion.	Economic effects related to Delta land conversion including employment effects is addressed in Final EIR/EIS Chapter 16, Socioeconomics and effect on minority and low income populations is addressed in Chapter 28, Environmental Justice. See also Master Response 27, Environmental Justice.
98	32	[ATT1:] Other environmental justice water issues include: A comprehensive mitigation plan to help local rural economies transition to new industries such as solar farms and other clean energy enterprises; this will include new policies and job training to enable underserved community members to make the necessary transition to these new economic models.	Under the proposed project, increased water delivery reliability could result in beneficial impacts on minority or low income communities. These beneficial impacts could occur in areas where a large proportion of economic activity is dependent on agricultural production and in which the agricultural labor force is primarily composed of minority or low income workers. Increased water delivery reliability to San Joaquin Valley and Tulare Basin would result in stabilization of employment opportunities. Because agricultural-related employment within the San Joaquin Valley and Tulare Basin is predominantly composed of low income and minority workers, the increase in reliability of water deliveries could result in a beneficial effect on these worker's employment and income levels. Socioeconomic effects of the various alternatives are described and assessed in Chapter 16, Socioeconomics, of the 2013 Public Draft BDCP EIR/EIS. A Draft BDCP Statewide Economic Impact Report has also been published, which indicates that the BDCP would result in a substantial economic net benefit to the State of California. See also FEIR Chapter 28 and Master Response 27 for additional discussion of Environmental Justice.
98	33	[ATT1:] Other environmental justice water issues include: Protection from the impacts of floods and levee breaks, including provisions for emergency and long-term assistance to renters displaced by floodwaters.	Please see Appendix 6A, Section 6A.6.2.1.3, Final EIR/EIS, for a discussion on DWR consistency with the State Plan of Flood Control (SPFC), and for information on project consistency with USACE, CVFPB, and DWR flood standards and regulations. Overall, construction and operations of the proposed project would not increase flood risk to people or structures in the Delta. See also FEIR Chapter 28 and Master Response 27 for additional discussion of Environmental Justice.
98	34	[ATT1:] Native American Traditions: Many of California's tribes have a deep and intrinsic relationship with California's rivers, lakes, streams and springs. This relationship goes to the very core of their culture and their spiritual beliefs. Many of the tribes consider the fish that reside in these waters as gifts from their creator, necessary for the continued survival of their people. California's water policy has failed to recognize the importance of the needs of its historic tribes, seeking to manage water only for the economic gain of its largest agricultural contractors. California water policies and practices must change to provide sufficient water to support fisheries and their habitats for both cultural and economic sustainability, and provide for the restoration of those fisheries essential for its native peoples.	DWR is continuing dialog and consultation with Native American tribes and individuals in the plan area to help identify concerns and resources and to identify sensitive resources that may be impacted as a result of the project. See Master Response 21, Tribal Issues.
98	35	[ATT1:] The Precautionary Principle:	The Lead Agencies strived to use the best available science throughout the effects analysis. The use of specific scientific data and findings was often vetted with fisheries managers to ensure it was the best available. A variety of data were obtained for the proposed project process: quantitative data from

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		The Precautionary Principle states: "Where there is scientific evidence that serious harm might result from a proposed action but there is no certainty that it will, the precautionary principle requires that in such situations action be taken to avoid or mitigate the potential harm, even before there is scientific proof that it will occur." [Footnote 8: A. I. Schafer, S. Beder. Role of the precautionary principle in water recycling. University of Wollongong. 2006. 1.1.] Numerous actions recommended in this report fit that criteria; the precautionary principle is therefore implicit throughout the report's recommendations.	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. .
98	36	[ATT1:] Population Pressures: California's human population is expected to increase from the current figure of more than 37 million to 44 million by 2030, and 49 million by 2050. [Footnote 9: California Department of Finance, Demographic Research Unit. 2014. http://www.dof.ca.gov/research/demographic/reports/#projections.] In 2008, 75 percent of the population growth came from natural growth (births), and 25 percent carne from immigration, both foreign and interstate. In each of the data sources utilized in this EWC [Environmental Water Caucus] report, population increases have been factored into the conclusions.	Population and growth have been accounted for in the EIR/EIS, under Impact ECON-2 in Final EIR/EIS Chapter 16, Socioeconomics, and in Chapter 30, Growth.
98	37	[ATT1:] Below is a sampling of key recommendations contained in this sustainable water for California plan: - Establish a statewide oversight unit within the State Water Resources Control Board responsible for developing the permanent supply enhancements and demand reduction levels called for in this report. - Require mandatory water rationing by all three water sectors identified in this plan. - Establish a California water efficiency education and publicity program, similar to health and safety programs that are sponsored by the state. - Facilitate the movement away from high water-demand permanent crops in accordance with the "waste and unreasonable" use of water doctrine established in California state law. - Reduce Delta exports to no more than 3 million acre feet of water in all years. - Implement the EWC [Environmental Water Caucus] Sustainable Water Plan as an alternative to the BDCP twin tunnels. - Require the State Water Board to enforce the Delta Reform Act's reduced Delta reliance mandate with the resulting reduced Delta exports. - Reduce the implementation dates for achievement of groundwater sustainability in priority basins.	This comment is related to water supply management in California and does not identify specific comments related to the adequacy of the EIR/EIS environmental analyses. Some of the suggested actions are included in the California Water Action Plan but many of the suggested actions are outside the scope of the proposed project. The process and rationale for including alternatives in the EIR/EIS is included in Final EIR/EIS Appendix 3A. Please also refer to Master Response 4, which addresses the EIR/EIS alternatives development.

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		- Direct Proposition 1 funding to groundwater options and oppose funding for major surface storage options. - Eliminate providing CVP irrigation water to impaired farmlands on the west side of the San Joaquin Valley and the Tulare Basin. - Keep water transfers within the revised (above) delta export limits. - Reverse the harmful changes that were made as a part of the Monterey Amendments. - Ensure healthy headwaters and meadowlands to reduce fire risks and enhance water supply.	
98	38	[ATT1:] Expand statewide water efficiency and demand reduction programs beyond the current 20/20 program. California has developed vast water supplies for our cities and farms. In a typical year, agriculture uses 34 million acre-feet of water, urban users consume 7.1 million acre-feet and commercial, institutional and industrial users consume 1.7 million acre-feet. This translates into 79% of the developed water supply for agriculture, 17% for urban use and 4% for commercial, institutional and industrial uses. [Footnote 10: Department of Water Resources. California Water Plan, Update 2013. Pages 2-7 and 3-10.] (An acre-foot of water is the volume of water required to cover one acre of surface area to a depth of one foot, or 325,900 gallons; an acre foot of water is the annual amount typically used by two California households.) To move water around, California has built 1,400 major reservoirs with a combined storage capacity of 40 million acre-feet, thousands of miles of canals, and a multitude of enormous energy-intensive pumps. Despite all this abundance, fears of monumental water shortages are growing. These are justified, as witnessed by current drought conditions and the obvious impacts of climate change. One-third of the water years in California since 1906 are considered "dry or critical" by the California Department of Water Resources; since 1960, dry or critical years have occurred 37 percent of the time. Reliable our warming climate. [Footnote 11: California Data Exchange Center "WSIHIST," Department of Water Resources. Http://cdec.water.ca.gov/cgi-progs/iodir/wsihist] The worst and longest modern droughts have occurred since 1976. Farmers are concerned that they will be driven out of business for lack of water. In response, politicians want to build more dams and canals to store and move more water at a time when climate change will most likely make less water available. More than 90 percent of our rivers already have been diverted; meanwhile, the lavish public subsidizing of agricultural water has created an insatiable demand for ever greater supplies--supplies which cannot be provided under any possible scenario. Indeed, irrigating water-intensive crops on drainage-impaired lands with massive amounts of water does not fit a 21st century definition of the "beneficial and reasonable use" criteria called for in state law.	All of the alternatives evaluated in the EIR/EIS would only divert water under existing water rights that were issued to DWR and Reclamation by the State Water Board with consideration for senior water rights and Area of Origin laws and requirements. The issue of crops and water use is beyond the scope of the Proposed Project. For more information please refer to the updated draft 2013 California Water Plan's strategy for agricultural water use efficiency, which describes the use and application of scientific processes to control agricultural water delivery and use. Also, refer to Master Response 6 and Appendix 1C for further information on demand management measures, including increasing agricultural water use efficiency and conservation. The project is just one element of the state's long-range strategy to meet anticipated future water needs of Californians in the face of expanding population and the expected effects of climate change. See responses to comments 98-15 and 98-17.
98	39	[ATT1:] Recommendations made by the Environmental Water Caucus [EWC] to the Delta Stewardship Council include an aggressive urban water conservation and efficiency	The comment does not raise any environmental issue related to the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS. Appendix 1C of the Final EIR/EIS, Water Demand Management, describes conservation, water use efficiency, and other sources of water supply including desalination. Refer to Master Response 5 for more information on demand management. For more information on why water storage was not

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		program--more aggressive and of longer duration than the 20/20 program. These recommendations identified both urban and agricultural users as necessary components for reducing reliance on the Delta and achieving the water supply reliability goals for south-of-Delta users. A more aggressive conservation program also supports the goal of the reduced exports level of this EWC alternative. We intend to continue our advocacy for this program with regional, state, and federal agencies. Overwhelming evidence shows that a suite of aggressive conservation and water efficiency actions will reduce overall demand and provide reliable and cost-effective increases in available water supplies. These measures will satisfy California's water needs well into the future and at far less financial and environmental cost than the construction of additional storage dams, reservoirs, canals, and tunnels. This conclusion is reinforced by the current State Water Plan (Bulletin 160-13), by the Bay Institute's "Collateral Damage" report, by the Pacific Institute, and by actual experience in urban areas and farms.	considered as part of the proposed project please refer to Master Response 37 (Storage) and Appendix 1B, Water Storage, EIR/EIS. See also responses to comments 98-15 and 98-17.
98	40	[ATT1:] Southern California, with its huge urban population, can provide the major urban conservation impetus for water savings and demand reduction, as highlighted by the report released by the Los Angeles Economic Development Corporation, Where Will We Get the Water? [Footnote 12: Los Angeles County Economic Development Corporation (LAEDC). 2008. Where Will We Get the Water? Assessing Southern California's Future Water Strategies. P 6. http://www.laedc.org/consulting/projects/2008_SoCalWaterStrategies.pdf.] This study shows a combined potential savings and demand reduction of approximately 1.7 million acre feet. These savings can be achieved through three main measures: urban conservation, recycling, and storm water capture. The potential recycling savings are larger with more investment in recycling facilities and regulations related to outdoor urban usage. These urban statewide water efficiency and water use reduction actions are: - Urban Water Conservation: This includes the installation of low-flow toilets and showerheads, high-efficiency clothes washers, retrofit-on-resale programs, rainwater harvest, weather-based irrigation controllers, water reduction for landscaping via drip and xeriscape, more efficient commercial and industrial cooling equipment, and tiered price structures. [Footnote 13: A detailed treatment of urban water conservation is contained in "Waste Not, Want Not: The Potential for Urban Water Conservation in California, by the Pacific Institute. http://www.pacinst.org/reports/urban_usage/waste_not_want_not_full_report.pdf.] According to the current State Water Plan, total urban water demand can be reduced by as much as 3.1 million acre-feet with these measures. [Footnote 14: California Department of Water Resources. California Water Plan Update 2013, V-3 Resource Management Strategies, Page 1-9. http://www.waterplan.water.ca.gov/docs/cwpu2013/Final/Vol3-full2.pdf] The Los Angeles Economic Development Corporation report found that in Los Angeles, Orange, San Bernardino, San Diego, Riverside and Ventura counties, "urban water conservation could have an impact equivalent to adding more than 1 million acre-feet of water to the regional supply" (about 25 percent of current annual use). At $210 per acre-foot, the LAEDC	As described in response to comment 98-39, Appendix 1C of the Final EIR/EIS, Water Demand Management, describes conservation, water use efficiency, and other sources of water supply including desalination. See also responses to comments 98-15 and 98-17. The proposed project does not make determinations regarding how water delivered through the proposed project conveyance, California Aqueduct, Delta Mendota Canal, or other water conveyance facility will be put to a beneficial use. The proposed project would be operated as a component of the State Water Project (SWP) and would be used to help convey SWP, CVP, and transfer water to contracted water users. The operation of the new conveyance facilities includes diverting water through the new north delta diversion facilities or through the existing south delta water diversion facilities. It is outside the scope of the proposed project (and in fact, outside the purview of the lead agencies) to make determinations regarding what constitutes a beneficial use or modify stipulations in water service contracts between the DWR and the SWP contractors, Reclamation and their contractors, and between water transfer sellers and buyers. Please see Master Response34 (Beneficial Uses) for additional information.

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		report shows that urban conservation is by far the most economical approach available especially compared to new surface storage at $760 to $1,400 per acre-foot. - Urban Conservation Rate Structures: Great savings can be achieved by establishing mandatory rate structures within the Urban Best Management Practices that strongly penalize excessive use and reward low water usage customers with lower rates (with the lowest being a lifeline rate to provide water for low income and low-water-using ratepayers). The savings that result from such pricing policies are included in the 3.1 million acre-feet demand reduction cited above. - Recycled Water: We must treat and reuse urban wastewater, gray water, and storm water, achieving the State Water Resources Board goal of increasing water recycling by at least an additional 2 million acre-feet per year by 2030. The 2013 State Water Plan indicates a figure of 2.3 million acre-feet that could be recovered. The [Los Angeles Economic Development Corporation] LAEDC report shows recycled water costs $1,000 per acre-foot. - Groundwater Treatment, Demineralization and Desalination This incorporates treatment of contaminated groundwater and groundwater desalination. The cost of groundwater desalination ranges from $750 to $1,200 per acre-foot. - Storm Water Recapture and Reuse: The 2008 Scoping Plan for California's Global Warming Solutions Act of 2006 promotes storm water collection and reuse. The plan finds that up to 333,000 acre-feet of storm water could be captured annually for reuse in urban southern California alone. [Footnote 15: Climate Change Scoping Plan Appendices Volume I. December 2008. Pursuant to AB 32 The California Global Warming Solutions Act of 2006. C-135. http://www.arb.ca.gov/cc/scopingplan/document/appendices_volume1.pdf] The LAEDC report also found the potential for ''hundreds of thousands of acre-feet'' of water from storm water capture and reuse in southern California counties. [Footnote 16: Los Angeles County Economic Development Corporation (LAEDC). 2008. Where Will We Get the Water? Assessing Southern California's Future Water Strategies. P 32-33. http://www.laedc.org/consulting/projects/2008_SoCalWaterStrategies.pdf.] The Los Angeles and San Gabriel Watershed Council has estimated that if 80 percent of the rainfall that falls on just a quarter of the urban area within the watershed (15 percent of the total watershed) were captured and reused, total runoff would be reduced by about 30 percent. That translates into a new supply of 132,000 acre-feet of water per year, or enough water to supply 800,000 people.	
98	41	[ATT1:] Agricultural Water Conservation: Reform of agricultural irrigation practices will result in huge water savings. Necessary measures include the continuing trend of drip, micro sprinklers and similar higher technology irrigation, reduced deficit irrigation, transition to less water-intensive crops, ongoing farmland acreage reduction, elimination of the irrigation of polluted farmland, and tiered price structures. Related conservation measures include the elimination of water	As described in response to comment 98-39, Appendix 1C of the Final EIR/EIS, Water Demand Management, describes conservation, water use efficiency, and other sources of water supply including desalination. See also responses to comments 98-15 and 98-17.

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		subsidies provided to agriculture for Central Valley Project (CVP) water, which will drive some of the efficiencies shown in Figure 1. Demand reduction of as much as 5 million acre-feet per year could be achieved by 2030, according to Pacific Institute's California Water 2030: An Efficient Future report. [Footnote 17: Pacific Institute. California Water 2030: An Efficient Future. September 2005. http://www.pacinst.org/reports/california_water_2030/ca_water_2030.pdf.] A representative list of agricultural water efficiency techniques [Footnote 18: Peter H. Gleick, et al. The World's Water. 2014. http://islandpress.org/worlds-water-volume-8. Table 3.9] would include: - Improved irrigation scheduling - Improved irrigation technology (e.g., sprinkler and drip irrigation systems) - Lining canals and employing other seepage control options - Recycling tailwater on-site - Increasing pump efficiency - Constructing spill reservoirs and conducting district reoperation to reduce waste water - Utilizing mulching and other techniques to increase soil water-holding capacity - Capturing stormwater flows for later use (e.g., on-farm ponds for frost and heat control and irrigation) Agricultural water quality improvement techniques that can contribute to water efficiency or conservation include: - Planting cover crops - Constructing fencing around water bodies and streams - Utilizing conservation tillage or no-till - Restoring riparian zones or constructing buffer zones - Improving irrigation scheduling and using technology that reduces runoff In addition to the practices listed above in The World's Water, the following features should also be part of the agricultural water efficiency portfolio: - Targets should be established for water use as a part of the Efficient Water Management Practices (EWMP's). This was not included as a part of the 2009 Delta Reform Act, but should now be added to the mix. - Districts that fail to use the defined critical EWMP's, [Footnote 19: California Department of Water Resources, California Water Plan Update 2013, V-3 Resources Management Strategies, Page 2-9] including the above mentioned targets, should be declared in violation of the "waste and unreasonable" use of water and penalized accordingly by the	

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		SWRCB. - The volume of water delivered to customers must comply with the California Water Code Section 531.10 and the EWMP' s requirements. - A tiered pricing structure or other incentives based on the quantity of water delivered should be implemented; this would promote more efficient water use at the farm level. - The use of recycled water should be promoted so long as it meets all health and safety criteria and does not harm crops or soils. In summary: Since agriculture accounts for such a large percentage of developed water usage, the importance of agricultural water conservation and water use efficiency cannot be stressed enough. The efficiencies achieved by agriculture are magnified due to the high water usage rates and are equally as important, if not more so, than the rules governing urban water usage.	
98	42	[ATT1:] Based on data from the most recent State Water Plans (Bulletins 160-05, Bulletin l60-09, and Bulletin 160-2013) [Footnote 20: California Department of Water Resources. California Water Plan Update 2013, V-3 Resource Management Strategies, Page 1-9. http://www.waterplan.water.ca.gov/docs/cwpu2013/Final/Vol3-full2.pdf] the Planning and Conservation League (PCL) [Footnote 21: Planning and Conservation League. 2004. Investment Strategy for California Water. P. 8-11. http://www.pcl.org/projects/investmentstrategy.html] and the Pacific Institute [Footnote 22: Pacific Institute. 2005. California Water 2030: An Efficient Future. ES-2. http://www.pacinst.org/reports/california_water_2030/ca_water_2030.pdf], the savings that can be achieved from efficiency scenarios are estimated at almost 13 million acre-feet per year (Figure 1 [ATT1: ATT1]). Perhaps the most authoritative report on the subject, the Pacific Institute's California Water 2030: An Efficient Future, shows that overall statewide water usage can be reduced by 20 percent below 2000 levels, assuming the implementation of aggressive efforts to conserve and reduce usage with readily available technology and no decrease in economic activity. The urban water savings of approximately 5 million acre-feet a year (including recycled municipal water and urban efficiencies) shown in Figure 1 is enough water to support a population growth of almost 30,000,000 people. According to the California Department of Finance (previously footnoted), the state's population can be expected to increase by 12 million over the next 35 years if current population trends hold. Clearly, a well-managed future water supply to take us to 2050 is within reach with current supplies and with aggressive water conservation programs.	As described in response to comment 98-39, Appendix 1C of the Final EIR/EIS, Water Demand Management, describes conservation, water use efficiency, and other sources of water supply including desalination. See also responses to comments 98-15 and 98-17.
98	43	[ATT1:] A recent report published by a coalition of environmental organizations, Wetter or Not [Footnote 23: Natural Resources Defense Council, et al. Wetter or Not. November 2014. http://docs.nrdc.org/water/wat_14111701.asp] confirms the 13 million acre feet savings and demand reduction potential. In order to translate these efficiency measures into actual demand reductions, we need	Future water demands under the SWP and CVP water contract municipal uses are consistent with water demand projections in the recent Urban Water Management Plans submitted to DWR which include approaches to meet the 20 percent per capita urban water use by 2020. As described in response to comment 98-15, the proposed project is not a comprehensive, statewide water plan, but is instead aimed at addressing many complex and long-standing issues related to the operations of the SWP and CVP in the Delta. It is consistent with other programs to provide continued investment by the State and other public agencies in conservation as well as other water supplies (as described in Section 1.C.3 of Appendix 1C,

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		heightened public awareness of these targets and focused oversight and coordination of local and statewide actions. Existing success stories from urban communities and on-farm operations reinforce the savings potentials and the need for efficiency-driven policies. The Governor's current mandate for a 20 percent reduction in per capita urban water use by 2020 is the kind of action that will help this effort, although it may prove insufficient in view of projected population growth. Under the Governor's plan, per capita urban use would be reduced from the current 192 gallons per capita daily to 154 gallons, resulting in an annual savings of 1.74 million acre-feet. The projected water savings shown in Figure 1 [See ATT1: ATT1] are more aggressive than the Governor's plan. A similar mandate should be extended to agriculture, since agriculture uses more than three quarters of the state's developed water supplies. Water savings through efficiency measures can result in direct reductions in the volume of Delta exports because most of the savings would occur in cities and farms south of the Delta. These water savings are necessary to reduce the exports and to restore the stream flows called for in this plan.	Demand Management Measures).
98	44	[ATT1: ATT1] Graph of Projected Water Savings by Environmental Water Caucus	This comment describes an attachment to the comment letter. The attachment does not raise any additional issues related to the environmental analysis in the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS that are not already addressed in comment referencing the attachment or the Final EIR/EIS.
98	45	[ATT1:] The Natural Resources Defense Council's report Transforming Water Use: A California Water Efficiency Agenda for the 21st Century, cites the state's successes in energy efficiency as a model for water efficiency, while also noting that the state lags far behind in water efficiency policies, programs, and funding. A key component of the success in energy efficiency has been the development of a priority system called a Loading Order. [Footnote 24: Pacific Institute and Natural Resources Defense Council. 2007. Transforming Water Use: A California Water Efficiency Agenda for the 21st Century. P. 2. www.deltavision.ca.gov/BlueRibbonTaskForce/Feb28_29/Handouts/BRTF_Item_5A_HO2.pdf.] As applied to water policy, a Loading Order system would require demand reductions through improved water efficiency as the first priority in addressing water supply. The second priority would be developing alternative sources including water recycling, groundwater clean-up and storm water capture. The third priority would be the use of more traditional supply options. A Loading Order approach, if applied to statewide, regional, and local water plans, would shift the emphasis to the more efficient and cost effective approaches advocated in this report. Reducing water use through conservation efficiencies or water recycling also has a positive impact on energy use, as pointed out by Energy Down the Drain, a report produced by the Pacific Institute and the Natural Resources Defense Council. The report makes a strong case for the link between water and energy efficiencies. All these conservation and efficiency methods are known to produce available water at significantly less cost than constructing new storage dams, reservoirs, and conveyance projects such as those promoted by the BDCP. According to the Los Angeles County Economic Development Corporation (LAEDC) report [Footnote 25: Los Angeles County Economic Development Corporation (LAEDC). 2008. Where Will We Get the Water? Assessing Southern California's Future Water Strategies. P 32-33. http://www.laedc.org/consulting/projects/2008_SoCalWaterStrategies.pdf.], water produced from the proposed Sites and Temperance Flat Reservoirs would cost $760 to $1,400 per acre-foot, while conserved or recycled water typically costs between $210 and $1,000 per acre-foot.	As described in response to comment 98-39, Appendix 1C of the Final EIR/EIS, Water Demand Management, describes conservation, water use efficiency, and other sources of water supply including desalination. See also responses to comments 98-15 and 98-17. For more information on why water storage was not considered as part of the proposed project please refer to Master Response 37 (Storage) and Appendix 1B, Water Storage, EIR/EIS.

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98	46	[ATT1:] New surface storage is by far the highest cost alternative per acre-foot of water for all the alternatives covered by the Legislative Analyst's Office (LAO) report California Water: An LAO Primer [Footnote 26: Legislative Analyst's Office. 2008. California's Water: An LAO Primer. P.67. http://www.lao.ca.gov/2008/rsrc/water_primer/water_primer_102208.aspx.], while providing less total annual yield than most alternatives. Statewide, the costs of all of these efficiency measures are unlikely to exceed the $68 billion estimated price tag for the proposed BDCP twin tunnels, and various surface storage schemes. [Footnote 27: Strategic Economic Applications Company. 2009. The Sacramento San Joaquin Delta--2009, An Exploration of Costs, Examination of Assumptions, and Identification of Benefits, Draft.]	While water storage is a critically important tool for managing California's water resources, it is not a topic that must be addressed in the EIR/EIS for the proposed project. This is because the proposed project does not, and need not, propose storage as a project component. Although the physical facilities contemplated by the proposed project once up and running would be part of an overall statewide water system of which new storage could someday also be a part, the proposed project is a stand-alone project for purposes of CEQA and NEPA, just as future storage projects would be. Appendix 1B, Water Storage, of the 2013 Public Draft EIR/EIS, describes the potential for additional water storage. Please see Master Response 37 regarding water storage.
98	47	[ATT1:] [Because of] the environmentally destructive impacts of major dams--EWC [Environmental Water Caucus] member organizations oppose the construction of Sites and Temperance Flat Reservoirs and the raising of Shasta Dam. Further, raising Shasta Dam on the Sacramento River would be illegal because of its impact on the Wild River status of the McCloud River and its damaging impact on Winnemen Wintu sacred areas.	The comment does not raise any issues related to the environmental analysis in the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS The proposed project does not, and need not, propose storage as a project component.
98	48	[ATT1:] Implementation of the statewide water efficiency by EWC [Environmental Water Caucus] organizations will include: - Advocacy in the legislature to establish a statewide oversight unit within the State Water Resources Control Board responsible for developing the permanent supply enhancements and demand reduction targets called for in this report. This can be accomplished by utilizing unspent conservation funds from previous bonds. --->Prioritizing Southern California water districts for the development of these conservation targets, ensuring that the required California Urban Water Conservation Council (CUWCC) reports submitted by the Metropolitan Water District agencies, the Los Angeles Department of Water and Power, and the San Diego Water Authority targets are in accordance with the targets established in this plan. Failure to accomplish those goals in the future should be met with fines imposed by the State Water Resources Control Board. --->Ensuring that the Southern California water agencies' targets will facilitate a direct reduction of Delta exports in accordance with the Delta Reform Act of 2009. These direct links to export reduction should be incorporated into the existing CUWCC reports. - EWC will continue collaborating with Green California (Southern California) and the Metropolitan Water District of Southern California to assure the continued implementation of an adequate conservation budget and the conservation, water efficiency, and demand reduction actions described in this report. - Advocate at the state legislature and the State Water Resources Control Board for mandatory water rationing by all three water sectors identified in this plan. - Advocate with the state legislature and the State Water Resources Control Board for	This comment includes actions proposed by the Environmental Water Caucus in 2015. Implementation of the water conservation actions would be consistent with the proposals in the California Water Action Plan. See response to comment 98-15.

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		measures facilitating movement away from high water-demand permanent crops, such as almonds and pistachios, thus lowering water usage in accordance with the "waste and unreasonable" use of water doctrine established in California state law. - Facilitation of legislation to provide funding to establish a California water efficiency education and publicity program, similar to other health and safety programs that are sponsored and publicized by the state. The program must ensure the equitable distribution of conservation investments among rural and low income communities. - Participation with the Delta Vision Commission in adopting the Natural Resources Defense Council's recommendations regarding the water efficiency Loading Order. This would include implementation of a Loading Order policy through the State Water Resources Control Board, the State Public Utilities Commission and the Legislature that establishes water use efficiency as a top state priority; it would also include a public goods surcharge on every acre-foot of water delivered in California, with the proceeds used to fund or subsidize efficiency programs. - Encouraging broad advocacy group participation in the conservation activities of local urban and agricultural water districts and continued advocacy for conservation and water efficiency programs with regional, state, and federal agencies. - Inclusion of at least one EWC organization staffer to the Public Advisory Committee prior to the next iteration of the State Water Plan.	
98	49	[ATT1:] Funding for the [alternative] actions can come from existing or future bond funds, from Title 16 funding, through the recommended public goods charges, or through regulatory changes. Additionally, since rate payers will bear the ultimate costs of these and other types of measures, rate payers must be given a voice in determining choices. Based on the LAEDC [Los Angeles Economic Development Corporation] report, estimated costs for a statewide program along the lines shown in Figure 1 [See ATT1: ATT1] might range to $2.7 billion (through 2025), with most of the costs occurring in Southern California urban areas.	This comment includes actions proposed by the Environmental Water Caucus in 2015. Implementation of the water conservation actions would be consistent with the proposals in the California Water Action Plan. The comment does not raise any issues related to the environmental analysis in the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS.
98	50	Numerous scientific and legal investigations have identified Delta export pumping by the state and federal projects as a primary cause of the decline of the health of the Bay/Delta estuary and its fish. These studies and reports include the California Fish and Game Commission's 2009 listing of longfin smelt under the Endangered Species Act; the US Fish and Wildlife Service's 2008 Biological Opinion for Delta smelt; the National Marine Service June 4, 2009 Biological Opinion on Central Valley Project (CVP) and State Water Project (SWP) Operations; the State Water Resources Control Board's Bay-Delta Water Quality Control Plan and Water Rights Decision 1641; the CALFED Bay-Delta Program's 2000 Ecosystem Restoration Program Plan; and the Central Valley Project Improvement Act's Anadromous Fish Restoration Program. The guidelines of the Fish and Wildlife Service's Biological Opinion require reduced pumping to minimize reverse lows and resultant fish kills during times of the year when Delta smelt are spawning and the young larvae and juveniles are present. The long-term decline of the Delta smelt coincides with large increases in freshwater	The comment does not raise any environmental issue related to the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS. As described in the analysis of the Proposed Project, Alternative 4A, in the Final EIR/EIS, less south Delta export pumping under the Proposed Project has the potential to reduce delta smelt entrainment loss below Existing Conditions. The need to adaptively manage operations is recognized in Chapter3 of the Final EIR/EIS. Please see Master Response 33. The amount of water that can be diverted from the new north Delta facilities is set by Federal regulating agencies, ESA compliance and project design, and not by the water contractors. Operations for the proposed project would still be consistent with the criteria set by the USFWS (2008) and NMFS (2009) biological opinions and State Water Resources Control Board Water Right Decision 1641 (D-1641), subject to adjustments made pursuant to the adaptive management process as described in the 2008 and 2009 biological opinions. In addition to permitting constraints on daily operations of the SWP and CVP, DWR must maintain proper performance and bypass flows across fish screens when endangered and threatened fish species are present within the north Delta facilities area. The intake fish screens drive the overall size of the intake structure on the riverbank, and have been numbered and sized to permit water to flow through the screens within a predetermined flow regime set by California Department of Fish and

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		exports out of the Delta by the state and federally operated water projects, (Figure 2). CALFED's Ecosystem Restoration Program reminds us that "the more water left in the system (i.e., that which flows through the Delta into Suisun Bay and eventually the ocean), the greater the health of the estuary overall; there is no such thing as 'too much water' for the environment." [Footnote: CALFED Ecosystem Restoration Program. 2008. Stage 2 Implementation Draft. P. 23. http://www.delta.dfg.ca.gov/erp/reports_docs.asp]	Wildlife and NMFS fish screen criteria. Please see Appendix 3F and Appendix 5A of the EIR/EIS.
98	51	[ATT1:] The main input to the Delta--the Sacramento River, which provides 70 percent of Delta inflow in average years [Footnote 29: Delta Vision Final Report. 2008. State of California Resources Agency. P.41. http://deltavision.ca.gov/BlueRibbonTaskForce/FinalVision/Delta _Vision_ Final.pdf.]--does not provide sufficient water for all existing claimants in most years; moreover, climate change is expected to decrease flows in the future. The system cannot provide full delivery of water to CVP and SWP contract holders in most years. Recent court-ordered water export limits that protect endangered fish species, the continuously deteriorating earthen levees of the Delta, and the potential adverse effects of climate change on water supplies combine to make Delta water supply reliability highly uncertain. According to the recent National Marine Services Biological Opinion, the proposed actions by the CVP and SWP to increase export levels will exacerbate problems in the Delta. [Footnote 30: National Marine Fisheries Service, Southwest Region. June 4, 2009. Biological Opinion And Conference Opinion On The Long-Term Operations Of The Central Valley Project And State Water Project. Page 629. http://swr.ucsd.edu/ocap/NMFS_Biological_and_Conference_Opinion_on_the_ Long-Term _Operations_ of_the_CVP_and_SWP.pdf.] We do not believe that the water exporters' goals of maintaining or increasing Delta exports are attainable; neither are the junior water rights holders' expectations that they should have a full contracted water supply each year, especially in view of the collapse of the Delta's fisheries and the impacts of climate change.	This comment is consistent with information presented in the Existing Conditions/Affected Environment in the RDEIR/SDEIS and Final EIR/EIS.
98	52	[ATT1: ATT2:] Figure 2: Graph of the Historic Delta Exports and Estuarine Fish Populations. Source: [Footnote 31: Environmental Defense Fund. 2008. Finding the Balance. P.3. http://www.edf.org/documents/8093_CA_Finding_Balance_2008.pdf]. California Data Exchange Center and California Department of Fish & Game - Midwater Trawl Data	This comment describes a graph in an attachment to the comment letter. The attachment does not raise any additional issues related to the environmental analysis in the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS that are not already addressed in comment referencing the attachment or the Final EIR/EIS. .
98	53	[ATT1:] Over time, annual Delta outflows have been reduced on average by one half, [Footnote 32: CALFED Ecosystem Restoration Program. 2008. Stage 2 Implementation Draft. P. 2l. http://www.delta.dfg.ca.gov/erp/reports_docs.asp] with associated declines in native fish abundance. Export pumping from the Delta is a major cause of reduced outflows, but not the only one. Diversions for CVP contractors upstream of the Delta, combined with "non-project" (that is, non-federal, non-state) diversions, account for a significant portion of outflow reduction. In fact, 31 percent of upstream water is diverted annually before reaching the Delta. [Footnote 33: CALFED Ecosystem Restoration Program. 2008. Stage 2 Implementation Draft. P. 20. http://www.delta.dfg.ca.gov/erp/reports_docs.asp] In the 1990s, under the threat of federal intervention, California increased the required outflow	This comment is consistent with information presented in the Existing Conditions/Affected Environment in the RDEIR/SDEIS and Final EIR/EIS.

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		to the Bay, but not enough to restore the Delta's ecosystem or prevent further declines.	
98	54	[ATT1:] Over the years, a number of processes have identified the need to dramatically improve outflows in order to recover listed species to a sustainable level and restore ecosystems in the Bay-Delta. From 1988, when the State Water Resources Control Board (SWRCB) proposed- but withdrew without public discussion - standards that would have required an average increase in outflow of 1.5 million acre-feet over the lower diversion levels of the period before the late 1980s, to 2009, when the California Legislature adopted a new policy of reducing reliance on the Delta for water supply uses, the need for greater outflow and reduced exports has been acknowledged but not achieved. In 2010, the State Board developed and approved flow criteria (as directed by the 2009 Delta Reform Act) intended to protect public trust waterways and fish in the Delta. Those criteria have not been implemented. The SWRCB report [Footnote 34: State Water Resources Control Board and California Environmental Protection Agency. DRAFT Development of Flow Criteria for the Sacramento-San Joaquin Delta Ecosystem. July 2010. Pp. 5.] noted the necessity of preserving the attributes "…of a natural variable system to which native fish species are adapted." Thus, many of the criteria developed by the State Water Board are crafted as percentages of natural or unimpaired flows. These criteria include: - 75% of unimpaired Delta outflow from January through June; - 75% of unimpaired Sacramento River inflow from November through June; - 60% of unimpaired San Joaquin River inflow from February through June. This compares with the historic flows over the last 18 to 22 years, which have been: - About 50% on average from April through June for Sacramento River inflows - Approximately 30% in drier years to almost 100% of unimpaired flows in wetter years for Delta outflows - Approximately 20% in drier years to almost 50% in wetter years for San Joaquin River inflows	As described in Appendix 3A, Identification of Water Conveyance Alternatives Conservation Measure 1, of the Final EIR/EIS, one of the potential alternatives considered was based upon the State Water Resources Control Board 2010 Development of Flow Criteria for the Sacramento-San Joaquin Delta Ecosystem, which described providing up to 75 percent of unimpaired flow into the Delta to improve aquatic resources habitat conditions. This potential alternative was not evaluated in detail because the flow recommendations in the 2010 report could not be achieved without adverse impacts to cold water management for fisheries in the Sacramento, Feather, and American rivers without reductions in non-SWP and non-CVP water rights diversions. The purpose and need of this EIR/EIS would not allow changes to non-SWP and non-CVP water rights. However, Alternatives 7 and 8 in the EIR/EIS reflect similar flow criteria in a manner that would only affect SWP and CVP water rights.
98	55	[ATT1:] As far back as 1960, the Department of Water Resources knew that without the North Coast Rivers, they would not be able to get more than approximately 3.2 million acre-feet from the Delta [Footnote 36: California Department of Water Resources. 1960. Bulletin 76 Delta Water Facilities. Water Sources and Uses Table, Page 11. http://www.water.ca.gov/waterdatalibrary/docs/historic/Bulletins/Bulletin_76/Bulletin_76_1960.pdf] The rebuttable presumption, consistent with the evidence of the last two decades and with the new state policy to reduce Delta water supply reliance, is that a total export of no more than 3 million acre-feet in all water year types is prudent. EWC's [Environmental Water Caucus] members believe that a number at or near this level should now be used by the state and federal governments in planning and permitting future Delta export operations--with or without the BDCP tunnels--in order to promote the recovery of the Delta's ecology and its fish populations, and to provide healthy Delta outflows to San	In accordance with the Project Objectives and Purpose and Need (see Chapter 2 of the Final EIR/EIS), all of the action alternatives would continue the operation of the SWP and CVP in accordance with the existing water rights and regulatory criteria adopted by the State Water Resources Control Board, U.S. Fish and Wildlife Service, National Marine Fisheries Service, and California Department of Fish and Wildlife. The proposed project does not seek any new water rights nor reduction in total water rights issued to DWR and Reclamation. Under the range of alternatives considered in the EIR/EIS full contract amounts are not delivered in the majority of times to the SWP and CVP water contractors. Full contract deliveries may occur in extremely wet years. Alternative 4A, the proposed project, will maintain compliance with Delta outflow regulatory requirements for all water years with the use of the North Delta intakes, as described in Chapter 5, Water Supplies, and Chapter 6, Surface Water. A detailed discussion of the specific Delta outflows under a range of seasons and water year types is contained in Appendix 5A.

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		Pablo and San Francisco Bays.	
98	56	[ATT1:] The Delta Flows Criteria promulgated by the State Water Resources Control Board (SWRCB) clearly indicates that the state has exceeded the amount of water that can be diverted responsibly from the Bay/Delta estuary. As a result, the EWC [Environmental Water Caucus] plan anticipates future limitations on Delta exports below the level of the 2000-2007 time periods in order to meet Delta ecosystem restoration goals. The recent PPIC [Public Policy Institute of California] report reinforces this: "...Given the extreme environmental degradation of this region, water users must be prepared to take less water from the Delta, at least until endangered fish populations recover." Information presented to the State Water Resources Control Board during hearings related to their Water Quality Control Plan has shown that water allocations exceed the normal year's water availability by a factor of five, putting further pressure to reduce exports. [Footnote 37: Testimony on Water Availability Analysis submitted by Tim Stroshane (C-WIN) before the State Water Resources Control Board, October 26, 2012. P. 11 http://c-win.org/webfm_send/265]	The projected reduction in SWP and CVP deliveries to users located south of the Delta is consistent with the model results for the No Action Alternative as compared to Existing Conditions, as discussed in Chapter 5 of the Final EIR/EIS. For more details on water demand management, see also Master Response 6.
98	57	[ATT1:] The current approach of managing the Delta for water supply will lead to intense pressures to make increased exports the major goal of the BDCP with the health of the Bay/Delta estuary presented as a lower priority. One of the main objectives of this EWC [Environmental Water Caucus] plan is to decrease the physical vulnerability and increase the predictability of Delta supplies; EWC members oppose an increase in average annual Delta exports. The BDCP promotes a fallacy that it is possible to increase exports while somehow recovering fish species and ecosystems. This has led to a warped scientific program, as pointed out by The Bay Institute in their recent Briefing Paper on the BDCP Effects Analysis [Footnote 38: The Bay Institute and Defenders of Wildlife. The BDCP Effects Analysis, Briefing Paper. February 2012. http://www.bay.org/assets//BDCP%20EA%20Briefing%20Paper%2022912.pdf] and by the U.S. EPA in their formal comments pointing out the potential for the BDCP to contribute to the demise of Salmon.	Chapter 11, Fish and Aquatic Species, of the Final EIR/FEIS describes the projected effects of the new preferred alternative, Alternative 4A to listed species. The analysis finds that there would be no adverse effects. This analysis was based on best available science. Several modifications have been made to the project description and effects analysis based on previous comments received on the 2013 Draft EIR/EIS and the 2015 RDEIR/SDEIS, including those by The Bay Institute and Defenders of Wildlife and the US EPA.
98	58	[ATT1:] Recent letters from the EPA and the Bureau of Reclamation indicate that the EPA believes that the (BDCP) EIS/EIR will need to include a significant analysis of alternatives reflecting reduced Delta inflow and reduced exports, [Footnote 39: http://www.epa.gov/region9/water/watershed/sfbaydelta/pdf/EPA_Comments_BDCP_3rd NO_051409.pdf] and that a significant increase in exports out of the Delta is inconsistent with recent state legislation (to reduce reliance on the Delta). [Footnote 40: http://www.epa.gov/region9/water/watershed/sfbay-delta/pdf/EpaR9CommentsBdcpPur pStmt6-l0-2010.pdf]	Under the range of alternatives considered in the EIR/EIS full contract amounts are not delivered in the majority of times to the SWP and CVP water contractors, as presented in Appendix 5A, Section C, CALSIM II and DSM2 Model Results, of the Final EIR/EIS. Long-term water deliveries to SWP and CVP water contractors located south of the Delta are lower under Alternatives 6, 7, and 8 as compared to the Existing Conditions and the No Action Alternative. The EIR/EIS and the Draft BDCP were prepared in a manner consistent with the 2009 Delta Reform Act, as described in Master Response 31and Appendices 3I and 3Jof the Final EIR/EIS. The project is just one element of the state's long-range strategy to meet anticipated future water needs of Californians in the face of expanding population and the expected effects of climate change. See responses to comments 98-15 and 98-17.
98	59	[ATT1:] Changing the infrastructure will not solve the problem of a shrinking Delta water supply. A vigorous debate is now underway over whether a new isolated conveyance facility to move water around or under the Delta should be constructed- a revised version of the Peripheral	By establishing a point of water diversion in the north Delta and new operating criteria the proposed project is designed to improve native fish migratory patterns and allow for greater operational flexibility. Although the proposed project would not increase the overall volume of Delta water exported, it would make the deliveries more predictable and reliable, while restoring an ecosystem in steep decline.

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		Canal. Even those who support a new facility (and dual conveyance) as a solution to improve environmental conditions and water supply reliability, including the Public Policy Institute, [Footnote 41: Public Policy Institute of California. 2008. Comparing Futures for the Sacramento-San Joaquin Delta. P. 123-124. http://www.ppic.org/content/pubs/report/R_708EHR.pdf] the Delta Vision Blue Ribbon Task Force, and some environmental groups, do not believe that constructing this new facility will generate any new water. Whether or not a new conveyance facility is approved and built, the inexorable trend will be for the reliability of north-to-south water transfers through or around the Delta to decline, and for water users who currently rely on Delta exports to seek alternative sources of supply and to increase their conservation and reuse of that supply.	Please refer to Master Response 4 for additional details on the selection of alternatives. Also, please see Master Response 3 for additional details on the project purpose and need and Master Response 5 for additional details on demand management. Additionally, please refer to Master Response 32 for additional information on water rights and changes in Delta exports and Master Response 36 on differences between the proposed project and the peripheral canal.
98	60	[ATT1:] According to the Bay Delta Conservation Plan, [Footnote 42: Bay Development Conservation Plan. Http://www. Baydeltaconservationplan.com/CurrentDocumentsLibrary /Chapter_3_Conservation_Strategy_Combined_ v2 .pdf] the version of the BDCP twin tunnels now under consideration would have the capacity to export 9,000 cubic feet of water per second from a series of two massive 40' unlined intake tunnels, 35 miles long, buried 150' under the Sacramento River north of the Delta. This almost exactly matches the existing capacity of the combined state and federal pumps. The current approach of managing the Delta for water supply will almost certainly lead to intense pressures to make increased exports the major goal of the BDCP while the health of the Delta will be a lower priority.	The proposed project's facilities, including water intakes and pumping plants, would be operated in accordance with permits issued by, U.S. Fish and Wildlife Service, National Marine Fisheries Service, State Department of Fish and Wildlife, and the State Water Resources Control Board, among other agencies. The proposed project would be permitted to operate with regulatory protections, including river water levels and flow, which would be determined based upon how much water is actually available in the system, the presence of threatened fish species, and water quality standards. Please refer to Master Response 32 for additional information on water rights and changes in Delta exports.
98	61	[ATT1:] Reduced dependence on the Delta by south-of-Delta water users would also obviate the need for new conveyance around or under the Delta and new surface storage reservoirs, avoiding costs of perhaps tens of billions of dollars for taxpayers and the potential for stranded assets resulting from climate change and sea level rise in the Bay-Delta estuary. This reorientation will undoubtedly require some south-of-Delta infrastructure enhancements, but the costs will be far below those needed for a trans-Delta canal or tunnel system and a new reservoir north of the Delta.	As described in response to comment 98-55, in accordance with the Project Objectives and Purpose and Need (see Chapter 2 of the Final EIR/EIS), all of the action alternatives would continue the operation of the SWP and CVP in accordance with the existing water rights and regulatory criteria. Under the range of alternatives considered in the EIR/EIS full contract amounts are not delivered in the majority of times to the SWP and CVP water contractors, as presented in Final EIR/EIS Appendix 5A, Section C. Alternative 4A, the proposed project, will maintain compliance with Delta outflow regulatory requirements for all water years with the use of the North Delta intakes, as described in Chapter 5, Water Supplies, and Chapter 6, Surface Water. A detailed discussion of the specific Delta outflows under a range of seasons and water year types is contained in Appendix 5A. The construction of the water delivery facilities is estimated to cost $14.9 billion, an amount that would be paid for by the state and federal water contractors who rely on Delta exports. The range of costs for water vary widely among contractors south of the Delta. Costs depend on the source of water, transport facilities, energy requirements, among other factors. For the agricultural customers of the CVP, prices range from $100 per acre-foot to more than $400 per acre-foot. The Metropolitan Water District of Southern California, which buys water from the SWP, estimates that the cost of the proposed project would translate into about $5.00 extra per household, per month in its service area. The final cost of water from the new conveyance facilities would be determined by numerous factors. A number of these significant factors, such as the project yield and allocation of costs, have yet to be determined. Please see Master Response 5 for information regarding funding of the proposed project.
98	62	[ATT1:] Climate change projections indicate that over the longer term, global warming will reduce the total amount of precipitation, resulting in significant reductions in Sacramento River	A wide range of future climate change conditions were systematically modeled and analyzed including potential futures with less precipitation. Please refer to the Climate Change Master Response 19 for a detailed summary of the modeling and analysis done. See also response to comment 98-23.

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		flows. There is no indication that this has been factored into present plans, and it is possible that new conveyance for Sacramento River water may become a stranded asset.	
98	63	[ATT1:] Implementation of [export reduction] actions by EWC [Environmental Water Caucus] organizations will include: - Continued legal actions against implementation of the proposed Final Delta Plan and advocacy for the implementation of the EWC Sustainable Water Plan as an alternative to the Delta Plan. - Continued opposition to the implementation of the Bay Delta Conservation Plan and advocacy for the implementation of the EWC Sustainable Water Plan as an alternative to the BDCP. - Continued presentation of relevant data supporting the EWC Sustainable Water Supply Plan at the ongoing State Water Board Water Quality Control Plan hearings and meetings.	The comment does not raise any issue related to the environmental analysis in the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS. See responses to comments 98-15 and 98-17.
98	64	[ATT1:] Funding will depend on the results of State Water Resources Control Board hearings on Delta flows, which are scheduled for conclusion in 2015 or later. Subsequent to those hearings, implementation and funding plans will most likely fall within the purview of the state legislature.	The proposed project was developed to meet the rigorous standards of the federal and state Endangered Species Acts, as such the proposed project is intended to be environmentally beneficial. By establishing a point of water diversion in the north Delta and new operating criteria, the proposed project is designed to improve native fish migratory patterns and allow for greater operational flexibility.
98	65	[ATT1:] Enforce water quality standards in the estuary and in impaired rivers: The federal Clean Water Act and the state Porter-Cologne Water Quality Control Act state that the state's water quality control plans are intended to improve water quality, not merely to maintain it. The process of updating the Water Quality Control Plan for the Delta is ongoing; the current iteration began in 2009 with a Staff Report that identified issues for further examination in the water quality control planning process. The update is planned to proceed in four phases. Phase 1 would set flow standards for the San Joaquin River and major tributaries and consider the standards for South Delta salinity. Phase 2 would set standards for Sacramento River inflow, Delta flow, Delta outflow and Delta/Suisun Marsh water quality. Phase 3 would incorporate the revised standards into the water rights permits through evidentiary hearings. Phase 4 would establish instream flows for major tributaries of the Sacramento River. As with many planning processes, real life intervened. In 2009, the Legislature directed the State Water Board to prepare public trust-protective flow criteria for the Delta in early 2010, and the Board completed and approved a seminal study in August of the same year. The Board's Delta Flow Criteria Report announced that flows indeed were too low and exports probably too high to sustain declining fish populations, other water quality and ecological stressors affected the recovery of listed Delta fish species, "flow and physical habitat interact in many ways, but they are not interchangeable," and that "scientific	The water quality assessment in Chapter 8, Water Quality, and modeling results find that the project (Alternative 4A) would result in less-than-significant impacts to water quality for all parameters assessed except for mercury and electrical conductivity (EC). Impacts to EC would be less than significant with implementation of the proposed mitigation. Please refer to Master Response 14 regarding assessment of water quality degradation in the EIR/EIS, and the relevance of federal and state antidegradation policy considerations in the CEQA/NEPA process.

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		certainty is not the standard for agency decision making. [Footnote 43: http://www.swrcb.ca.gov/waterrights/water_issues/programs/bay_delta/deltaflow/final_rpt.shtml. See pages 4 and 5.] Drought response has also consumed a great deal of the State Water Board's staff time and attention. This has forced lengthy delays in its planning processes as well. The update is planned to proceed in four phases. Phase 1 would set flow for the San Joaquin River and its major tributaries (the Merced, Tuolumne, and Stanislaus) and relax interior south Delta salinity objectives. Phase 2 would revisit water quality and flow objectives for Sacramento River tributaries, Delta inflow, Delta outflow and Suisun Marsh water quality. Phase 3 would implement the revised standards into all post-1914 water rights permits through evidentiary hearings (i.e., using sworn testimony and cross-examination). Phase 4 would establish instream flow criteria for major tributaries of the Sacramento River.	
98	66	[ATT1:] The State Water Board's 2013 proposed Water Quality Control Plan sought to relax salinity objectives in the south Delta. This action would harm Delta ecosystems and water quality for Delta farmers, both already struggling with poor water quality and low water levels due to the massive state and federal pumping plants near Tracy. The Board essentially proposed relaxing salinity objectives to levels the water projects could meet more regularly -- a case of moving the goal line closer so touchdowns would be easier to score. But their proposal ran up against federal and state water quality regulations that require objectives to protect the most sensitive beneficial uses, and to prevent degradation of water quality below that which now exists.	See Chapter 8 of the Final EIR/EIS and Master Response 14 for additional discussion of water quality, including salinity.
98	67	[ATT1:] The State Water Board's 2013 plan puts maintenance of water supply yield for the federal Central Valley Project and the State Water Project over all other beneficial uses and over the more senior rights of diverters on the three tributary rivers -- the Merced, Tuolumne, and Stanislaus. In essence, the Board constructed its flow criteria and water quality control planning for the implicit outcome of "no net loss to exports," per the failed CALFED mantra, and has ignored its responsibilities to evaluate the competing needs of all beneficial uses in the process of developing flow and water quality objectives. This arbitrary decision to favor one user group over other public trust values also violates the Delta Reform Act. Passed in 2009, this act unequivocally states that importers of water from the Delta (principally the State Water Project and the federal Central Valley Project, and their water service contractors) must reduce their reliance on Delta supplies as they plan to meet their future water needs. The failure of the SWRCB to discharge its responsibilities can be illustrated by the criticisms of environmental groups during the recent Water Quality Control Plan hearings related to the San Joaquin basin. [Footnote 44: http://ewccalifornia.org/reports/commentlettersjflows.pdf and http://ewccalifornia.org/reports/attachmentsjflows.pdf.] Those criticisms included: - Failure to comply with the Delta Reform Act policies requiring Delta importers to reduce	By establishing a point of water diversion in the north Delta and new operating criteria the project is designed to establish a more natural east-west flow for migratory fish, improve habitat conditions, and allow for greater operational flexibility. The proposed project does not increase the amount of water to which DWR holds water rights or for use as allowed under its contracts. Water deliveries from the federal and state water projects under a fully-implemented Alternative 4A are projected to be about the same as the average annual amount diverted in the last 20 years. Although the proposed project would not increase the overall volume of Delta water exported, it would make the deliveries more predictable and reliable, while restoring an ecosystem in steep decline. Refer to Master Response 26 (Area of Origin). See also Master Response 32, Water Rights Issues. See Master Response 31 and Appendices 3I and 3J of the Final EIR for discussion of compliance of the proposed project with the Delta Reform Act.

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		their reliance on the Delta for future water supplies. - Failure to develop protective water quality objectives - Failure to follow State and Federal Anti-degradation policies - Failure to include the Upper San Joaquin River above the Merced River confluence from the Water Quality Control Plan	
98	68	[ATT1:] The State Water Board will be unable to legitimize its next water quality control plan for the Bay-Delta estuary and watershed until it deals with the problem of paper water: the practical reality that far more water rights are claimed for Central Valley rivers and streams than there is water to satisfy them. The drought and the Board's actions to curtail junior water rights during 2014 demonstrated this, -- most importantly to staff and appointed Board members. In 2012, EWC [Environmental Water Caucus] member groups, including the California Water Impact Network, the California Sportfishing Protection Alliance, and AquAlliance, demonstrated there are 5.5 acre-feet of water right claims to every acre-foot flowing in an average year. [Footnote 45: California Water Impact Network. Testimony on Water Availability Analysis for Trinity, Sacramento, and San Joaquin River Basins Tributary to the Bay-Delta Estuary. October 26, 2012. Page 11. http://c-win.org/webfm_send/265.] This ratio increases during drought years; if river flows decrease by half amid drought, the ratio of water right claims chasing scarcer water doubles. The torrent of criticism in 2013 and the searing experience of drought in 2014 and again this year have sent the Board back to the drawing board. They intend to issue a revised Substitute Environmental Document (SED) in the near future, but a specific date has not been announced. The fates of Phases 2, 3 and 4 have yet to be determined. Unfortunately, delay is not kind to either fisheries or water quality.	Water rights issued on rivers in the Trinity and Central Valley watersheds include a wide range of beneficial uses from hydropower to municipal, industrial, and agricultural water users. However, not all of the water diverted under the water rights is consumptively used. For example, water diverted for hydropower electric generation is fully returned to the water bodies; and a portion of the water diverted from municipal, industrial, and agricultural water uses is returned to the water bodies. In addition, the amount of water diverted is dependent upon water rights priorities and the need to meet environmental flow and quality requirements. Therefore, it is difficult to compare the total volume of water rights licenses to the total amount of water available in the system. For example, water rights issued to DWR and Reclamation are not fully available to provide water under the SWP and CVP water contracts in many years due to the demands of senior water rights holders and regulatory requirements. See also Master Response 32, Water Rights Issues. See also response to comment 98-67.
98	69	[ATT1:] For the first time in 45 years of water quality planning history, the State Water Resources Control Board has decided in Phase 1 to stop treating the Bay-Delta Estuary as a whole for planning purposes. It has instead chopped up the Delta and severed the upper San Joaquin River above the Merced River confluence from its planning considerations, and separated planning considerations on these matters from the rest of the Delta. The real Bay-Delta estuary does not operate this way. The Environmental Water Caucus believes that the State Water Board has done this in violation of its planning obligations, and is piecemealing water quality control planning in violation of the California Environmental Quality Act.	The EIR/EIS has included the effects of the past, present and ongoing programs/projects in the analysis which is consistent with both CEQA and NEPA. DWR's fundamental purpose of the proposed project is to make physical and operational improvements to the SWP system in the Delta necessary to restore and protect ecosystem health, water supplies of the SWP and CVP south of the Delta, and water quality within a stable regulatory framework, consistent with statutory and contractual obligations. As noted in response to comment 98-15, the proposed project is just one element of the state's long-range strategy to meet anticipated future water needs of Californians in the face of expanding population and the expected effects of climate change. For more information regarding how the project was evaluated as a whole please see Master Response 2.
98	70	[ATT1:] An August 2014 letter from the U.S. Environmental Protection Agency to DWR has indicated that the BDCP will degrade water quality for in-Delta water users, would violate the federal Clean Water Act, and increase harm to endangered fish species. [Footnote 46: http://www.sacbee.com/news/state/california/water-and-drought/delta/article2608060.html#storylink=cpy] Although increasing flows, as described in this EWC [Environmental Water Caucus] Sustainable Water Supply plan, will improve many aspects of Delta water quality, we must also continue to pursue specific and targeted water quality actions in	DWR's fundamental purpose of the proposed project is to make physical and operational improvements to the SWP system in the Delta necessary to restore and protect ecosystem health, water supplies of the SWP and CVP south of the Delta, and water quality within a stable regulatory framework, consistent with statutory and contractual obligations. See Master Response 31 and Appendices 3I and 3J of the Final EIR for discussion of compliance of the proposed project with the Delta Reform Act.

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		order to restore the health of the Delta. Implementation of the [water quality enforcement] actions by EWC organizations will include: - Continue to present data and advocate for the applicable features of the EWC Sustainable Water Supply Plan at the ongoing State Water Board's Water Quality Control Plan hearings and meetings. - Continue to advocate with the SWRCB for the following three policies and actions: a meaningful water supply availability analysis; a benefit-cost analysis which includes a valuation of exports versus the value of restored ecosystems; a public trust evaluation of water quality actions for the Delta. - Advocate at the SWRCB that Delta water quality objectives must protect the most sensitive beneficial uses, such as Delta smelt and drinking water supplies, and prevent degradation of water quality throughout the Delta, including the south Delta. - Insist that the State Water Board adhere to and enforce Delta Reform Act policies and priorities, which include reduced Delta reliance by importers; using the best available science in its decision making; improving water quality to protect human health and the environment, and restoring Delta ecosystems, including those supporting fisheries and wildlife. Funding. No estimates available.	
98	71	[ATT1:] Groundwater Management: Environmental organizations were generally disappointed with the groundwater monitoring features that were included in the Delta Reform Act of 2009. Earlier drafts of the original 2009 legislation required groundwater monitoring and reporting throughout the state, but the final legislation was weakened to make groundwater reporting a voluntary effort. Since groundwater represents 30% of California's water supply in most years, we must face this politically difficult situation by requiring mandatory groundwater reporting throughout the state. For too long this huge resource has been over-used, over-drafted, and over-subscribed. The amount of water used has largely remained a mystery, and numerous once-healthy groundwater basins have been drained and contaminated. Of all the states, only California and Texas have been so negligent in managing groundwater. We cannot manage what we do not measure. The EWC [Environmental Water Caucus] long has expressed support for public groundwater storage over the construction or expansion of additional surface storage. We have advocated for the mandatory reporting of groundwater pumping and for the implementation of sustainable practices for groundwater management and utilization.	This comment includes opinions by the Environmental Water Caucus in 2015 which do not raise any issues with the environmental analysis provided in the EIR/EIS. The greatest potential for impacts to groundwater will be during the construction of the intake facilities, pump stations, forebays, and tunnel shafts. It is anticipated that construction of these facilities will require some type of groundwater dewatering immediately adjacent to the construction site while construction activities are underway. For the tunneling work itself, it is anticipated that groundwater presents minimal risk to the project since the tunneling work will be conducted with equipment that is specifically designed to operate under high groundwater conditions. Hence localized dewatering along the tunnel alignment will not be conducted as a regular component of the tunnel mining operation. Localized dewatering along the alignment will be used only in the event of certain maintenance activities, or specialized construction conditions. Geotechnical exploration work is planned in advance of dewatering well installation so that the groundwater regime at each project site can be better understood, which in turn will allow each dewatering system to be uniquely designed and operated in order to limit construction-related effects to the groundwater user adjacent to the construction sites. DWR plans to have a groundwater monitoring and management plan (Plan) in place before construction begins. The Plan will include a process by which baseline groundwater conditions are established along the project corridor, defining groundwater monitoring during and after construction, and establishing mitigation measures to be utilized. The establishment of groundwater baseline information will allow DWR and all relevant parties to develop information on groundwater conditions and consumptive usage patterns. This information will aid in determining if and when any adverse project-related effects to the groundwater during construction activities occur. The baseline monitoring process may include determining variables such as seasonal changes in groundwater level elevations and water quality, the interface of groundwater with surface water and drainage, consumptive usage patterns established by

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			municipal, domestic, and agricultural wells, and crop utilization of the groundwater. The timing, frequency, and duration of the monitoring during and after construction would be determined before construction begins and will be dependent, in part, on the results of the pre-construction monitoring and the documented use of each resource. If a construction-related effect is identified to have occurred, the magnitude, significance, and anticipated duration of the effect will be determined and an appropriate mitigation measure will be utilized. Mitigation measures that may be considered could include deepening of existing wells, the installation of new wells, or providing an alternate source of temporary water. The most appropriate mitigation methodology applied will be determined on a case by case basis in conjunction with the impacted party. For more information see Mitigation Measure GW-1 in Appendix A Chapter 7 Groundwater.
98	72	[ATT1:] During the past year, with the passage of the Sustainable Groundwater Management Act of 2014, the California legislature took a step toward the mandatory reporting and sustainable management of our groundwater basins. The Act authorizes the establishment of "groundwater sustainability agencies" that will manage local groundwater basins. The Legislature has granted broad discretionary powers to these agencies, including authority to allocate groundwater supplies between users within their boundaries and regulate, limit, or suspend groundwater extractions. An agency may adopt rules, regulations, ordinances, and resolutions related to groundwater management, and have broad powers regarding groundwater monitoring and the construction and operation of new and existing wells. A sustainability agency may impose fees to fund the cost of a sustainability program, including permit fees, groundwater extraction fees, and fees imposed as ad valorem property taxes. The Act applies to groundwater found within 515 basins delineated by the DWR throughout the state. DWR has categorized each of these basins as high, medium, low or very low priority; the 127 basins designated as high or medium priority are the source of approximately 90 percent of all groundwater produced in the state. [Footnote 47: California Department of Water Resources, California Water Plan Update 2013, V-1 The Strategic Plan, 3-90] The Act does not apply to 26 basins that have been subject to prior court adjudication, mostly in Southern California.	Recent adoption of the Sustainable Groundwater Management Act will implement groundwater monitoring programs and require implementation of groundwater sustainability plans throughout California by 2022, and full implementation of the plans by 2042. The requirements for the groundwater sustainability plans and local and regional plans are currently under development, and are considered in this EIR/EIS in the cumulative impact analysis. It is anticipated that the plans would reduce the ability to continue long-term groundwater withdrawals that would result in continuous overdraft conditions. The current CALSIM II and economic models used in the EIR/EIS assume that the maximum amount of SWP and CVP water and water from water rights holders are utilized prior to use of groundwater. If surface water and/or groundwater is not available, the EIR/EIS analysis assumes idling of agricultural lands.
98	73	[ATT1:] [Under the Sustainable Groundwater Management Act] a sustainability agency must adopt a groundwater sustainability plan for each high and medium priority basin by January 31, 2022. If DWR has designated a basin as subject to critical conditions of overdraft, the sustainability plan must be adopted by the earlier date of January 31, 2020. All plans must be submitted to DWR, which will review them for adequacy. If a sustainability agency is not established for the entire area of a high or medium priority basin by July 1, 2017, or if a sustainability plan has not been adopted by the deadlines above, or if DWR has determined that a sustainability plan is inadequate, the State Water Resources Control Board may declare the basin a "probationary basin" and adopt an interim plan of the SWRCB's own creation. [Footnote 48: The preceding three paragraph are taken from Dark Clouds Over California, a blog by Wes Strickland http://privatewaterlaw.com/2014/11/19/dark-clouds-over-california/] Implementation dates of 2020 and 2022 seem unnecessarily long in view of the conditions of the medium	This is a comment on the Sustainable Groundwater Management Act. As described in the response to Comment 98-72, the requirements for the groundwater sustainability plans and local and regional plans are currently under development, and are considered in this EIR/EIS in the cumulative impact analysis.

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		and high priority and critical overdraft areas.	
98	74	[ATT1:] The EWC [Environmental Water Caucus] position on the Groundwater Sustainable Management Act is circumspect. While we applaud the Act as a step in the right direction (local control), we are concerned about the ability of new local agencies to improve the California groundwater management practices; we are also concerned about a state takeover of groundwater management. The current situation for surface water -- where there are far more rights than available water -- is not a good recommendation for statewide groundwater management. The deadlines for implementation of the Act are sufficiently far in the future to allow oversight of the process, with comment based on the ultimate actions of local and state agencies. Implementation of the [groundwater management] actions by EWC organizations will include: - Participation in the legislative and agency meetings that review the results of the Sustainable Groundwater Management Act and that designate additional components for inclusion in the Act. - Possible changes to the Sustainable Groundwater Management Act that we support are: > Shorter implementation sustainability plan deadlines for the high and medium priority basins and for areas in critical overdraft. > Shorter implementation dates for achievement of sustainability in such basins. > Metering and reporting of groundwater withdrawals for wells (including agricultural wells) in high and medium priority basins and in areas of critical overdraft. Funding. No estimates available.	This is a comment on the Sustainable Groundwater Management Act. As described in the response to Comment 98-72, the requirements for the groundwater sustainability plans and local and regional plans are currently under development, and are considered in this EIR/EIS in the cumulative impact analysis.
98	75	[ATT1:] Proposition 1: Officially entitled the Water Quality, Supply and Infrastructure Improvement Act of 2014, this legislation is a $7.54 billion general obligation bond measure approved by California voters on the Nov. 4, 2014 ballot. Proposition 1 would allow the state to redirect $425 million in unsold bonds and sell $7.1 billion in additional bonds, for a total of $7.5 billion in general obligation bonds. The funds would be used to manage water supplies, protect and restore wetlands, improve water quality, and increase flood protection. Of the total $7.54 billion, $5.7 billion is available for water supply and water quality projects only if recipients provide a local match: in most cases 50% of the total cost. Specific spending proposals in the proposition include: - $2.7 billion for water storage projects, dams and reservoirs. - $1.5 billion or competitive grants for ecosystem and watershed protection and	The comment addresses views on the use of Proposition 1 funding and does not raise any issues related to the environmental analysis in the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS. Please see Master Response 5 for discussion of funding. Although Alternatives 4A, 2D, and 5A include only those habitat restoration measures needed to provide mitigation for specific regulatory compliance purposes, habitat restoration is still recognized as a critical component of the state's long-term plans for the Delta. Such larger endeavors, however, will likely be implemented over time under actions separate and apart from these alternatives. The primary parallel habitat restoration program is called California EcoRestore (EcoRestore), which will be overseen by the California Resources Agency and implemented under the California Water Action Plan. Proposition 1 funds and other state and public dollars will be directed exclusively for public benefits unassociated with any regulatory compliance responsibilities. Additional priority restoration projects will be identified through regional and locally-led planning processes facilitated by the Delta Conservancy. Plans will be completed for the Cache Slough, West Delta, Cosumnes, and South Delta. Planning for the Suisun Marsh region is already complete and a process for integrated planning in the Yolo Bypass is underway. The Delta Conservancy will lead the implementation of identified restoration projects, in collaboration with local governments and with a priority on using

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		restoration projects. - $900 million for competitive grants and loans for projects to prevent or clean up the contamination of groundwater that serves as a source of drinking water. - $810 million for expenditures on integrated regional water management plan projects. - $725 million for water recycling and advanced water treatment technology projects. - $520 million to improve water quality, including reducing and preventing drinking water contaminants and providing assistance to disadvantaged communities. - $395 million for statewide flood management projects and activities. The EWC [Environmental Water Caucus] could support many of the projects funded by Proposition 1, such as the cleanup and prevention of polluted groundwater; drinking and wastewater treatment projects; and water recycling, rainwater capture, conservation, and water-use efficiencies; these measures will help reduce demand on surface water and groundwater over the long term. However, we have serious concerns that the proposition generally favors large surface water storage projects and hands spending control to a commission composed of political appointees with no budgetary oversight and a predisposition to favor new or expanded surface storage. This is the wrong direction for the state's long-term water sustainability and for recovery of our degraded aquatic ecosystems. EWC's position on Proposition 1 is best expressed by comments taken directly from the web site of one of our member organizations: [Footnote 49: California Sportfishing Protection Alliance. Statement of Opposition to Proposition 1. http://calsport.org/news/wp-content/uploads/CSPA-14-Point-Opposition-Prop-1.pdf.] "The California Sportfishing Protection Alliance (CSPA) has carefully reviewed the provisions of Assembly Bill 1471, Water Quality, Supply and Infrastructure Improvement Act of 2014, and concludes that it represents a grave and insidious threat to core environmental values and principles buttressing protection for fisheries and the environment. Proposition 1 undermines the public trust doctrine and the crucial principles that beneficiaries of projects should pay for them and that projects should be responsible for mitigating their adverse impacts. Furthermore, it paves the way for a new era of big dam building; is a pork-filled barrel of subsidies to special interests, including BDCP; provides little near-term drought relief; eliminates public oversight; crowds out other critically needed investments; is fiscally irresponsible, and it sabotages, delays and diverts funding from meaningful efforts to address California's continuing water crisis." After listing 14 reasons for opposing Proposition 1, the CSPA statement concludes that it "...shamefully holds a few worthy projects hostage to fiscally irresponsible and environmentally damaging projects. In other words, the bond contains a surface storage "poison pill" that precludes our support. Obviously we did not prevail in our opposition to Proposition 1. It would have been difficult under the circumstances, given bond supporters spent more than $21 million while those opposing the bond spent about $100,000. [Footnote 50: http://ballotpedia.org/California_Proposition_1,_Water_Bond_(2014) Note: part of the support totals include funds for the "Rainy Day" initiative that was also on the ballot.] Our current and future position focuses on support of those measures in the bond that	public lands in the Delta.

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		are in line with the EWC plan (such as water efficiency, demand reduction, water recycling and ecosystem restoration) and strong opposition to funding for surface storage projects. EWC will also advocate for increased funding for groundwater solutions for water storage. Implementation of the above actions by EWC organizations will include: - Tracking California Water Commission proceedings related to storage option funding; we will work to direct funding to groundwater options and oppose funding for surface storage options. - Tracking and influencing the distribution of funds for the water conservation-related options of Proposition 1 in accordance with the EWC Sustainable Water Supply Plan. - Continued EWC/EJCW responses as necessary in support of the Winnemen Wintu tribe's opposition to potential federal plans to raise Shasta Dam Funding. No current estimates available.	
98	76	[ATT1:] Eliminate irrigation water on drainage-impaired farmlands south of the Bay Delta: Selenium, arsenic, boron, molybdenum, mercury, and various other salts and minerals are highly concentrated in the soils of the Delta-Mendota Service Area, the San Luis Units of the CVP and portions of the Kern and Tulare basins served by the SWP. Descriptions of these soils are presented in the 1990 joint federal and state report known as "The Rainbow Report." [Footnote 51: U.S. Department of the Interior, California Resources Agency. September 1990. A Management Plan for Agricultural Subsurface Drainage and Related Problems on the Westside San Joaquin Valley. P. 2-3. http://www.water.ca.gov/pubs/groundwater/a_management_plan_for_agricultural_subsurface_drainage_and_related_problems_on_the_westside_san_joaquin_valley/rainbowreportintro.pdf] The San Luis Act of 1960 requires a drain system as a condition of approval of the San Luis Unit CVP contracts, including the Westlands Water District. Initially, the Bureau of Reclamation planned to build a San Luis Master Drain to the Bay-Delta from these lands, but the drain to the Delta was stopped after 93 miles were completed; the terminus was Kesterson Reservoir near Los Banos, where thousands of migratory birds died from selenium poisoning due to toxic drainwater. The US Geological Survey recently estimated that even if the San Luis Drain were completed, irrigation of the San Luis Unit of the CVP were halted, and 42,500 pounds of selenium a year were discharged into the Delta from ongoing agricultural drainage, it would take 65 to 300 years to eliminate the selenium already deposited in valley groundwater. [Footnote 52: Presser, Theresa S. and Samuel N. Luoma. 2007. Forecasting selenium discharges to the San Francisco Bay-Delta Estuary: Ecological effects of a proposed San Luis Drain Extension.The US Geological Survey,Professional Paper 1646. Abstract P. 1.http://pubs.usgs.gov/pp/p1646/]	The comment does not raise any issue related to the environmental analysis in the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS. See Chapter 8 and associated appendices of the Final EIR/EIS and Master Response 14 for discussion of water quality.
98	77	[ATT1:] Since the late 1960s and 1970s, the Central Valley Project has been supplying water to approximately 1.3 million acres of drainage-impaired land on the west side of the San Joaquin Valley. This is a clear violation of the California constitution's prohibition against	The comment does not raise any issue related to the environmental analysis in the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS. State constitutional restrictions require the reasonable and beneficial use of water, and state laws require that water pumped from the Delta be put to stipulated beneficial uses. Beneficial uses include agricultural, municipal, and industrial consumptive uses; power production; and in-stream uses

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		waste and unreasonable use of the state's water. [Footnote 53: California Constitution. Article 10, Section 2. http://www.leginfo.ca.gov/.const/.article_10.] Eliminating or reducing the irrigation of this land would save up to 2 million acre-feet of water in most years. [Footnote 54: Pacific Institute. 2008. More with Less: Agricultural Water Conservation and Efficiency in California. P.7.http://www.pacinst.org/reports/more_with_less_delta/index.htm]	including fish protection flows. For further discussion of the beneficial use of water, please see Master Response 34. The existing operations of the SWP and CVP, operations under the No Action Alternative, and operations under the proposed project and other action alternatives would provide for the operation of the SWP and CVP in accordance with the existing water rights and regulatory criteria. . The proposed project does not seek any new water rights nor reduction in total water rights issued to DWR and Reclamation.
98	78	[ATT1:] Farmers and water districts throughout the western San Joaquin Valley have been trying to reduce their drainage water. Much, however, remains to be done. Retiring these lands from irrigated agriculture remains by far the most cost-effective and reliable method of eliminating harmful discharges to water bodies and aquifers. The Westlands Water District already has retired approximately 100,000 acres of impaired land; a 2007 federal report considered but dismissed an option to retire 300,000 acres of drainage-impaired lands in the San Luis unit of the CVP, instead recommending the retirement of 194,000 acres. [Footnote 55: U.S. Geological Survey. 2008. Technical Analysis of In-Valley Drainage Management Strategies for the Western San Joaquin Valley, California] Unfortunately, the federal government is now considering a litigation settlement with Westlands that would not retire any additional lands and would forgive more than $300 million in debt to U.S. taxpayers. Any long-term solution to the west side's drainage problem must focus on additional land retirement complemented by selective groundwater pumping, improved irrigation practices, and application of new technologies where appropriate. Any approach that is not founded on land retirement ultimately will result in the increased concentration of selenium and salts in the shallow aquifers of the San Joaquin Valley, where they will be mobilized by flood events or groundwater transport. Taking these "badlands" out of production would reduce demand for Delta water diversions and significantly improve water quality in the San Joaquin River. A planned program of land retirement and other drainage volume reduction actions also would mitigate impacts to the farm labor community. As noted in the Rainbow Report, these lands ultimately will go out of production even if irrigation continues; ongoing irrigation simply will accelerate drainage impairment. A far better use of these impaired farmlands would be to provide state or federal incentives for the production of solar energy farms.	The comment does not raise any issue related to the environmental analysis in the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS. The issue of crops and water use is beyond the scope of the proposed project. For more information please refer to the updated draft 2013 California Water Plan's strategy for agricultural water use efficiency, which describes the use and application of scientific processes to control agricultural water delivery and use. Also, refer to Master Response 5 and Final EIR/EIS Appendix 1C for further information on demand management measures, including increasing agricultural water use efficiency and conservation. Please also see Master Response 22 regarding agricultural water use mitigation. With regards to beneficial use of water, please see Master Response 34.
98	79	[ATT1:] Implementation of actions [to eliminate irrigation of drainage-impaired farmlands] by EWC [Environmental Water Caucus] organizations will include: -Opposition to providing CVP irrigation water to approximately 1.3 million acres of impaired farmlands in the west side of the San Joaquin Valley and in the Tulare Basin. - Support of the permanent retirement of all drainage-impaired farmlands. - Opposition to the proposed litigation settlement between the United States and Westlands Water District. (This proposal would not require additional land retirement and would forgive hundreds of millions of dollars in debt incurred by Westlands.)	See response to comment 98-78.

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		- Opposition to extending Grassland Bypass Project discharges that exceed selenium water quality objectives beyond the current deadline of 2019. Funding. No current estimates are available, but the Bureau of Reclamation's own economic analysis shows that maximum land retirement provides positive economic benefits while keeping the land in production results in a net economic loss.	
98	80	[ATT1:] Keep water transfers within the revised Delta export limits: Since the early 1990s, water transfers via market transactions have been used to overcome what some economists and water managers feel is the inflexibility of California water rights priorities -- first in time, first in right. Such transfers typically become most visible to the public during drought years, when junior water rights holders like the federal Central Valley Project and the State Water Project face cutbacks as more senior water right holders exert their priority to the water that remains. Junior water rights holders attempt to obtain more surface water supplies by offering to purchase water directly from willing sellers, who are usually holders of senior water rights. There are three ways this is done: 1) crop-shifting, 2) fallowing, and 3) groundwater substitution. Fallowing and groundwater substitution transfers have been the methods of choice for water sellers in the past.	The comment does not raise any issue related to the environmental analysis in the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS. See Master Response 43 (Water Transfers), section A., Chapter 5 of the Final EIR/EIS and Appendices 1E and 5C discuss these issues in depth. All of the alternatives evaluated in the EIR/EIS would only divert water under existing water rights which were issued to DWR and Reclamation by the State Water Board with consideration for senior water rights and Area of Origin laws and requirements. The proposed project does not seek any new water rights nor reduction in total water rights issued to DWR and Reclamation.
98	81	[ATT1:] The U.S. Bureau of Reclamation and the California Department of Water Resources oversee the fallowing and groundwater substitution transfers, but there is an inadequate monitoring, mitigation, and reporting process, so the environmental and economic consequences from transfers are not readily apparent. [Footnote 56: DWR and USBR, 2014. DRAFT Technical Information for Preparing Water Transfer Proposals (Water Transfer White Paper) Information for Parties Preparing Proposals for Water Transfers Requiring Department of Water Resources or Bureau of Reclamation Approval.] The agencies are aware that fallowing creates impacts to other downstream users that are dependent on the tail water, avian and terrestrial species, and local economies, [Footnote 57: USBR and San Luis Delta Mendota Water Authority 2014. Final Environmental Assessment/Mitigated Negative Declaration for the 2014 San Luis/Delta Mendota Water Authority Water Transfers.] but monitoring and reporting are inadequate to non-existent. Groundwater substitution occurs when river water is sold and groundwater is pumped to continue crop production (usually rice). The agencies know that the most significant and immediate impacts from these transfers is to other well users, streams and rivers, and terrestrial and aquatic species. Id. The monitoring, analysis, and public reporting of the immediate and long-term impacts of these two forms of water transfers are inadequate.	The comment does not raise any issue related to the environmental analysis in the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS. See Master Response 43 (Water Transfers), section A., Chapter 5 of the Final EIR/EIS and Appendices 1E and 5C discuss these issues in depth.
98	82	[ATT1:] The Sacramento Valley's groundwater already is in a depleted state (see Tables 1 and 2 [see ATT1:ATT3 and ATT1:ATT4]). Further excessive pumping likely will result in ecological and economic disaster for the Delta and the Sacramento Valley. Water transfers are intended to overcome water rights priorities, but they also have the potential to cause, among other things, falling groundwater elevations, overdraft (pumped supplies outpacing the rate of recharge to the aquifer), land subsidence (where the elevation of the land surface actually falls as emptied aquifers collapse and lose storage capacity), and increased	The comment does not raise any issue related to the environmental analysis in the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS. See Master Response 43 (Water Transfers), section A., Chapter 5 of the Final EIR/EIS and Appendices 1E and 5C discuss these issues in depth. As described in Chapter 3, Description of Alternatives, the alternatives considered in the EIR/EIS do not include specific water transfers. The EIR/EIS acknowledges that water transfers would continue in a similar manner as historic transfers and in accordance with State and Federal laws and regulations under the No Action Alternative with or without the project. However, the CALSIM II modeling only includes the assumed renewal of the Lower Yuba River Accord water transfers.

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		stream flow losses (chasing a falling groundwater table). This has been the experience of agricultural regions in the Santa Clara Valley (before it urbanized into Silicon Valley) and the San Joaquin Valley, as well as in urban groundwater basins of the Los Angeles region. These conditions (falling groundwater elevations, overdraft, land subsidence, and stream flow losses) combined to destabilize once healthy hydrologic systems, which created the exploited conditions that make "conjunctive use" water strategies possible. This must not be repeated in the Sacramento Valley.	The EIR/EIS also acknowledges that the use of water transfers between agencies could increase in the future as SWP, CVP, and other surface water supplies are reduced due to climate change, sea level rise, and increased water demand in the Delta watershed, as described in Appendix 1E and Appendix 5D of the Final EIR/EIS. Because specific agreements have not been identified for water transfers and other non-project voluntary water market transactions, project level analysis of impacts upstream of the Delta is highly speculative and this EIR/EIS does not constitute the CEQA/NEPA coverage required for any specific transaction. Rather, it provides an analysis of how transfers relate to the conveyance facilities. As indicated in Appendix 5D, the analyses are conservative because it is not known if adequate water would be available from other water users for transfer. The analysis of any potential upstream impacts is not a part of this EIR/EIS and must be covered pursuant to separate laws and regulations once the specific transfer has been proposed.
98	83	[ATT1:ATT3:] Table 1: Maximum and average groundwater elevation decreases for Butte, Colusa, Glenn, and Tehama counties at three aquifer levels in the Sacramento Valley between the fall of 2004 and 2013. [Footnote 58: DWR, ongoing. http://www.water.ca.gov/groundwater/data_and_monitoring/northern_region/GroundwaterLevel/gw_level_monitoring.cfm#Well%20Depth%20Summary%20Maps]	The comment describes a table in an attachment to the comment letter. The attachment does not raise any additional issues related to the environmental analysis in the 2015 RDEIR/SDEIS or the 2013 EIR/EIS that are not already addressed in comment referencing the attachment or the Final EIR/EIS.
98	84	[ATT1:ATT4:] Table 2: Results from DWR's spring monitoring for Sacramento Valley groundwater basin from 2004 to 2014. [Footnote 58: DWR, ongoing. http://www.water.ca.gov/groundwater/data_and_monitoring/northern_region/GroundwaterLevel/gw_level_monitoring.cfm#Well%20Depth%20Summary%20Maps]	The comment describes a table in an attachment to the comment letter. The attachment does not raise any additional issues related to the environmental analysis in the 2015 RDEIR/SDEIS or the 2013 EIR/EIS that are not already addressed in comment referencing the attachment or the Final EIR/EIS.
98	85	[ATT1:] The annual [Sacramento Valley water] transfers (frequently called "temporary" or "one-year" transfers) are in addition to the State of California's "drought water bank" program, which is sometimes used during drought years. All these sales of Sacramento Valley surface waters to buyers south of the Delta result in two significant hydrologic problems: First, the water that is sold must be transported through the Delta to the dangerous export pumps of the CVP and SWP. Second, landowners selling their surface water may then pump groundwater to irrigate their crops; this causes groundwater elevations to fall for all users and water bodies. If these conjunctive use programs continue in the Sacramento Valley, its aquifers are in dire jeopardy. This Valley's economy, ecology, and surface waters are highly	The comment does not raise any issue related to the environmental analysis in the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS. See also response to comment 98-82.
98	86	[ATT1:] No net new water should be exported from north of the Delta beyond meeting the contracts of the most senior water rights of the San Joaquin River Exchange Contractors in the San Joaquin Valley. Their supplies are already imported to the San Joaquin Valley as part of export operations of the Central Valley Project from the Delta. This policy protects the Delta from new export pumping impacts, but it also meets a goal of the State Water Resources Control Board: long-term protection of the groundwater supplies of the Sacramento Valley. [Footnote 59: Howard, 2011. Letter to Gerald Meral of the Natural	See response to comment 98-77. The existing operations of the SWP and CVP, operations under the No Action Alternative, and operations under the proposed project and other action alternatives would provide for the operation of the SWP and CVP in accordance with the existing water rights and regulatory criteria. Please note that the SWP and CVP do not rely upon groundwater as part of their water supplies. As described in response to Comment 98-82 and in Final EIR/EIS Chapter 3, Description of Alternatives, the alternatives considered in the EIR/EIS do not include specific water transfers. The EIR/EIS acknowledges that water transfers would continue in a similar manner as historic transfers and in accordance with State and Federal laws and regulations under the No Action Alternative with or without the project. However,

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		Resources Agency regarding the Bay Delta Conservation Plan.] Implementation of such a policy is the only way the Sacramento Valley's aquifers can avoid the fate of the once abundant groundwater reserves of the San Joaquin Valley.	the CALSIM II modeling only includes the assumed renewal of the Lower Yuba River Accord water transfers. The analysis of any potential upstream impacts is not a part of this EIR/EIS and must be covered pursuant to separate laws and regulations once the specific transfer has been proposed.
98	87	[ATT1:] Water exports through the Sacramento-San Joaquin Delta /San Francisco Bay estuary -- which include individual water sales transactions, Article 21 State Water Project pumping and pumping under the contracts of the Central Valley Project and the State Water Project -- play a significant role in the movement of water throughout the state. They also exert major impacts on the ecology of the estuary. The two latter projects provide the largest percentage of exports through the Delta, while water sales and Article 21 pumping are also significant in some years. A new paradigm is needed in California water policy, one that would simultaneously reduce export pumping through the Delta to a level that maintains a healthy ecosystem, is consistent with the most senior water rights of the Exchange Contractors, and provides reliable sources of water for south-of-Delta water users. Instead of continuing to export extraordinary amounts of water from the Delta, south-of-Delta water users could obtain significant amounts of water from localized south-of-Delta sources in the San Joaquin Valley region. Such "south-to-south-of-Delta" trades would avoid the impacts on fish and wildlife species, water quality, ecosystem conditions, flow volumes and directions, and groundwater in the Sacramento Valley that come with excessive Delta export pumping. It would also avoid the groundwater substitution transfers that could ruin the economy of the Sacramento Valley and the vital streams necessary for already struggling aquatic and terrestrial species. Indeed, a move toward regional water self-sufficiency is now state law due to passage of the Delta Reform Act of 2009.	As described in response to comment 98-15, the proposed project and the action alternative are not intended to serve as a state-wide solution to all of California's water problems, and it is not an attempt to address directly the need for continued investment by the State and other public agencies in agricultural and municipal/industrial water conservation, recycling, desalination, treatment of contaminated aquifers, or other measures to expand supply and storage (as described in Section 1.C.3 of Appendix 1C, Demand Management Measures). For more information regarding area of origin and operational criteria please see Master Responses 26 and 28, respectively.
98	88	[ATT1:] A more favorable scenario than present and future maximum north-to-south Delta pumping comprises the following changes: - Encourage San Joaquin Valley water users to voluntarily share resources by providing southern Sierra water to south-of-Delta water users via new interties with existing infrastructure, or by moving agricultural water from the east side of the San Joaquin Valley, where water is more abundant, to west side agriculture, where the water supply is more limited. These changes can be facilitated by providing efficiency incentives for east side water users, resulting in up to 500,000 acre-feet of additional water for the west side. (These policies must be bolstered with safeguards to keep surface water and groundwater basins hydrologically healthy, and must accommodate required outflows to the Delta estuary from the San Joaquin River.) This constitutes a simple and effective solution for regional self-dependency for south-of-Delta agriculture users -- indeed, for all of California. We recommend earmarking a portion of water transfer transactions to fund necessary additional oversight by local governments or qualified third- parties that are removed from the water transaction or movement process. - Supplies for the Metropolitan Water District and other south-of- Delta users could be sourced by allowing flows from the Kern, Kings, Kaweah, and Tule Rivers to flow into the Tulare basin, re-charging the now-dry Tulare Lake. This option is advocated by the San Joaquin Valley Leadership Forum, which has determined that surface storage capacity in	As described in response to comment 98-15, the proposed project and the action alternative are not intended to serve as a state-wide solution to all of California's water problems, and it is not an attempt to address directly the need for continued investment by the State and other public agencies in agricultural and municipal/industrial water conservation, recycling, desalination, treatment of contaminated aquifers, or other measures to expand supply and storage (as described in Section 1.C.3 of Appendix 1C, Demand Management Measures). For more information regarding development of alternatives and operational criteria please see Master Responses 4 and 28, respectively.

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		the Tulare Lake Basin could be more than 2.5 million acre-feet. This option may require a new Kern-San Joaquin intertie. Reorienting water transfer policies to benefit south-of-Delta water users will require detailed analysis to confirm feasibility; however, these measures merit serious consideration because they could meet the state requirement for reduced reliance on the Delta.	
98	89	[ATT1:] A Water Transfer Matrix and a set of Water Transfer Principles are included in the referenced EWC [Environmental Water Caucus] report, California Water Solutions Now. As called for in the California Water Code, transfers that use state, regional or a local public agency's facilities require that the facility owner determine that the transfers would not harm any other legal user of water, not unreasonably affect fish and wildlife, and not unreasonably affect the overall economy of the county from which the water is transferred. Unfortunately, there is no enforcement mechanism except litigation, which is an onerous burden for the public. This is a particular concern in the Sacramento Valley, where existing healthy aquifers could be over-drafted by willing sellers in order to supply the same San Joaquin irrigators who caused the existing overdraft conditions in the San Joaquin Valley. In addition, the State Water Plan points out that "some stakeholders worry that State laws and oversight of water transfers may not be adequate to protect the environment, third parties, public trust waterways and fish, and broader social interests that may be affected by water transfers, and transfers that involve pumping groundwater, crop idling, or crop shifting." The EWC plan would come down on the side of county of origin protections and the "precautionary principle" in order to protect the health of groundwater aquifers north of the Delta Estuary.	The commenter is correct that Water Code section 1810 provides that available unused capacity in any regional or local publicly owned water conveyance facilities, including in the California Aqueduct, must be made available for bona fide transfers, provided fair compensation is paid. The owner of the conveyance facility, however, must make written findings that the transfer can be made without injuring any legal user of water and without unreasonably affecting fish, wildlife, or other instream beneficial uses and without unreasonably affecting the overall economy or the environment of the county from which the water is being transferred. DWR makes these findings for any transfers that propose to use SWP facilities. Please see Master Response 43 (Water Transfers), section B.
98	90	[ATT1:] Restore Delta estuary and riverine habitats and integrate floodplains with rivers: In keeping with the Legislature's mandate -- the permanent protection of the Delta's natural systems as the paramount concern to the state and nation -- the first priority should be habitat restoration projects on public lands. To benefit from such efforts, habitat restoration projects must address connectivity between the areas to be restored and existing habitat areas needed for the full life cycle of targeted species. Where feasible, restoration should be accomplished simultaneously with levee reinforcement; and where possible, restoration projects should emphasize water quality improvement. Restoration projects should also incorporate input from affected Delta landowners. Because they would meet most of the above criteria, the following areas should be given priority: - Cache Slough Complex - Cosumnes River-Mokelumne River Confluence - Cosumnes River ground water basin depletion - Lower San Joaquin River Floodplain	This comment is related to implementing the BDCP habitat restoration conservation measures and is an opinion about how restoration actions should be implemented and which areas of the Delta to prioritize. The current preferred CEQA and NEPA alternative (Alternative 4A) would implement restoration actions to offset construction and operational effects of the water conveyance facilities. The State is also implementing the California EcoRestore program, a related but separate program to further improve the Delta ecosystem. EcoRestore would restore up to 30,000 acres of habitat in the Delta.

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		- Suisun Marsh - Yolo Bypass Although the EWC [Environmental Water Caucus] has not quantified the total acreage that would qualify as priority parcels, our estimates would include the 50,000 acres of public lands in these areas, well below the more than 100,000 acres called for in the BDCP plan. That plan is impractical due to costs and the opposition it will engender among residents and landowners in the Delta. Any ultimate plan must involve residents of the Delta, something that has not been addressed to date.	
98	91	[ATT1:] Floodplains benefit the people and ecology of California in numerous ways. Floodplains are extremely productive ecosystems that support high levels of biodiversity and provide valuable ecosystem services. [Footnote 60: Postel, Sandra. Richter, Brian. 2003. Rivers for Life. Island Press. P 20-21. http://islandpress.org/bookstore/details.php?sku=1-55963-444-8] The floodplain of a river is a relatively level area on both sides of the stream channel that carries excess waters during flood events. During a flood, the floodplain becomes an additional part of the stream, doing "extra work" for the stream channel. The floodplain allows flood waters to spread out, reducing the potential energy of serious or catastrophic floods. As a result, less damage occurs downstream. If the flood plain is not allowed to work properly and the channel is narrowed, dredged, or riprapped, the stream cannot handle flows adequately, and damage occurs. Channelization and dredging also have caused the disappearance of the river's healthy sandbars and islands. Further, floodplains contain wetlands that slow and filter flood water, thus improving water quality. Wetlands also provide habitat for a diversity of wildlife. Other benefits of floodplains include flood attenuation, fisheries habitat, groundwater recharge, water filtration, and recreation. Floodplains therefore are extremely productive ecosystems that support high levels of biodiversity and provide valuable ecosystem services. Bottom line: studies have shown that healthy floodplains have an extremely high monetary value due to these services. To function properly, floodplains must, by definition, periodically flood. Floodplains store floodwaters that recharge groundwater supplies, maintain proper instream flows, prevent bed-bank scour, are a source of organic carbon, and support a healthy population of aquatic species essential to both ecosystems and our economy. [Footnote 61: Sommer T.R., Nobriga M. L., Harrell B., Batham W., Kimmerer W. J. 2001. Floodplain rearing of juvenile Chinook salmon: evidence of enhanced growth and survival. Canadian Journal of Fisheries and Aquatic Sciences. P. 325-333. http://iep.water.ca.gov/AES/Sommer_et_al_2001.pdf] Functional floodplains in California have been dramatically reduced from historical conditions because levees, dams, flood control projects, and development have reduced or eliminated connectivity between rivers and floodplains. To reverse these losses, numerous agencies and organizations have spent significant resources to restore floodplains while simultaneously minimizing future flood risk.	The benefits of floodplains on aquatic and terrestrial resources as well as on floodplain management are discussed in the Existing Conditions/Affected Environment sections of Chapters 11, 12, and 6 of the Final EIR/EIS.
98	92	[ATT1:]	The lead agencies acknowledge your recommendations. Please see Appendix D in the RDEIR/SDEIS for revisions to the BDCP, including a description of Conservation Measure 2. Also, see Chapter 28

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		With climate change, we can expect less snowpack, quicker spring snow melts, and increased flood pressures. Connecting natural floodplains with our rivers and avoiding development in floodplains will become critical to community sustainability in the future. The current restoration plans for the Yolo Bypass (including more frequent use) are encouraged as a part of this plan. The following actions must be included with any planned floodplain restoration: - Where possible, removing or setting back levees from riverbanks to allow floodwaters to expand into the floodplain. - Where it is not possible to remove levees, they should be vegetated with native riparian flora to provide the maximum achievable ecosystem functions. - Making the purchase of floodplains or flowage easements a top priority for flood control agencies; further, new levees should not be constructed in floodplains. - Ensuring that low-income communities impacted by floodplain restoration are involved in the development of restoration plans, and that any impacts of restoration are fully mitiga	(Environmental Justice), FEIR/EIS, for potential impacts to low-income communities. It should be noted that the new proposed project, Alternative 4A, substantially reduces the habitat restoration footprint and does not include Conservation Measure 2 (Yolo Bypass Enhancements). Instead, the proposed project includes habitat restoration necessary to mitigate significant environmental effects under CEQA and meet the regulatory standards of ESA Section 7 and California Endangered Species Act (CESA) Section 2081(b). Yolo Bypass Enhancements would be assumed to occur as part of the No Action Alternative because they are required by the existing BiOps. Nevertheless, if an alternative that includes large-scale habitat restoration and Yolo Bypass enhancements were to be selected, project proponents would design and implement the projects to maximize ecosystem benefits and maintain flood neutrality, in addition to minimizing and avoiding impacts to the surrounding communities.
98	93	[ATT1:] Implementation of the actions [to restore Delta estuary and river habitats and integrate floodplains with rivers] by EWC [Environmental Water Caucus] organizations will include: Continued advocacy for the habitat recovery actions of the EWC priority public lands in place of the more than 100,000 acres of undefined habitat called for in the BDCP EIR/EIS. Funding: Costs might be approximately $1.6 billion, based on half of the comparable restoration costs of the BDCP per 2010 documentation. [Footnote 62: Highlights of the BDCP, pamphlet published December 2010]	Please note that the BDCP is no longer the preferred alternative. The preferred alternative is now Alternative 4A and no longer includes an HCP. Alternative 4A has been developed in response to public and agency input. The EIR/EIS analyzes all alternatives, including Alternative 4A. Alternative 4A would substantially reduce the amount of habitat restoration, enhancement and protection needed to offset construction and operation of the water conveyance facilities. Please refer to Master Response 5, which addresses comments on funding the proposed project.
98	94	[ATT1:] Eliminate paper water, return the Kern Water Bank to state control, restore the Article 18 Urban Preference, and restore the original intent of Article 21 surplus water in SWP contracts: The Monterey Amendments changed major provisions of the original State Water Project, ultimately resulting in increased water exports from the Delta. This excessive pumping has adversely affected the ecological health and stability of the Delta, degrading water quality for the region's family farms and threatening commercial fisheries, sport fisheries and wildlife habitat. These changes were caused by four provisions: The elimination of Article 18a, also known as the "urban preference;" the elimination of Article 18b, the "paper water" safeguard; the change of orientation for Article 21, or "surplus water;" and the privatization of the Kern Water Bank. To mitigate the damage caused by the Monterey Amendments, the following changes should be made; these adjustments will reduce reliance on the Delta, assure public trust	Changes to the Kern Water Bank are not proposed as part of this project, nor are changes to the long-term water supply contracts between DWR and its 29 contractors with respect to Article 18 or Article 21. The commenter is referred to the Monterey Plus EIR at http://www.water.ca.gov/environmentalservices/monterey_plus.cfm for a complete analysis of the actions related to the Monterey Amendments, which was a separate project.

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		protections for our most essential public resource, and provide greater water security for urban ratepayers. - The "paper water" needs to be eliminated. The level of water exports for SWP Table A users are unrealistically high and must be brought in line with historic "firm yield" data, as required in the original contracts. The long-term water supply reductions forecasted with global climate change add to the urgency of bringing contracted amounts in line with current and future realities and eliminating this "paper water." - The Kern Water Bank initially was a public asset. It underlies land purchased in the 1980s by the California Department of Water Resources (DWR) for the express purpose of creating a drought emergency water bank for the state's ratepayers. It was inappropriately transferred to private interests as a part of the Monterey Amendments. It must be returned to the ownership and operational control of DWR and managed per its original purpose: making water available to south of Delta urban water users during drought. - The urban preference must be reinstated. California should return to its original doctrine of prioritizing water for rank-and-file ratepayers rather than corporate agriculture. - The pumping of Article 21 (so-called surplus) water is both unnecessary for effective water policy and damaging to the fisheries and ecology of the Bay/Delta estuary. This is especially the case during dry years. Pumping of Article 21 water should never be permitted during drought. The impacts of the additional capacity for Delta exports as provided by a public Kern Water Bank should be considered here. Given its location, size, and relative cost of development compared to surface storage, the Kern Water Bank is a facility that could greatly assist balanced export controls for the Delta and could be the single greatest improvement to overall state-wide water supply reliability. This plan strongly advocates for the return of the Kern Water Bank to state control as a water management measure.	
98	95	[ATT1:] Reinforce core levees above [Public Law] PL84-99 standards: This plan accepts and supports the Delta Protection Commission's recommendation in their Economic Sustainability Plan to: "Improve many core Delta Levees beyond the PL 84-99 standard that addresses earthquake and sea-level rise risks, improve flood fighting and emergency response, and allow for vegetation on the water side of levees to improve habitat. Improvement of most core Delta levees to this higher standard would cost between $2 [and] $4 billion." [Footnote 63: Draft Executive Summary, Economic Sustainability Plan for the Sacramento-San Joaquin River Delta, March 10, 2011 http://www.delta.ca.gov/res/docs/ESP_ESUM.pdf] There is a plausible public interest in providing public funds to Delta reclamation districts and other Delta interests for levee upgrades, given that the Delta serves as the water conveyance facility for much of California. Water exporters should be required to identify which levees, if any, they want to fund to a higher standard (e.g., greater earthquake resistance) to protect their water supplies. Recommendations should also include assisting Delta counties and communities in meeting FEMA [Federal Emergency Management Agency]/NFIP [National Flood Insurance Program] programs. The plan should also contain a	The comment does not raise any issues related to the environmental analysis in the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS.. For details about geology and seismicity see Chapter 9 of the Final EIR/EIS. The California Department of Water Resources' Levee Repairs and Floodplain Management Office is responsible for administering levee programs through evaluation and direct rehabilitation of structural deficiencies in California's levee system. Overall levee repairs and improvement programs administered by DWR will continue with available funding. For additional information on the relationship between the proposed project and Flood protections in the Delta, please see EIR/EIS Appendix 6A BDCP/California WaterFix Coordination with Flood Management Requirements. The proposed project does not purport to protect existing levees from seismic ground shaking. Although the proposed project is not intended to provide enhanced flood protection, it does intend to reduce the vulnerability of the water delivery system by making it less reliant upon the Delta levee system (and associated risks thereto). Further, the proposed project does not envision a change in the state's flood protection policies or programs. For more information on levee stability and seismic risk please see Master Response 16.

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		recommendation to support and increase public funding for permanent continuation of the existing and highly successful statutory cost-share formula and funding for the Delta (Subventions) Levee Program. Public safety and flood protection must remain the top priority of the State Plan of Flood Control, including its levees and bypasses. The levees should be vegetated with native species to aid stabilization and support endangered species. Because earthquake risks to the levees are one of the main justifications for a trans-Delta canal or tunnel, and there is evidence that the earthquake risks to the Delta levees may have been exaggerated in previous drafts of the Economic Sustainability Plan, the comparison of costs of the two alternatives ($2 to $4 billion for levee strengthening versus $15-$16 billion for new conveyance) is significant; this should provide sufficient incentive to state officials to initiate this levee reinforcement program immediately, making catastrophic levee failure a questionable justification for any new conveyance.	
98	96	[ATT1:] Install improved fish screens at existing Delta pumps: A recent report by Larry Walker Associates indicates that a 1996 report by DWR and DFG concluded that for every salmon salvaged at the fish protection facilities, more than three are lost to predators or through fish screens. [Footnote 64: Larry Walker Associates. A Review of Delta Fish Population Losses from Pumping Operations in the Sacramento-San Joaquin River Delta. January 2010. http://www.srcsd.com/pdf/dd/fishlosses.pdf] The same report also indicated that over a 15-year period (1979-1993), 110 million fish were salvaged at the SWP's Skinner Fish Facility. In 2000, the CALFED Record of Decision highlighted the need to improve the fish screens at the South Delta pumps. According to a more recent DFG report, more than 130 million fish have been salvaged at the State and Federal Project water export facilities in the South Delta between 2000 and 2011. [Footnote 65: California Department of Fish and Game annual salvage reports for the State Water Project and Central Valley Project's fish facilities, 2000-2011.] Actual losses, however, are far higher. For example, recent estimates indicate that 5-10 times more fish are lost than are salvaged, largely due to the high predation losses in and around water project facilities. [Footnote 66: Larry Walker Associates. A Review of Delta Fish Population Losses from Pumping Operations in the Sacramento-San Joaquin River Delta. January 2010. P. 2. http://www.srcsd.com/pdf/dd/fishlosses.pdf] Additionally, the fish screens are unable to physically screen eggs and larval fish from the diversion pumps. [Footnote 67: DWR. Delta Risk Management Strategy, final Phase 2 Report, Risk Report, Section 15, Building Block 3.3: Install Fish Screens. June 2011. P. 15-18.] The losses of eggs and larval fish, as well as the enormous losses of zooplankton and phytoplankton that comprise the base of the aquatic food chain, go publically unacknowledged and uncounted. As pointed out in the Walker Associates report, the fish protections at the south Delta pumps (including the fish screens and salvage facilities) remain largely unchanged since they were first engineered more than 40 years ago. [Footnote 68: Ibid, Larry Walker Associates.] Currently only about 11-18% of salmon or steelhead entrained in Clifton Court Forebay survive. Based upon numerous studies by DFG, DWR and academic researchers, 75% of fish entering Clifton Court Forebay are lost to predation, 20-30% of survivors are lost at the salvage facility louvers, 1-12% of salvaged fish are lost during handling and trucking, and 12-32% are lost to post-release predation. [Footnote 69: Larry Walker Associates. A Review of Delta Fish Population Losses from Pumping Operations in the	The Proposed Project would enable DWR to construct and operate new conveyance facilities that improve conditions for endangered and threatened aquatic species in the Delta while at the same time improving water supply reliability, consistent with California law (see, e.g., Cal.Wat. Code, § 85001[c]). Implementing the conveyance facilities would help resolve many of the concerns with the current south Delta conveyance system, and would help reduce threats to endangered and threatened species in the Delta, including entrainment south Delta export facilities. For instance, implementing a dual conveyance system would align water operations, and their location, to better reflect natural seasonal flow patterns by creating new water diversions in the north Delta equipped with State-of-the-art fish screens, thus reducing reliance on south Delta exports during times of the year when listed aquatic species are present and most vulnerable. For more information on mitigation measures to minimize contraction and operational-related impacts to fish species, including Delta and longfin smelt, please see Chapter 11, EIR/EIS.

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		Sacramento-San Joaquin River Delta. January 2010. P. 2.] Losses of other species, such as Delta smelt or the egg and larval stages of pelagic species and salmon fry, are believed to be even higher. For example, some species (including Delta smelt) cannot survive salvage transport, and the losses approach 100%. According to the draft BDCP Effects Analysis' Summary of Effects of BDCP on Entrainment of Covered Fish Species, South Delta export facilities could potentially increase entrainment of: -Juvenile steelhead in dry and critical dry years, - Juvenile winter-run Chinook salmon in above normal and below normal years, - Juvenile fall-run Chinook salmon in all below normal and dry years and fall-run smolts in all years, - Juvenile late fall-run Chinook salmon in dry and critical dry years, - Juvenile longfin smelt in above normal, below normal, and dry years and adults in critical dry years, and - Juvenile Sacramento splittail in all years. [Footnote 70: ICF International. BDCP Effects Analysis, Entrainment, Appendix 5.B, Entrainment, Administrative Draft Bay Delta Conservation Plan. March 2012. PP. B.7-2 - B.7-4.]	
98	97	[ATT1:] Because of flow requirements and biological constraints affecting diversions from the Sacramento River, exports from the south Delta pumps will constitute a significant percentage of total water exports under the BDCP. The BDCP currently stipulates that about 50% of State and Federal Project exports would come from the existing south Delta diversion facilities in average water years, and as much as 75-84% in dry and critical water years. [Footnote 71: NRDC. A Portfolio-Based BDCP Conceptual Alternative. February 2013. http://switchboard.nrdc.org/blogs/bnelson/Portfolio%20Based%20BDCP%20Conceptual%20Alternative%201-16-13%20V2.pdf ICF International. BDCP Effects Analysis, Appendix 5.B, Entrainment, Administrative Draft Bay Delta Conservation Plan. March 2012. P. B.0-8. http://baydeltaconservationplan.com/Libraries/Dynamic_Document_Library/BDCP_Effects_Analysis_-_Appendix_5_B_Entrainment_3-30-2012.sflb.ashx] In fact, BDCP modeling suggests that exports and fish entrainment from south Delta diversions could potentially increase in certain water year types and for critical life stages of certain species. [Footnote 72: ICF International. BDCP Effect Analysis, Appendix 5.B, Entrainment, Administrative Draft Bay Delta Conservation Plan. March 2012. PP. B.0-4 - B.0-11.]	See response to comment 98-96.
98	98	[ATT1:] The CALFED Bay-Delta Program Programmatic Record of Decision and associated Biological Opinions required the construction of new state-of-the-art fish screens at existing South Delta export facilities in 2000. [Footnote 73: CalFed. Programmatic Record of Decision. August 2000. P. 49. Including Attachment 6A, U.S. Fish and Wildlife, Programmatic Endangered Species Act Section 7 Biological Opinion, P. 36 and Attachment 6B, National Marine Fisheries Service, Programmatic Endangered Species Act Section 7 Biological Opinion, P. 27. http://www.calwater.ca.gov/content/Documents/ROD.pdf] A funding plan	The positive-barrier fish screens for the proposed north Delta intakes would be designed to established protection standards for salmonids and delta smelt, and would comply with CDFW, NMFS, and USFWS fish screening criteria. Appendix 3F of the RDEIR/S provides details on the development of intakes and fish screening technology, as well as the Conceptual Engineering Reports (CERs). It is proposed that monitoring and research would be conducted to inform the fish screen design, construction, and operation in order to maximize their effectiveness. Dual operations provides for flexibility that will better protect the fish based on real time data. See also response to comment 98-96.

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		was to be completed by early 2003, facilities design completed by the middle of 2004, and operations and performance testing were to begin by the middle of 2006. [Footnote 74: Larry Walker Associates. A Review of Delta Fish Population Losses from Pumping Operations in the Sacramento-San Joaquin River Delta. January 2010. P. 18.] However, the explicit commitment to construct new screens was put on hold in 2003 after the State and Federal Project Contractors indicated that they would not pay for them. New South Delta screens are not included as part of the BDCP. As the BDCP will continue to rely on the South Delta pumps for a substantial percentage of project exports, new screens must be required to mitigate for project impacts.	
98	99	[ATT1:] DWR's Delta Risk Management Strategy (DRMS) Phase 2 Report found that the south Delta pumping facilities could be successfully screened by multiple in-canal vee-type screens of about 2,500 [cubic feet per second] capacity in each module. These new state-of-the-art south Delta screens, placed at the entrance to Clifton Court Forebay, would eliminate the existing 75% predation of fish species of concern in the Forebay and successfully protect fish longer than 25 mm in length. [Footnote 75: DWR. Delta Risk Management Strategy, final Phase 2 Report, Risk Report, Section 15, Building Block 3.3: Install Fish Screens. June 2011. P. 15-18. http://www.water.ca.gov/floodsafe/fessro/levees/drms/docs/DRMS_Phase2_Report_Section15.pdf] While new screens would be expensive, still require transport of salvaged fish, not totally resolve debris removal issues, or eliminate all fish entrainment, they would dramatically reduce the appalling fish losses that occur at present. [Footnote 76: Id. 15.5.2.1 Conclusion at PP. 15-19 & 15-20.]	DWR and Reclamation are required to improve fish collection efficiency at the existing south Delta salvage facilities, as part of facility improvements required by the National Marine Fisheries Service 2009 biological opinion on the SWP/CVP. For example, in 2014 Reclamation replaced the secondary louver system with a traveling screen system. These screens provide protection by guiding fish into the holding tanks while catching debris on pegs and transporting debris to a collection system at the work surface. The technology required at the proposed north Delta intakes and the existing south Delta export facilities differ fundamentally. The north Delta intakes would be located on the side of the river channel and so would be designed to comply with CDFW, NMFS, and USFWS fish screening criteria (BDCP Appendix 5B Section 3.B.3.3). The south Delta export facilities are located on dead-end channels and requires active collection and salvage of fishes. Screening the intakes at Clifton Court Forebay was analyzed during the water conveyance alternative development process and is described in the 2013 Public Draft BDCP EIR/EIS, Appendix 3A. This alternative was eliminated from further evaluation because initial results of recent studies, including information included in the recent NMFS biological opinions, supported a phased approach that would emphasize improvements to operations of fish handling facilities and reduced predator potential within Clifton Court Forebay prior to further analysis of installation of fish screens. Nevertheless, DWR and Reclamation will continue investigating strategies to increase fish salvage efficiency, reduce pre-screen losses, and improve screening efficiencies, consistent with the 2009 biological opinion of the SWP/CVP.
98	100	[ATT1:] Modernizing the fish screens at the south Delta facilities is an integral part of the EWC [Environmental Water Caucus]'s Plan in order to reduce fish killing at the pumps. The south Delta pumps will continue as the primary diversion facilities under this Plan. While experience with the existing fish screens at the south Delta have yielded much data on effective future fish screen design, modernizing fish screening systems would also require hydraulic and physical modeling, dimensional testing of dynamic baffling systems, and consideration of future hydrologic conditions associated with climate change. In keeping with original CALFED plans, the EWC supports the development and implementation of modernized fish screening systems, using the best available technology, at the south Delta facilities and at other existing in-Delta diversions. This would include installation of positive barrier fish screens on all diversions greater than 250 [cubic feet per second] in both the Sacramento and San Joaquin River Basins as well as a significant percentage of smaller and unscreened diversions in these ecosystems. An alternative possibility is the use of non-physical barriers to deter fish from entering the intake zones of the south Delta pumps. Non-physical barriers include the use of the	The commenter raises issues related to the alternatives considered in the EIR/EIS. For comments pertaining to the range of alternatives evaluated, please refer to Master Response 4. An option looking at through Delta conveyance with fish screens at Clifton Court Forebay was initially considered and screened. In 2009, DWR evaluated the feasibility of installing fish screens at Clifton Court Forebay for low flows (about 2,000 cfs, or about 20% of the capacity of the SWP facilities). This option was screened out for reasons further explained in Final EIR/EIS Appendix 3A. Additionally, part of the issue with the current water conveyance system is not just the fish screens themselves, but the physical nature of the south Delta pumps. The current location of the south Delta screens and pumps create a cul-de-sac-like arrangement where fish become easy prey for other fish and birds. The proposed project would reduce reliance on the south Delta pumps and therefore, fish would be less drawn to a predator-friendly area. The description of the proposed project is provided in Chapter 3 of the Final EIR/EIS.

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		following methods: electrical barriers; strobe lights; acoustic fish deterrents; bubble currents; velocity barriers; chemical toxicants; pheromones; and magnetic fields. In view of the criticality of recovering fish populations through reduced mortality at the pumps, the feasibility of these types of non-physical barriers should not be overlooked. The Bureau of Reclamation has recorded some research results of the use of non-physical barriers. [Footnote 77: Bureau of Reclamation. Non-Physical Barrier (NPB) for Fish Protection Evaluation: Can an Inexpensive Barrier Be Effective for Threatened Fish? http://www.usbr.gov/research/projects/detail.cfm?id=8740] Implementation of the above actions by EWC organizations will include: Advocacy with DWR and the CVP agencies for the construction of improved fish screens along the lines of the CALFED Record of Decision and the associated Biological Opinions. Funding: Based on unpublished CALFED estimates, improved fish screen facilities at the Banks Pumps would cost [more] than $1 billion in 2007 dollars; the cost estimate for Tracy would be $290 million. [Footnote 78: http://www.water.ca.gov/floodmgmt/dsmo/sab/drmsp/docs/DRMS_Phase2_Report_Section15.pdf]	
98	101	[ATT1:] Conduct feasibility study for Tulare Basin water storage: By allowing flows from the Kern, Kings, Kaweah, and Tule Rivers to egress at the Tulare basin, south-of- Delta users and the Metropolitan Water District could obtain their water from a revitalized Tulare Lake. This option is advocated by the San Joaquin Valley Leadership Forum, which has determined that surface storage capacity in the Tulare Lake Basin could be more than 2.5 million acre-feet. [Footnote 79: San Joaquin Valley Leadership Forum, www.sjvwlf.org] The concept would require bi-directional conveyance with both the Kern Canal and the California Aqueduct. The restoration of Tulare Lake in the San Joaquin Valley is a unique opportunity to provide large volumes of high-quality water for agricultural, economic and environmental uses on a regional and self-sufficient basis. At one time, Tulare Lake was the largest freshwater body west of the Mississippi River, storing up to 25 million acre-feet. The proposal promoted by the San Joaquin Valley Leadership Forum is based upon sound technical, financial, and environmental analysis that is far superior to the only other storage proposal currently under study within the San Joaquin Valley: Temperance Flat reservoir on the Upper San Joaquin River above Millerton Lake/Friant Dam. As an example, the restoration of just 10% of the historic Tulare Lake would provide nearly twice the surface storage capacity of Temperance Flat. Further, the Tulare Lake basin plan provides ancillary ground water storage capabilities, and Temperance Flat does not. Also, the Tulare Lake basin can accommodate flood waters from five south Sierra river systems -- the Kings, Kaweah, Tule, Kern and the upper San Joaquin. Temperance Flat would only mitigate flood waters from the upper San Joaquin River. There is a possibility that ground contaminants in the basin may exist at harmful levels. A feasibility study is required to examine this potential issue closely. California does not need more impaired lands similar to those that exist on the west side of the San Joaquin.	As described in response to comment 98-17, additional water storage was eliminated from consideration in the Draft EIR/EIS and RDEIR/SDEIS through the alternatives development and screening process (discussed in Appendix 3A, Identification of Water Conveyance Alternatives). As such, the proposed project does not propose storage as a project component. Although the proposed project would be part of an overall statewide water system of which new storage could someday also be a part, Alternative 4A is a stand-alone project which demonstrates independent utility just as future storage projects would demonstrate. Please refer to Master Response 4 (Alternatives) and Master Response 37 (Water Storage) for additional information.

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		Implementation of the above actions by EWC organizations will include: Advocacy to require the SWP and the CVP project to evaluate the concept of restoring the Tulare Lake basin. Funding: The preliminary concept described by the San Joaquin Valley Leadership Forum is estimated to cost $800 million. The beneficiaries would be South San Joaquin and southern California water districts; they would be required to fund this alternative.	
98	102	[ATT1:] Provide fish passage above and below Central Valley rim dams for species of concern: Dams have made California a well-watered paradise for most of its human inhabitants -- but dams also kill river habitats. Although California's vast system of water storage, hydropower and flood control dams has provided enormous economic benefits, it is not without downsides. Dams have been a major factor -- in many cases the major factor -- in the decline and extinction of numerous fish species, especially anadromous fishes that migrate to and from the ocean and must have access to the more favorable upper reaches of rivers to spawn and rear ensuing generations. [Footnote 80: National Marine Fisheries Service, Southwest Region. June 4, 2009. Biological Opinion And Conference Opinion On The Long-Term Operations Of The Central Valley Project And State Water Project. 660. http://swr.ucsd.edu/ocap/NMFS_Biological_and_Conference_Opinion_on_the_Long-Term_Operations_of_the_CVP_and_SWP.pdf] Every salmon and steelhead run in our Central Valley rivers is either extinct, endangered, or in decline due to the overall habitat destruction and degradation caused by dams. [Footnote 81: Friends of the River. 1999. Rivers Reborn: Removing Dams and Restoring Rivers. P 4-16.http://www.friendsoftheriver.org/site/DocServer/RiversReborn.pdf?docID=224&AddInterest=1004.] A 1985 California Department of Fish and Game study indicated that the economic losses due to the declines of salmon, steelhead and striped bass that once spawned in Central Valley tributaries at $116,000,000 per year in 1985 dollars. [Footnote 82: California Department of Fish and Game. 1985. Administrative Report 85-03. http://deltavision.ca.gov/docs/externalvisions/EV8_Allied_Fishing_Group_Vision.pdf]	This comment is on the effect of dams on fish passage, not the action alternatives or analysis presented in this Final EIR/EIS.
98	103	[ATT1:] The most serious fishery problem caused by major dams is the blockage of migratory fish passage. Over 95 percent of the historic salmon and steelhead spawning habitat in Central Valley river systems has been eliminated by the construction of large dams on every major river. Fish passage was not a serious consideration in the early part of the last century when most of the major dams were built; there were no Endangered Species Act or National Environmental Policy Act considerations at the time. California Fish and Game Code Section 5937, which mandates that dam operators keep fish in good condition below dams, has been largely ignored outside the Mono Basin. The construction of Friant Dam on the San Joaquin River resulted in the extinction of the largest spring-run Chinook population in the state. The dam blocked upstream spawning grounds, the best of any Central Valley river. Figure 3 [see ATT1: ATT5: Central Valley Chinook Salmon Population] shows the long-term downward trend for Chinook salmon in the Central Valley. It is obvious that unless we can get salmonids above major dams to spawn in their native	This comment is on the effect of dams on fish passage, not the action alternatives or analysis presented in this Final EIR/EIS.

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		habitats, they are doomed to extinction, regardless of any restorative measures taken below the dams (including hatcheries).	
98	104	[ATT1:] Numerous solutions are available to provide fish passage around dams. They include construction of fish ladders or upstream fish channels, fish elevators, trap and truck operations, downstream bypasses, removal of smaller fish barriers, and dam removal. All these techniques have been used at multiple locations with varying success. Some of the larger dams on the Columbia River system have been operating fish ladders for many years. While the costs of many of the techniques are substantial, the economics of industries and recreational activities that depend on healthy rivers and fish stocks justify the investment. The appropriate comparison by which to measure such costs is the sum of agricultural, industrial, and municipal benefits that accrue via the diversion of tens of millions of acre-feet of water annually. At more than $96 billion annually, tourism and recreation now constitute California's largest industry; river recreation is a large part of this sector. Recreational fishing generates $1.5 billion annually in retail sales and provides thousands of jobs. [Footnote 83: Restore the Delta. April 7, 2009. Press Release. http://archive.constantcontact.com/fs062/1102037578231/archive/1102546423830.html]	This comment is on the effect of dams on fish passage, not the action alternatives or analysis presented in this Final EIR/EIS.
98	105	[ATT1:] Fish passage above the dams would also provide Native American tribes essential access to historic cultural resources. Native beneficiaries would include the Winnemen Wintu on the Upper Sacramento, McCloud, and Pit Rivers; the Karuk on the Klamath; and the California Valley Miwok and Maidu on the American and Feather Rivers.	This comment is on the effect of dams on fish passage, not the action alternatives or analysis presented in this Final EIR/EIS.
98	106	[ATT1: ATT5:] Figure 3: Central Valley Chinook Salmon Population [Footnote 84: California Department of Fish & Game, Native Anadromous Fish & Watershed Branch. GRANDTAB Data Sets. http://www.calfish.org/IndependentDatasets/CDFGFisheriesBranch/tabid/157/Default.aspx]	The comment describes a figure in an attachment to the comment letter. The attachment does not raise any additional issues related to the environmental analysis in the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS that are not already addressed in comment referencing the attachment or the Final EIR/EIS.
98	107	[ATT1:] [The Environmental Water Caucus Sustainable Water Plan for California] supports the National Marine Fisheries Service Biological Opinion on CVP and SWP operations. The opinion recommends fish passage pilot programs and analyses for dams connected to the Delta (e.g., the Sacramento, American and Stanislaus rivers), and encourages the State Water Board to direct the controlling agency of each Delta-connected Central Valley rim dam to consider the feasibility of fish passage for every facility that blocks the passage of listed salmonid species. [Footnote 85: National Marine Fisheries Service, Southwest Region. June 4, 2009. Biological Opinion And Conference Opinion On The Long-Term Operations Of The Central Valley Project And State Water Project. 660. http://swr.ucsd.edu/ocap/NMFS_Biological_and_Conference_Opinion_on_the_Long-Term_Operations_of_the_CVP_and_SWP.pdf] Costs should be borne by the dam operators, given they are the main beneficiaries of the water storage operations. Implementation of the above actions by EWC organizations will include:	This comment is on the effect of dams on fish passage, not the action alternatives or analysis presented in this Final EIR/EIS.

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		Coordination with DWR, DFW, and federal agencies on the option of providing fish passage for major dams connected to the Delta. Funding: No estimates available.	
98	108	[ATT1:] Retain cold water for fish in reservoirs: Salmon, steelhead, and trout need cold water to exist. As California has grown in size, the dams that have been built on virtually every major river have significantly changed both upstream and downstream river flows; high downstream water temperatures are one of the negative results. Temperatures of 57-67 degrees Fahrenheit (F) are typically ideal for upstream fish migration and 42-56 degrees (F) are ideal for spawning. Water temperatures over 70 degrees (F) can be lethal to anadromous fish, but are common on major rivers in the summer. Some fish populations have been able to adapt and carry on spawning and rearing below these major barriers, though in much smaller numbers than previously occurred. Because farms need the most water in the summer, water behind reservoirs is low by the fall, when many of the remaining populations of migrating fish return to the rivers. At that point, the lack of cold water is a clear threat to their survival. Many of these fish species are now listed under the federal Endangered Species Act (ESA), and maintaining water temperatures suitable for survival has become a critical part of the actions required under the ESA. [The Environmental Water Caucus Sustainable Water Plan for California] supports, as a conservation measure, the NMFS Biological Opinion recommendations for cold water releases on rivers connected to the Delta, such as the Sacramento, American, and Stanislaus rivers [Footnote 86: National Marine Fisheries Service, Southwest Region. June 4, 2009. Biological Opinion And Conference Opinion On The Long-Term Operations Of The Central Valley Project And State Water Project. Pages 590-620.http://swr.ucsd.edu/ocap/NMFS_Biological_and_Conference_Opinion_on_the_Long-Term_Operations_of_the_CVP_and_SWP.pdf], as well as supporting regulations and legislation to retain sufficient water in other major reservoirs to support fish populations in Delta-connected rivers below dams. The latter would include the Trinity River, so long as compliance is maintained with the current management plan protections for the Trinity system. Implementation of the above actions by EWC [Environmental Water Caucus] organizations will include: Advocacy for cold water releases with the SWRCB in accordance with NMFS Biological Opinions. Funding: No estimates available.	The full implementation of the 2008 and 2009 BiOps and associated RPAs are assumed as part of the NAA baseline, and any components of the BiOps that have been implemented are assumed in the CEQA baseline (existing conditions). However, some of the components, including upstream passage, cannot be included in the modeling analysis. The preferred alternative, 4A, does not have any adverse effects on upstream operations, including temperatures and flows as evaluated in Chapter 11 of the Final EIR/EIS, and would not affect the ability of Reclamation to implement these components of the NMFS BiOp.
98	109	[ATT1:] Provide public trust protections and thorough economic and sociological analyses of reasonable alternatives to various export levels: The California Supreme Court, in the Mono Lake decision, explicitly set forth the state's "...affirmative duty to take the public trust into account in the planning and allocation of	Please refer to Master Response 13 for a description of how the proposed project is aligned with the principles in the public trust doctrine.

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		water resources and to protect public trust uses whenever feasible." Planning and allocation of limited and oversubscribed waterways imply analysis and balancing of competing demands. So far, we find little effort to balance the public trust obligations and competing demands within current planning processes, especially BDCP.	
98	110	[ATT1:] One of the significant flaws of previous and unsuccessful Bay-Delta proceedings has been the absence of a comprehensive economic evaluation of the benefits of protecting the estuary and in-Delta beneficial uses compared to the benefits of diverting and exporting water from the estuary. This absence has deprived decision makers and the public of critical information fundamental to reaching informed and difficult decisions on balancing competing demands. Beyond protecting California's common property right in public trust waterways and fish, the balancing of limited water supplies must address the relative economic value of competing interests. For example, what is the societal value in providing Kern County, comprising a fraction of one percent of the state's population and economy, the same quantity of Delta water as the South Coast, with half the state's population and economy? What is the value to society of using public subsidies to irrigate impaired lands to benefit some 600 landowners, and that, by the nature of being irrigated, discharge harmful quantities of toxic waste that impairs other beneficial uses? What is the economic value of using twice the amount of water to irrigate an orchard in the desert than is required elsewhere? What are the costs and benefits of reclamation, reuse, conservation, and development of local sources? The preceding are only examples of the difficult questions that must be addressed in any allocation of limited resources and balancing of the public trust. As discussed in Sandra Postel's Rivers for Life [Footnote 87: Postel, S and Richter, B. Rivers for Life. Island Press, 2003. P 182.], water policy that incorporates the fundamental understanding that ecological health serves the common good presents a direct challenge to conventional modes of water governance. Economic analysis is crucial to providing the insight and guidance that will enable the Delta plan to meet its mandate. Without such analysis, we do not believe a Delta plan can successfully or legally comply with its legislative and constitutional obligations. An excellent description of the public trust type of issues caused by the current operations in the Delta and Estuary are contained in the Bay Institute report "Collateral Damage." [Footnote 88: The Bay Institute. Collateral Damage. March 2012. http://www.bay.org/publications/collateral-damage] Implementation of the above actions by EWC organizations will include: Continue the ongoing advocacy with the SWRCB to balance public trust and sociological values against the value of water exports. Funding: The balancing of the public trust values will depend on the results of the State Water Resources Control Board hearings on Delta flows and Delta water quality.	This comment appears to be a comment on the overall concept of implementing the SWP and CVP operations, possibly to the Delta Stewardship Council related to the Delta Plan. With respect to this EIR/EIS, all of the alternatives evaluated in the EIR/EIS would only divert water under existing water rights which were issued to DWR and Reclamation by the State Water Board with consideration for senior water rights and Area of Origin laws and requirements. The proposed project does not seek any new water rights nor reduction in total water rights issued to DWR and Reclamation. It is understood that water rights issued to DWR and Reclamation are not fully available in many years to deliver total contract amounts to SWP and CVP water users due to available water supplies and demands of senior water rights holders and regulatory requirements. The State Water Resources Control Board is responsible for issuing the water rights and confirming that the use of the water rights are consistent with water rights law and the California Constitution.
98	111	[ATT1:] Healthy headwaters and meadows restoration: As a result of the continuing impacts of drought on California, numerous organizations are highlighting the issues and benefits of healthy headwaters and meadows on our water	This comment is related to conditions of the upper watershed areas that are located upstream of the SWP and CVP facilities. The No Action Alternative, proposed project, and action alternatives would not result in any changes in these upper watershed areas; therefore, the EIR/EIS does not address conditions in these areas.

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		supplies. Even the Association of California Water Agencies (ACWA) has joined with the Nature Conservancy and the Sierra Nevada Conservancy in emphasizing the importance of headwaters in water management. There is a clear recognition among organizations involved in water policies that we can and should do more to effectively manage our headwaters areas for multiple benefits, including healthy water supply, improved water quality and healthy ecosystems. Headwaters in California include watersheds in the northern Sierra, the Cascades, and parts of central and southern California mountain regions. The combination of persistent drought and the effects of higher temperatures associated with climate change have already produced bigger and more destructive Sierra wildfires, magnifying the adverse effects on fish, wildlife habitat, and water supply. Investments in ecologically sound forest management can be cost effective for California. In addition to the quantified benefits of well-functioning watersheds, effective headwater management can also result in significant avoided costs, such as lessened fire and flood damage, erosion and sediment loss reduction, water quality maintenance, reduced illnesses and treatment costs, and control of agricultural pests.	
98	112	[ATT1:] To quote from the recent ACWA [Association of California Water Agencies] report, Improving the Resiliency of California's Headwaters -- A Framework [Footnote: 89: http://www.acwa.com/news/press-release/drought-deepens-groups-call-heightened-focus-healthy-headwaters], "The numbers from the 2014 fire season alone are sobering. More than 400,000 acres of state and federal lands burned, destroying homes, devastating watersheds, displacing residents and costing the state and federal government hundreds of millions of dollars. In 2013, the massive Rim Fire threatened San Francisco's main water supply source (Hetch Hetchy) and shattered records for the largest wildfire ever in the Sierra Nevada. Statistics suggest that wildfires are growing in size and intensity, and are becoming harder to extinguish. As drought conditions stretch into a fourth year, there is little reason to expect this pattern to improve." Improved headwater and meadow management can provide a myriad of benefits, including improvements in the amount of naturally occurring water supply and protection of existing water supplies, increases in the natural water storage and percolation, improvements in the quality of water runoff from reductions in silt deposition and ash, protection of the fish and wildlife that inhabit our headwaters and upstream locations, improved availability of recreation areas for the public, reduced damage and reduced monetary loss to public and private property in headwaters areas, protecting the scenic values of our headwater habitats, and reduction of the amount of carbon dioxide in the atmosphere.	This comment is related to conditions of the upper watershed areas that are located upstream of the SWP and CVP facilities. The No Action Alternative, proposed project, and action alternatives would not result in any changes in these upper watershed areas; therefore, the EIR/EIS does not address conditions in these areas.
98	113	[ATT1:] To estimate the costs of improving headwater management, we can borrow a page from the CALFED Watershed Program which estimated the approximate external costs to fully implement the watershed management strategy, an analysis developed by the CALFED Watershed Program was used. This analysis examined areas where communities have chosen to provide quantifiable financial support for watershed management, thus demonstrating "a willingness to pay" for the services provided by a well-managed watershed. The costs ranged from $480 million to $3,586 billion from the period 2004 to	This comment is related to conditions of the upper watershed areas that are located upstream of the SWP and CVP facilities. The No Action Alternative, proposed project, and action alternatives would not result in any changes in these upper watershed areas; therefore, the EIR/EIS does not address conditions in these areas.

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		2030 according to estimates from the California Water Plan 2005 and CALFED program estimates. [Footnote 90: California State Water Plan. Bulletin 160-2005] It should be pointed out that it is likely that significant portions of these costs are not an added cost, but existing expenditures applied differently. For instance, permits and stream alteration agreements issued by watershed boundary instead of jurisdictional boundary could result in considerable added benefit and positive effect without adding to the real cost of implementation. Also, land use planning done on the basis of watershed impact may yield higher beneficial results without increasing costs. Analysis by two Wesleyan University Professors has shown clear cost benefit analysis by removing the bulk of small "trash trees" in forests, resulting in savings of water to a value of $1,500 for an investment of $1,000 per acre. In addition to the water savings, there are additional benefits of reducing fire risks, cutting carbon emissions, increasing water runoff to streams, and boosting job growth in poor regions. [Footnote 91: The Forestry Source. Commentary by James G. Workman and Helen M. Poulos. August 2013.] Although costly, the benefits from fire suppression, water quantity, and water quality provide a favorable return on the investment.	
98	114	[ATT1:] Implementation of headwaters and mountain meadows restoration by EWC [Environmental Water Caucus] organizations will include advocacy for: - Forest thinning in order to preclude high intensity fires from moving easily across a landscape. Current research has shown that "the potential economic benefits from forest thinning, largely from the potential for increased hydropower production, are real, and in some cases may be sufficient to fully offset the cost of thinning in select watersheds." [Footnote 92: http://www.nature.org/ourinitiatives/regions/northamerica/unitedstates/california/forest-restoration-northern-sierras.pdf] - Support the implementation of catastrophic wildfire reduction projects across the Sierra Cascade ranges, including the conservation and enhancement of summer base flows in forested streams, meadows, wetlands, and springs. - Support the further documentation of the significant groundwater storage potential and surface water dry year supply benefits of catastrophic wildfire reduction and ecology enhancement projects implemented in forested watersheds that drain to existing surface storage facilities and to important water supply groundwater sources in the Delta watershed. - Headwater and meadow management plans should be incorporated in local Integrated Regional Water Management Plans (IRWMP). Collaboration with US Forest Service, Bureau of Reclamation, California Fish and Wildlife and other responsible agencies should be an integral part of an IRWMP. Funding: Department of Water Resources should coordinate the obtaining of up to $4 billion over the next 5 years to fund statewide headwater and meadow management. Funding sources include Proposition 1 bond money, unused previous bond funding for	This comment includes actions proposed by the Environmental Water Caucus in 2015 in areas located upstream of the SWP and CVP facilities. The No Action Alternative, proposed project, and action alternatives would not result in any changes in these upper watershed areas; therefore, the EIR/EIS does not address conditions in these areas.

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		ecological restoration, recent federal drought funding, and future bonds for headwater and watershed management.	
98	115	[ATT1:] Fund agencies with user fees: Agencies that benefit from any new or existing conveyance facilities should pay the full cost of the facilities, including mitigation costs. Costs of fixing existing and planned Bay/Delta estuary-associated water delivery systems, including related costs of environmental mitigation and restoration, should be financed by the agencies that deliver water; these costs ultimately would be passed along to their retail customers.	The proposed project is costly, but proponents have assessed the benefits as described in the funding sources. Notably, the water contractors benefitting from the proposed project and their constituents will bear all costs associated with constructing new conveyance facilities and mitigating for the impacts of those facilities. Expenditures of public money from other sources would be limited to restoration activities beyond those needed to mitigate the impacts of facility construction. 2013 Public Draft Chapter 8, which deals with cost issues, and cost-benefit analysis information are available on the BDCP website. Please see Master response 5 for more information on project costs and funding.
98	116	[ATT1:] Cost responsibilities for land acquisition and restoration of river and Delta floodplains should be distributed on a 75 percent pro rata basis through a broad-based water use fee (applied to all agencies whose supplies are diverted from a river or the Delta watershed); 25 percent of such projects would be supported by public funds.	See response to comment 98-115.
98	117	[ATT1:] Agencies that divert water from the Delta should pay their fair share of maintaining and replacing the Delta levees essential to their operations and the protection of water conveyance facilities. The share of Delta levee repair costs assigned to these agencies should reflect the extent to which the levee repairs are essential for ensuring uninterrupted diversions.	See responses to comments 98-95 and 98-115.
98	118	[ATT1:] In developing funding sources, special care should be taken to ensure low-income communities are not burdened by new fees; also, appropriate set-asides should be created to allow these communities access to the funds needed to comply with new regulations and policies.	For more details about the current status of the BDCP including funding for the proposed project, see Master Response 5.
98	119	[ATT1:] California is at a tipping point in the evolution of our water usage. Faced with an ongoing drought of historic significance and accelerating global climate change, the natural limits of our water supply have become increasingly obvious. At the same time, the economic inequities of our current water polices have become too onerous to bear. Policy makers must recognize this. They cannot continue to advocate for multi-billion dollar bonds that saddle Californians with decades of crushing taxes for unnecessary infrastructure. The emphasis must be on water conservation and demand reduction actions. Nor should our representatives push for monumental changes to our rivers and bays in the guise of restoring our ecosystems -- when the real purpose is continued delivery of subsidized water to corporate agriculture. The catastrophic results of decades of such mismanagement are now in full view. It is clear that better solutions are available. We must embrace them.	DWR and Reclamation agree with the concept that California's hydrology will be changing in the future due to global climate change, as indicated through the comparison of the No Action Alternative conditions to the Existing Conditions. The proposed project is not intended to serve as a state-wide solution to all of California's water problems, and it is not an attempt to address directly the need for continued investment by the State and other public agencies in agricultural and municipal/industrial water conservation, recycling, desalination, treatment of contaminated aquifers, or other measures to expand supply and storage (as described in Section 1.C.3 of Appendix 1C, Demand Management Measures). See also response to comment 98-17.

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		Unless we manage our water more efficiently and account for ongoing global climate change, the costs of water will exceed our ability to provide this most critical of public resources to the commonweal.	
99	1	As with the 2013 DEIR/DEIS, the exclusive CEQA baseline for the 2015 RDEIR/SDEIS remains existing conditions at the time the CEQA Notice of Preparation (NOP) was prepared. This is confirmed on Page 11-94 of the 2015 RDEIR/SDEIS (in Chapter 11 on "Fish and Aquatic Resources") which explains: "The baseline for the CEQA analysis is Existing Conditions at the time the NOP was prepared." The same page then goes on to acknowledge how the exclusive reliance on an existing conditions CEQA baseline in the case of the BDCP/WaterFix can impair assessment of the actual impacts of the proposed project: "Because the action alternative modeling does not partition the effects of implementation of the alternative from the effects of sea level rise, climate change and future water demands, the comparison to Existing Conditions may not offer a clear understanding of the impact of the alternative on the environment." As discussed in the attached article [see ATT1], the 2015 RDEIR/SDEIS's exclusive reliance on existing conditions in the CEQA analysis does not appear to be supported by the California Supreme Court's 2013 Smart Rail decision, which endorsed the use of "multiple" baselines when there is substantial evidence of how the background conditions against which a project operates will change in the future.	The CEQA baseline assumes that the proposed project is not implemented, and reviews two scenarios: 1) consideration of existing conditions without the project, a "no build scenario" (State CEQA Guidelines Section 15125[a]) and is called Existing Conditions in this EIR/EIS; and 2) consideration of "reasonably foreseeable" future conditions without the project which is called the No Project Alternative in this EIR/EIS. This second scenario is equivalent to the No Action Alternative, identified below, and throughout this EIR/EIS, will be examined under that heading. The No Project Alternative allows decision makers to use the EIR to compare the impacts of approving the Proposed Project with the future conditions of not approving the Proposed Project in the year 2060. Under CEQA generally, the No Project Alternative may not be used as the sole baseline for assessing the significance of impacts unless the No Project Alternative is identical to existing conditions. (CEQA Guidelines § 15126.6(e)(1).) As the NEPA baseline, the No Action Alternative, sometimes referred to as the future no action condition, considers no action conditions to include continuation of operations of the SWP and CVP as described in the 2008 USFWS and 2009 NMFS BiOps and other relevant plans and projects that would likely occur in the absence of the proposed project and which are well-defined enough to allow for meaningful analysis. The EIR/EIS has both NEPA and CEQA analysis with comparisons made against each respective baseline, with each separate require analysis clearly marked within each resource chapter. Where appropriate and where changes had occurred since the release of the Draft EIR/EIS that would result in a change in impact, baseline discussions were updated. For additional detail about how the baseline was chosen, please see Master Response 1. Please note that Alternatives 4A, 2D and 5A utilize a new NEPA baseline (No Action Alternative ELT) which examines baseline conditions approximately 15 years in the future. For summary information regarding environmental baselines, please see Master Response 1.
99	2	Appendix 3D (titled "Defining Existing Conditions") of the 2015 RDEIR/SDEIS confirms that the X2 conditions set forth in the USFWS 2008 Biological Opinion for the delta smelt were not accounted for in the baseline used for CEQA Analysis. Page 30-5 of the 2015 RDEIR/SDEIS states: "[T]he NMFS BiOp and the USFWS BiOp identify facilities or changes in operations that would require further study and subsequent implementation, including actions that are projected for completion prior to completion of the BDCP EIR/EIS. These future actions would require further engineering, environmental, and institutional evaluation and documentation; and therefore, are not included in the Existing Conditions assumptions… It is recognized that it is the intent of the SWP and the CVP to comply with the NMFS BiOp and the USFWS BiOp, although, the specific actions for new facilities have not been identified or evaluated at this time and therefore are too speculative in nature to be included in the analysis."	Operations under Fall X2 assumptions were to be implemented in 2009; however, due to hydrologic conditions, Fall X2 actions were not implemented at the time of the Notice of Preparation and Notice of Intent. Therefore, Fall X2 is not included in the Existing Conditions assumptions. In the proposed action, assumptions were included in these alternatives to provide operational criteria to protect Delta Smelt in a manner that would not include Fall X2 but would be consistent with the objectives of the Fall X2 provision of the 2008 USFWS Biological Opinion.
99	3	[The] 2008 USFWS Bi-Op (for the Delta smelt) requires that the SWP and CVP be operated to allow sufficient instream freshwater flow so that the X2 salinity level is maintained 74-81 kilometers east of the Golden Gate Bridge. Contrary to the discussion on page 3D-5 of Appendix 3D of the 2015 RDEIR/SDEIS, there is nothing speculative about the X2 requirement in the 2008 USFWS Bi-Op nor is any further study or environmental evaluation required to establish this X2 requirement- what X2 is and the location where X2 needs to be maintained are set forth clearly in the 2008 USFWS Bi-Op. From a CEQA compliance	Operations under Fall X2 assumptions were to be implemented in 2009; however, due to hydrologic conditions, Fall X2 actions were not implemented at the time of the Notice of Preparation and Notice of Intent. Therefore, Fall X2 is not included in the Existing Conditions assumptions. In the proposed action, assumptions were included in these alternatives to provide operational criteria to protect Delta Smelt in a manner that would not include Fall X2 but would be consistent with the objectives of the Fall X2 provision of the 2008 USFWS Biological Opinion.

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		standpoint, it therefore does not appear that there is support for the rationale provided for excluding the 2008 USFWS BiOp's X2 requirement as part of the background conditions against which the BDCP/WaterFix will operate. The 2015 RDEIR/SDEIS for the BDCP/WaterFix did not make any changes to Appendix 29A of the 2013 DEIR/DEIS for the BDCP (which was titled "Effects of Sea Level Rise on Delta Tidal Flows and Salinity"). The attached article's analysis of Appendix 29A, and its implications for CEQA compliance, therefore remains intact as applied to the 2015 RDEIR/SDEIS for the BDCP/WaterFix.	The EIR/EIS analysis is based upon comparison of conditions under the action alternatives and conditions under the Existing Conditions and the No Action Alternative. The basis of the hydrologic and water quality model is the CALSIM II model is a monthly model that incorporates assumptions about daily operational changes. These types of models are the most appropriate to analyze potential changes due to different operational assumptions for the SWP and CVP. However, as described in Appendix 5A of the Final EIR/EIS, these models cannot be used in a predictive manner to define absolute values. Rather, they must be used in a comparative manner to indicate overall changes between alternatives as compared to the Existing Conditions and the No Action Alternative. The EIR/EIS climate change analysis are not required to, nor would it be possible to analyze all potential future conditions that are possible as the climate changes. The lead agencies have used an ensemble approach to modeling future conditions that considers over 30 different climate models and 3 different possible future emissions scenarios. From this ensemble of 112 projections of possible future conditions, the EIR/EIS uses a central tendency projection that is considered a reasonably foreseeable future condition as described in Appendix 5A. The No Action Alternative and all action alternatives were compared to the Existing Conditions which included no climate change or sea level rise. Also, during the preparation of the EIR/EIS, a sensitivity analysis was completed, as presented in Appendix 5A, Section D.3, Climate Change Modeling, to simulate conditions under the No Action Alternative and Alternative 1 under the five climate change scenarios. The operations results from these simulations were analyzed to understand the range of uncertainty in the incremental changes that would occur with a range of climate change scenarios. The sensitivity analysis indicated that Alternative 1 results would change with climate change scenarios; however, the incremental differences between the No Action Alternative under a specific climate change scenario and Alternative 1 under the same specific climate change scenario were consistent. Because the EIR/EIS only evaluates the incremental differences, and cannot be used to predict absolute values, the incremental changes appear to be similar under a range of climate change scenarios. If different climate change and sea level rise assumptions were used in the No Action Alternative and the action alternatives, the incremental differences between these alternatives would be similar to that shown in the EIR/EIS.
99	4	[ATT1:] I. When Is A Future Baseline Required? UC Davis School of Law's March 2015 symposium on The Future of CEQA, out of which this article evolved, focused on how the substantive law governing the operation of the California Environmental Quality Act might change in the coming decades. In my presentation for the symposium's final panel, I suggested that certain changes in CEQA substantive law may well be driven by the increasing recognition that the background conditions against which projects will operate will themselves change significantly in the future. The basic environmental impact assessment paradigm, under the federal National Environmental Policy Act (NEPA) [Footnote 1: 42 U.S.C. Sections 4321-4347.] and state laws such as the California Environmental Quality Act (CEQA) [Footnote 2: Cal. Pub. Res. Code Sections 21000-21189.3.], is as follows: set forth an accurate project description [Footnote 3: Michael Remy, Tina Thomas, James Moose & Whitman Manley, Guide To CEQA/California Environmental Quality Act 414-432 (11th ed. 2007).], describe baseline environmental conditions at the time the project is being considered for approval [Footnote 4: Id. At 433-439.], assess the impacts of the proposed project on baseline environmental conditions [Footnote 5: Id. At 439-455.], and then present a reasonable range of alternatives and feasible mitigation to reduce the significant adverse impacts of the project on baseline environmental conditions. [Footnote 6: Id. At 455-58, 458-65.] The	As described in the modeling assumptions for the project, a wide range of climate change and sea level rise estimates are available, with the effects analyses (including for delta smelt) assuming a centroid value of these projections for planning purposes. As described in Appendix 29A, the simulations of the effects of sea level rise on salinity with the UnTRIM model (which provided the data for Figure 29A-13 that the commenter references) assumed no operational response (i.e., no increased outflow) to the increased salinity intrusion; such operational responses are included in the analyses of the other alternatives assuming the centroid sea-level rise scenario used in the effects analysis. Additional information regarding salinity effects analysis can be found in Master Response 14, Water Quality. Please see Master Response 1 regarding Environmental Baselines, Master Response 29 regarding Endangered Species Act, and Master Response 19 regarding Climate Change.

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		critical temporal assumption to this basic environmental impact assessment paradigm is that appropriate alternatives and mitigation will be determined in reference to a set of baseline environmental conditions at a fixed point in time when the environmental impact assessment document is being prepared. At the time NEPA and CEQA were adopted, around 1970, this temporal assumption made sense. In 1970, it was perhaps difficult to envision a situation where a lead agency could credibly predict future changes in background conditions that would occur independent of the project being considered or similar nearby proposed projects. Grounding environmental impact assessment on a comparison of project impacts against existing conditions was a logical approach. The effects of climate change, however, present a challenge to the viability of this basic environmental impact assessment paradigm, particularly for projects that will operate many decades into the future. [Footnote 7: See generally Paul Stanton Kibei, A Salmon Eye Lens on Climate Adaptation, 19 Ocean & Coastal L.J. 65 (2013).] With climate change, the background environmental conditions against which long-term projects operate will change: air and water temperatures will be higher, the snowpack will be smaller, [and] sea levels will rise. As these background environmental conditions shift during the project's operation, the project's impacts on the environment will also change and may become more severe. Yet, if the environmental impact assessment remains tethered to the baseline conditions when the environmental impact assessment was prepared, and disregards the ways such baseline conditions will shift as a result of climate change, the assessment will fail to identify the true impacts of the project during its anticipated lifetime. Thus, effective alternatives and mitigation to address these true impacts will not be considered or incorporated into the project. In 2013, the California Supreme Court issued a landmark CEQA holding that authorized state and local agencies in California to depart from the basic environmental impact assessment paradigm to more effectively address changes in baseline conditions that are expected to occur during the lifetime of a proposed project. [Footnote 8: Neighbors for Smart Rail v. Exposition Metro Line Construct. Auth., 57 Cal. 4th 439 (2013).] In its decision in Neighbors for Smart Rail v. Exposition Metro Line Construction Authority (Smart Rail), the Court reviewed an environmental impact report (EIR) for a Los Angeles urban light rail project which considered air quality and traffic impacts against a future environmental baseline that included anticipated population increases in the vicinity of the project. [Footnote 9: Id. At 445.] The use of this future baseline had been affirmed by the California Court of Appeal, which held: "[t]he important point, in our view, is the reliability of the projections and the inevitability of the changes on which those projections are based… Population growth, with its concomitant effects on traffic and air quality, is not hypothetical in Los Angeles County; it is inevitable." [Footnote 10: Neighbors for Smart Rail v. Exposition Metro Line Construct. Auth., 141 Cal. Rptr. 3d 1, 17-19 (Cal. Ct. App. 2012).] On review, the issue was presented to the California Supreme Court in Smart Rail as an "either/or" question: when is it appropriate to use a future baseline for CEQA analysis instead of, in lieu of, an existing conditions baseline? A key aspect of the Court's 2013 Smart Rail decision was its rejection of this proposed "either/or" framework for evaluating the relationship between existing and future baselines. [Footnote 11: Smart Rail, 57 Cal. 4th at 452-457.] Instead, the Court focused on the appropriate use of "multiple" baselines in CEQA documents. [Footnote 12: Id at 449-456.]	

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		That is, in Smart Rail, the Court held that it is permissible for a lead agency to use a future baseline when there are inevitable changes in the environmental setting that will occur during the duration of the project. [Footnote 13: Id at 453.] But, and this is a very important but, the Court made clear that while there may be situations where it is permissible or even advisable for a lead CEQA agency to use a future baseline in its environmental impact analysis, this does not mean that the lead agency is generally allowed to forgo analysis of the project's impact as compared to existing conditions. [Footnote 14: Id. At 454-456.] As the Court explained in Smart Rail, "nothing in CEQA law precludes an agency… from considering both types of baselines-- existing and future conditions-- in its primary analysis of the project's significant adverse impact." [Footnote 15: Id. At 454.] The California Supreme Court then further elaborated: "Even when a project is intended and expected to improve conditions in the long term-- 20 or 30 years after an EIR is prepared-- decision makers and members of the public are entitled under CEQA to know the short- and medium-term environmental costs of achieving that desirable improvement… Though we might rationally choose to endure short- or medium-term hardship for a long-term, permanent benefit, deciding to make that tradeoff requires some knowledge about the severity and duration of the near-term hardship. An EIR stating that in 20 or 30 years the project will improve the environment, but neglecting, without justification, to provide any evaluation of the project's impacts in the meantime, does not give due consideration of both the short-term and long-term effects of the project." [Footnote 16: Id. At 455.] The Court cautioned that allowing CEQA lead agencies to ignore near-term effects on existing conditions "would sanction the unwarranted omission of information on years or decades of a project's environmental impacts and open the door to gamesmanship in the choice of baselines."[Footnote 17: Id. At 456.] From this holding, we understand that the Court's multiple baselines approach is grounded in CEQA's requirement that both short-term and long-term project impacts must be evaluated. Otherwise, if a CEQA lead agency were allowed only to focus on a distant point in time in the future with changed baseline conditions, it would be allowed to bypass analysis of the more immediate effects of the project on existing conditions. [Footnote 18: The CEQA obligation to assess both short-term and long-term impacts is set forth in the CEQA Guidelines. See Cal. Code Regs., tit. 14, Section 15126.2 (West 2015).] With Smart Rail, it is now generally permissible for a lead CEQA agency to employ a future baseline in addition to an existing baseline. The anticipated and inevitable shifts in environmental conditions (e.g. rising temperatures, snowpack reduction, sea level rise) resulting from climate change, due to their inevitable nature, appear to fall within Smart Rail's bounds of when the use of such where multiple baselines would be permissible. [Footnote 19: The Law of Adaptation to Climate Change: U.S. And International Aspects 5-6, 95, 109-11 (Michael B. Gerrard and Katrina Fischer Kuh, eds., 2012).] The question left open by Smart Rail is whether there are situations where CEQA not only permits the use of a future baseline but requires it. Although in one sense this is a CEQA-specific question, the answer to this question may also have implications for how climate change is addressed under NEPA and other non-California state environmental impact assessment laws. As such, these other jurisdictions may look to California's answer and approach as guidance and persuasive precedent. This article suggests that this open question may soon be addressed in subsequent	

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		litigation challenging the CEQA climate change analysis for the Bay Delta Conservation Plan (BDCP), a fishery restoration-water supply project proposed in California. [Footnote 20: See generally Cal. Dept. Of Water Res., Bay Delta Conservation Plan Environmental Impact Report/Environmental Impact Statement Highlights (December 2013), http://baydeltaconservationplan.com/Libraries/Dynamic_ Document_ Library/ Highlights_of_the_Draft_EIR-EIS_12-9-13.sflb.ashx [hereinafter BDCP Highlights].] To understand the relevant CEQA climate change issues related to the BDCP, our starting point is the 2008 Biological Opinion issued by the United States Fish & Wildlife Service for the Delta smelt, a fish species protected under the federal Endangered Species Act. [Footnote 21: U.S. Fish And Wildlife Serv., Formal Endangered Species Act Consultation on The Coordinated Operations of the Central Valley Project and State Water Project (Dec. 15, 2008), http://www.fws.gov/sfbaydeltaldocuments/SWP-CVP 0Ps_B0_12-15 final_signed.pdf [hereinafter Revised Delta Smelt Bi-Op]. II. Nexus Between X2 and Delta Fisheries -- 2008 USFWS Biological Opinion for The Delta Smelt In 2008, pursuant to the Endangered Species Act (ESA), the United States Fish & Wildlife Service (USFWS) issued its biological opinion (Bi-Op) for the Delta smelt in connection with the proposed “coordinated operations" of the federal Central Valley Project (CVP) and California's State Water Project (SWP). [Footnote 22: Id.] The CVP and SWP, which deliver water to agricultural and urban water users throughout the state, both divert significant amounts of water from and upstream of the Delta where the fresh water of the Sacramento and San Joaquin Rivers flow into San Francisco Bay (hereinafter the Delta or Bay Delta). [Footnote 23: See generally id.] In this 2008 Bi-Op, the USFWS determined that it could not issue an incidental take permit for the proposed CVP-SWP coordinated operations unless these operations ensured adequate fresh water flows into the Delta. [Footnote 24: Id. At 285-293.] According to the USFWS, adequate fresh water flows would be met if "X2," which represents the distance salt water has traveled into the Delta by measuring "the intrusion of water with a salinity level of two parts per thousand," [Footnote 25: Westlands Water District v. U.S. Dept. of Int., 376 F.3d 853, 876 (9th Cir. 2004).] was located at a distance of 74-81 kilometers eastward of the Golden Gate Bridge. [Footnote 26: Revised Delta Smelt Bi-Op, supra note 21, at 282.] This Bi-Op determined that maintaining X2 at this particular locational range was needed to ensure the survival and recovery of the endangered Delta smelt. [Footnote 27: Id] This decision was based on data showing a strong correlation between increases in salinity levels beyond X2 levels and decreases in suitable abiotic habitat for Delta smelt. [Footnote 28: Id. At 233-38.] The Bi-Op explained that the location of "X2 is largely determined by Delta outflow, which in tum is largely determined by the difference between total Delta inflow and the total amount of water exported," [Footnote 29: Id. At 236.] and that the effects of the proposed CVP-SWP coordinated operation on X2 will have "significant adverse direct and indirect effects on Delta smelt." [Footnote 30: Id. At 237.] The Bi-Op contained a graph indicating that the proposed CVP-SWP coordinated operations would cause X2 to shift upstream to approximately 90 kilometers east of the Golden Gate Bridge.[Footnote 31: Id. At 265, fig. E-19.] The USFWS found that a shift of X2 upstream to this location, which was nearly 15% farther upstream than the current average location	

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		ofX2, could cause the Delta smelt to go extinct. [Footnote 32: Id. At 235, 237.] The 2008 USFWS Bi-Op for the Delta smelt was challenged in federal court, and in April 2014, this Bi-Op was upheld by the Ninth Circuit Court of Appeals.[Footnote 33: See San Luis & Delta-Mendota Water Authority v. Jewell, 747 F.3d 581 (9th Cir. 2014).] In its ruling in San Luis v. Jewell, the Ninth Circuit found that "[a]s the combined pumping operations of the SWP/CVP remove hundreds of gallons of fresh water from the Bay Delta, X2… shifts eastward towards the Delta… The Bi-Op determined that the 'long-term upstream shift in X2 … has caused a long-term decrease in habitat area availability for the Delta smelt' and it set forth an adaptive management program to minimize the effect of project pumping on X2." [Footnote 34: Id. At 622.] In November 2014, the United States Supreme Court denied cert to review the Ninth Circuit Court of Appeal's decision in San Luis v. Jewell. [Footnote 35: San Luis & Delta-Mendota Water Authority v. Jewell, 747 F.3d 581 (9th Cir. 2014), cert denied sub nom., 135 S.Ct 948 (Jan. 12, 2015). III. Nexus Between X2 and Sea Level Rise -- 2014 Reclamation Climate Impact Assessment In September 2014, the Bureau of Reclamation released a report titled Climate Impact Assessment for the Sacramento and San Joaquin Basin ("Reclamation Climate Impact Assessment"). [Footnote 36: U.S. Bureau of Reclamation, U.S. Dept. Of Int., Sacramento and San Joaquin Basins Climate Impact Assessment (September 2014), http://www.usbr.gov/WaterSMART/wcraldocs/ssjbia/ssjbia.pdf [hereinafter Climate Impact Assessment].] Reclamation prepared the Climate Impact Assessment in connection with the operations of its Central Valley Project (CVP), which diverts, stores, and delivers waters from the Sacramento River and San Joaquin River watersheds and includes such structures as Shasta Dam on the Sacramento and Friant Dam on the San Joaquin. [Footnote 37: Central Valley Project, U.S. Dept. of Int., https://www.usbr.gov/projects/Project.jsp?proj_Name=Central+Valley+Project (last visited Apri116, 2015).] The report focused on how projected salinity increases induced by sea level rise would impact CVP agricultural and urban water supplies, rather than impacts on smelt or fisheries. [Footnote 38: Climate Impact Assessment, supra note 36, at 39 ("Delta salinity conditions provide a measure of the risk to in-Delta and export water users that their water supplies will have a higher salinity than what is required to be in compliance with the standards for urban and agricultural beneficial uses set by the [State Water Resources Control Board].").] On page 39 of the 2014 Reclamation Climate Impact Assessment there is a section titled "Delta Salinity" that contains a table showing salinity measurements and projections, see [ATT1: ATT1]. Figure 1 focuses on two salinity monitoring locations in the Delta, one at a location called Emmaton and the other at a location upstream called Jersey Point. [Footnote 40: Id.] The table shows the anticipated twenty-first century increases in salinity levels at these locations resulting from climate change-induced sea level rise and saltwater intrusion. [Footnote 41: Id.] For the period from 2041-2070, Table 7 projects a 28%-56% increase in salinity levels at Emmaton and an 18%-38% increase in salinity levels at Jersey Point. For the period from 2071-2099, Table 7 projects an 83%-88% increase in salinity at Emmaton and a 53%-65%	

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		increase in salinity at Jersey Point. Taken together, this data indicates that, as a result of climate induced sea level rise, salinity levels in these two Delta locations are expected to rise by 53-88% over the coming century. [Footnote 42: Id.] Keep in mind, these are not the projections of environmental groups or the United States Environmental Protection Agency or the USFWS. These are the projections of the Bureau of Reclamation, which operates the CVP. While there was no mention in Table 7 of the 2014 Reclamation Climate Impact Assessment of the current location of X2 or of the upstream location where X2 is projected to shift as a result of climate change induced sea level rise, the implications of Table 7 for X2 are plain to see. If sea level rise will cause salinity levels in the Delta to increase by 53-88% in the coming century, then it follows that sea level rise will also cause X2 to shift much further upstream. The information presented in Table 7 of the 2014 Reclamation Climate Impact Assessment is therefore quite bad news for the Delta smelt. IV. 2013 Draft EIR-EIS For The Bay Delta Conservation Plan A. Overview of BDCP There are two underlying purposes of the BDCP, which are often referred to as the co-equal goals of the BDCP. [Footnote 43: See Rita Schmidt Sudman, Meeting the Co-Equal Goals? The Bay Delta Conservation Plan, Western Water, May/June 2013, available at http://www.watereducation.org/westem-waterexcerpt/meeting-co-equal-goals-bay-delta-conservation-plan.] These co-equal goals are: (i) to restore the Delta's ecosystem and fisheries; and (ii) to improve water supply reliability. [Footnote 44: BDCP Highlights, supra note 20, at 2 ("The plan would help restore fish and wildlife species in the Delta and to improve reliability of water supplies… ").] The BDCP was drafted as a multi-species habitat conservation plan (HCP) to satisfy the requirements of Section 10 of the federal Endangered Species Act. [Footnote 45: Id. At 2.] As an HCP, the focus of the BDCP was on the restoration of several ESA-listed fisheries in the Delta, namely the endangered Delta smelt and several endangered salmon and steelhead trout runs. [Footnote 46: Id. At 28-31.] Additionally, the BDCP proposed a series of components that would guide the activities of the Bureau of Reclamation's CVP and the California Department of Water Resources' SWP for many decades, perhaps as long as 50 years out. [Footnote 47: Id. At 2 ("It is a planning document, to be implemented over 50 years… ").] The components of the BDCP (as presented in the last draft environmental impact assessment documented issued in late 2013) include the following main three items. First, the BDCP proposes moving the main point of Delta diversion for the CVP and SWP from the south Delta to the north Delta and construction of two new tunnels to transport water from the new north point of diversion to agricultural and urban water users south of the Delta. [Footnote 48: Id. At 3, 7-10.] Second, the BDCP outlines a series of riparian enhancement projects designed to improve spawning habitat for fisheries. [Footnote 49: Id.] Third, the BDCP anticipates a potential 18% increase in the amount of fresh water diverted out of or upstream of the Delta--diversions sometimes called Delta exports. [Footnote 50: U.S. Bureau of Reclamation, U.S. Fish & Wildlife Serv., Nat'l Marine Fisheries Serv., Cal. Dept. of Water Res., Draft Environmental Impact Report/Environmental Impact Statement for the Bay Delta	

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		Conservation Plan, fig. 5-17. [hereinafter Draft EIR/EIS], available at http://baydeltaconservationplan.com/PublicReview/2013PublicReviewDraftEIR-EIS.aspx. Figure 5-17 compares annual Delta water exports under the No Action alternative and under BDCP alternative 4H1. Figure 5-17 annual shows Delta water exports under the No Action alternative to be 4,441 AF and annual Delta water exports under BDCP alternative 4H1 to be 5,455 AF (which is an increase of 18%).] An 18% increase in fresh water diversions out of the Delta would result in a significant decrease in the amount of fresh water flowing both into and through the Delta. There are four lead agencies for the BDCP -- the federal Bureau of Reclamation, USFWS, and National Marine Fisheries Service, as well as California's Department of Water Resources (DWR). [Footnote 51: Id. At ES-6.] Because the BDCP is a joint undertaking of these agencies, a joint EIR-EIS is being prepared pursuant to the NEPA and CEQA. The analysis below focuses on the CEQA-specific analysis in the December 2013 Draft EIR-EIS for the BDCP (Draft EIR-EIS) rather than the NEPA-specific analysis in this document. B. Appendix 2.C of the BDCP Appendix 2.C of the BDCP was titled "Climate Change Implications and Assumptions" and reports: "Scenarios modeled by the California Climate Action Team project sea level rise increases along the California coast of 1.0 to 1.5 feet by 2050, and 1.8 to 4.6 feet by 2100. However, if California's sea level continues to mirror global trends, increases in sea level during this century could be considerably greater." [Footnote 52: U.S. Bureau of Reclamation, U.S. Fish & Wildlife Serv., Nat'l Marine Fisheries Serv., Cal. Dept. Of Water Res., 2013 Public Draft Bay Delta Conservation Plan, 2.C-12 [hereinafter Draft BDCP], available at http://baydeltaconservationplan.com/PublicReview/2013PublicReviewDraftBDCP.aspx.] So in Appendix 2.C. of the BDCP, DWR acknowledges that the best available evidence indicates that by the end of the century sea level rise could be 4.6 feet (54 inches) and possibly higher. [Footnote 53: Id.] C. Appendix 29A of the Draft EIR-EIS for the BDCP Appendix 29A of the Draft EIR-EIS for the BDCP is titled "Effects of Sea Level Rise on Delta Tidal Flows and Salinity." [Footnote 54: Draft EIR/EIS, supra note 50, at Appendix 29A.] Figure 29A-13 [ATT1: ATT2] presents a graph showing how projected increases in sea level rise are expected to shift the location of X2. According to this chart [see ATT1: ATT2], a 30-centimeter sea level rise would cause X2 to shift approximately 1-2 kilometers upstream, a 45-centimeter sea level rise would cause X2 to shift 2-4 kilometers upstream, and a 140-centimeter sea level rise would cause X2 to shift 6-11 kilometers upstream. [Footnote 56: Id.] As noted above, Appendix 2.C of the Draft BDCP acknowledged that sea level may rise more than 4.5 feet (or 140 centimeters). [Footnote 57: Draft BDCP, supra note 52, at Appendix 2.C.] Reading Appendix 2.C and Appendix 29A together, the Draft BDCP and EIR-EIS concede that climate change-induced sea level rise may cause the location of X2 to shift as much as 11 kilometers upstream from its current location. [Footnote 58: Id.; Draft EIR/EIS, supra note 50, at Appendix 29A.] Yet, pursuant to the analysis and methodology in the 2008 USFWS Bi-Op, if X2 were to shift 11 kilometers upstream (to a location approximately 90 kilometers east from the Golden Gate Bridge), the Delta smelt faces the likelihood of extinction. [Footnote 59: Revised Delta	

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		Smelt Bi-Op, supra note 21, at 237.] The projected upstream shift in X2 due to sea level rise places X2 close to the location where the USFWS has determined that Delta smelt cannot survive, and the only way to counteract this anticipated upstream shift in X2 would be to ensure that additional fresh water flows into the Delta. [Footnote 60: Id. At 235-38, 282-83.] Appendix 2.C and Appendix 29A of the Draft BDCP and EIR-EIS, respectively, therefore disclose the effect that climate change-induced sea level rise will have on salinity levels and the location of X2. [Footnote 61: Draft BDCP, supra note 52, at Appendix 2.C; Draft EIR/EIS, supra note 50, at Appendix 29A.] These appendices, however, do not then contain subsequent analysis of how these expected changes in salinity levels and the location of X2 will impact the recovery and survival of the endangered Delta smelt.	
99	5	[ATT1: ATT1: Figure 1. Summary of Salinity Monitoring, Climate Impact Assessment for the Sacramento and San Joaquin Basin.]	The comment describes a figure to an attachment to the comment letter. The attachment does not raise any additional issues related to the environmental analysis in the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS that are not already addressed in comment referencing the attachment or the Final EIR/EIS.
99	6	[ATT1: ATT2: Figure 2. Simulated Daily Increases in X2 (Draft BDCP EIR-EIS)]	The comment describes a figure to an attachment to the comment letter. The attachment does not raise any additional issues related to the environmental analysis in the 2015 RDEIR/SDEIS or the 2013 DEIR/EIS that are not already addressed in comment referencing the attachment or the Final EIR/EIS.
99	7	[ATT1:] CEQA Baseline in the Draft EIR-EIS and BDCP DWR (which operates California's State Water Project) was the lead CEQA agency in connection with the Draft EIR-EIS prepared for the BDCP. In Appendix 3D of the BDCP EIR-EIS, DWR explains the baseline conditions it would be using in connection with its CEQA environmental impact analysis. [Footnote 62: Draft EIR/EIS, supra note 50, at Appendix 3D.] In Appendix 3D, DWR states: "The CEQA baseline for assessing the significance of impacts of any proposed project is normally the environmental setting, or existing conditions, at the time the NOP [Notice of Preparation] is issued (State CEQA Guidelines Section 15125)... This directive was recently interpreted and applied by the California Supreme Court (Neighbors for Smart Rail... According to the Court [in Smart Rail], the CEQA Guidelines establish the default of an existing conditions baseline even for projects expected to be in operation for many years or decades... [A]ny sole reliance on such a future baseline is only permissible where a CEQA lead agency can show, based on substantial evidence, that an existing conditions analysis would be misleading or without informational value... The CEQA baseline [for the BDCP] is existing conditions at the time of the NOP [February 2009]." [Footnote 63: Id. at 3D-1.] This characterization of the Smart Rail holding is not wholly inaccurate but is certainly an incomplete and arguably misleading description of the decision. More specifically, the characterization of Smart Rail in Appendix 3D of the EIR-EIS fails to mention the California Supreme Court's express endorsement of the use of multiple baselines (that include future as well as existing conditions baselines) as a preferred approach to sole reliance on a future baseline. [Footnote 64: See discussion supra Part I & notes 8-19; Neighbors for Smart Rail v. Exposition Metro Line Const. Auth., 57 Cal. 4th 439, 452-456 (2013).] Appendix 3D's characterization of Smart Rail suggests that CEQA would somehow prohibit or preclude DWR from using a future baseline to consider the effects of climate change-induced sea level rise on Delta fisheries, and this is erroneous. The California Supreme Court's decision in Smart Rail lends no support to this characterization and in fact contradicts it. [Footnote	This comment questions the EIR/EIS assumption that the CEQA baseline is defined as existing conditions at the time of the NOP without Fall X2 and sea-level rise and climate change assumptions. The explanation for this approach is provided in Chapter 4, Approach to the Environmental Analysis which indicates that Fall X2 salinity assumptions were not included in existing conditions because its implementation was uncertain in the foreseeable future. Future climate change and sea level rise assumptions were not included in existing conditions because no additional effect of climate change would occur under current conditions. However, most of the action alternatives do include Fall X2 assumptions and all include climate change and sea-level rise assumptions. Therefore, for CEQA analyses the impact of action alternatives includes the influence of Fall X2 and climate change and sea-level rise combined with the effects of the alternative. The analysis also includes impacts of the action alternatives compared against the No Action Alternative, which in most cases both include Fall X2 and climate change and sea-level rise assumptions at two future periods (early long term for Alternatives 4A, 2D and 5A and late long term for the BDCP alternatives). The discussion in chapter 4 indicates that: DWR has frequently pointed the reader to the NEPA conclusions, as those conclusions, which use the No Action Alternative as the baseline for comparison, allow for more of an “apples to apples” comparison, in that the results of both the No Action Alternative and the Action Alternatives include sea level rise assumptions. Thus, although the CEQA analysis relies on Existing Conditions as a baseline, the CEQA analysis often points to the NEPA analysis as a way of helping readers to better understand the actual impacts of alternatives vis-à-vis Existing Conditions. This approach is fully consistent with CEQA as understood by the California Supreme Court, which in Neighbors for Smart Rail v. Exposition Metro Line Construction Authority (2013) 57 Cal. 4th 439, 454, held that “nothing in CEQA law precludes an agency…from considering both types of baseline—existing and future conditions—in its primary analysis of the project's significant adverse effects[.]” Although here DWR did not use dual baselines, it has relied in part on the NEPA baseline in clarifying the results of analyses based solely on the CEQA baseline. Because this Final EIR/EIS includes action alternatives that are compared against existing and future conditions, a range of changes that would result from conveyance facility operations and the effects on fish species and other hydrodynamic-based resource discussions is fully addressed. Please also refer to Master Response 1 which addresses the approach to environmental baselines used as a point of comparison in the Final EIR/EIS.

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		65: Id.] In Smart Rail, the California Supreme Court expressed reservations about the use of a future conditions baseline in lieu of an existing conditions baseline, not the use of a future conditions baseline in addition to an existing conditions baseline. The definition of the CEQA baseline presented in Appendix 3D of the BDCP EIR-EIS was also set forth in a December 2013 document co-prepared by DWR titled "Highlights of Bay Delta Conservation Plan Environmental Impact Report/Environmental Impact Statement" (BDCP Highlights). [Footnote 66: BDCP Highlights, supra note 20.] The section of BDCP Highlights on "Water Supply" explained that "[s]ea level rise will push salt water further east into the Delta, requiring upstream water releases to push sea water out of the Delta and achieve in-Delta water quality standards. These operational changes, would in tum, decrease available water supply for south of Delta users." [Footnote 67: Id. at 19.] The section of the BDCP Highlights on "Water Quality" then finds that "seawater intrusion caused by sea level rise or decreased Delta outflow... can increase the concentration of salts. Conversely, Delta outflow can decrease the effects of seawater intrusion." [Footnote 68: Id. at 24.] BDCP Highlights thus explicitly and repeatedly notes how sea level rise will impact Delta salinity levels and how increasing fresh water flows in the Delta would help counter this seawater intrusion. However, after noting that sea level rise will require additional instream flow to push saltwater intrusion back, the section of BDCP Highlights labeled "Environmental Baseline" provides: "In order to measure the magnitude of any impact, agencies must first identify a baseline condition to serve as a point of impact comparison... The CEQA baseline standard normally requires a project to review its impacts relative to 'change from existing conditions."' [Footnote 69: Id. at 11.] The section of BDCP Highlights on "Water Quality" also goes on to clarify: "Existing conditions... are the conditions at the time the NOP [CEQA Notice of Preparation] was issued -- that is, 2009. These conditions do not include projections of future sea level rise and climate change... " [Footnote 70: Id. at 19] Again, this characterization of CEQA baseline conditions does not take into account the California Supreme Court's endorsement of multiple baselines in Smart Rail, which permits CEQA lead agencies to use a future conditions baseline, in addition to an existing conditions baseline. [Footnote 71: See citations supra note 64.] Similar to Appendix 2.C of the BDCP and Appendix 29A of the Draft EIREIS, the BDCP Highlights document acknowledges the ways sea level rise will impact Delta salinity and how this will require increased instream fresh water flow into the Delta, while simultaneously taking the position that this information regarding sea level rise will not be considered in the CEQA environmental impact assessment analysis of the BDCP. As a result of DWR's exclusive reliance on an existing conditions baseline for its CEQA analysis in the Draft EIR-EIS, notwithstanding the disclosure in Appendix 2.C. of the BDCP and Appendix 29A of the Draft EIR-EIS that confirm the impacts of sea level rise on salinity levels and X2, the CEQA analysis in the Draft EIR-EIS does not factor the information on sea level rise and salinity levels into its significance determinations, alternatives analysis or mitigation analysis. [Footnote 72: BDCP Highlights, supra note 20, at 19.] That is, the information in Appendix 2C and Appendix 29A is not then integrated into the rest of the CEQA analysis. This information is, so to speak, left out in the cold of the appendices. More to the point, the CEQA analysis does not consider (in the context of severity of projects impacts, alternatives or mitigation) how additional fresh water flows into the Delta (and a corresponding reduction in the amount of fresh water diversion) would be needed to	

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		prevent the upstream shift of X2 resulting from sea level rise. One possible explanation for this disregard of the sea level rise impacts on Delta smelt is hinted at in Appendix 3D of the Draft EIR-EIS. More specifically, Appendix 3D disclosed: "DWR did not assume full implementation of a particular requirement of the [2008] delta smelt BiOp, known as the 'Fall X2' salinity standard, which in certain water year types can require large upstream reservoir releases in fall months for wet and above normal wet years to maintain the location of 'X2' as approximately 74-81 river kilometers inland from the Golden Gate Bridge... DWR determined that full implementation of the Fall X2 salinity standard was not certain to occur within a reasonable near-term time frame because of a recent court decision... As of [spring 2011], in litigation challenging the Delta smelt BiOp filed by various water users, which DWR intervened, the United States District Court found that the USFWS failed to fully explain the specific rationale used to determine the location for Fall X2 included in the RPA and remanded to the USFWS... This uncertainty, together with CEQA's focus on existing conditions, led to the decision to use a CEQA baseline without the implementation of the Fall X2 action in the draft EIRIEIS." [Footnote 73: Draft EIR/EIS, supra note 50, at 3D-2.] Putting aside the question of the credibility of this explanation, with the 2014 reversal of the referenced federal district court decision by the Ninth Circuit Court of Appeals in San Luis v. Jewell and the United States Supreme Court's denial of review [Footnote 74: See discussion and citations supra Part II & notes 33-35.], there is now no longer any uncertainty as to status of the X2 requirements in the 2008 USFWS Delta smelt Bi-Op. The X2 requirements in the Bi-Op have now been upheld by the courts, so it would then follow that DWR should now assume (in its CEQA analysis) that these X2 requirements will be fully implemented. It is also perhaps understandable why DWR and the contractors that receive water from the State Water Project are reluctant to engage in environmental analysis which would demonstrate that more fresh water needs to be left instream to flow into the Delta, since this would result in reduced SWP water exports above and out of the Delta. However, the omission of this analysis renders the CEQA analysis in the Draft EIR-EIS legally vulnerable. Given that Appendix 2.C of the BDCP and Appendix 29A of the Draft EIR-EIS expressly concede and document the extent to which climate change-induced sea level rise will move X2 upstream, and given the well-established link between the position of X2 and the survival of the endangered Delta smelt, DWR may have a difficult time convincing a court that there is substantial evidence to support the remainder of its CEQA fisheries impact analysis which assumes that X2 will remain in the same location. Such reliance on an assumption explicitly acknowledged by a lead CEQA agency to be incorrect may constitute an unlawful abuse of discretion. [Footnote 75: See Cal..Code Civ. Proc. Section 1094.5(c) (West2015).]	
99	8	[ATT1:] BDCP AS Potential Test Case on Shifting Baselines The effects of climate change present unique challenges to the basic environmental impact assessment paradigm, particularly for projects that will operate well into the future. This is because under the basic environmental impact assessment paradigm, the determination of significant adverse impacts and the identification of appropriate alternatives and	Please refer to comment 99-7.

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		mitigation to address such impacts are developed in reference to a single set of baseline conditions. [Footnote 76: Remy et al.., supra note 3, at 414-465.] Yet, with climate change, the baseline conditions against which long-term projects operate will shift. [Footnote 77: The Law of Adaptation, supra note 19, at 5-6, 95, 109-11.] This means that the severity of the project's impacts and the measures needed to effectively counter these more severe project impacts will shift, too. In this context, the BDCP may serve as important test case to assess whether, under circumstances where climate change impacts are inevitable and quantifiable, the lack of consideration of future baseline conditions (alongside existing baseline conditions) may constitute a violation of CEQA. The BDCP may be the right test case on this question because the failure to consider the impacts of sea level rise on the survival of the endangered fisheries that are a primary focus of the BDCP arguably taints the remaining fisheries impact analysis of the project. Without the use of such a future baseline, the CEQA analysis of how much fresh water flow is needed to restore the Delta smelt becomes delusional. The fisheries impact analysis remains tethered to long-term assumptions of saltwater intrusion and X2 that everyone (including the agencies that operate the CVP and SWP) knows to be incorrect. [Footnote 78: See Draft BDCP, supra note 52, at Appendix 2.C.; Draft EIR/EIS, supra note 50, at Appendix 29A; BDCP Highlights, supra note 20, at 19.] More specifically, in this instance, the failure to use a future baseline results in fundamental flaws in the CEQA analysis of how the BDCP's proposed export of an additional 18% of fresh water from the Delta is likely to impact the endangered Delta smelt. [Footnote 79: See citation and discussion supra note 50.] Under these circumstances, a reviewing court may be persuaded that the use of a future baseline to address expected sea level rise is not merely permissible under CEQA but required. The recognition of such a requirement under CEQA could, in turn, help influence the way sea level rise specifically, and climate change more generally, is factored into other non-California environmental impact assessment laws. This would help shift the standard environmental impact assessment paradigm to take full account of how the impacts of long-term projects will change as climate change alters the background conditions against which such projects operate.	