

Table 4-1. Responses to Comments

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1	1	Since that time, Roseville has engaged along with our partners at the Regional Water Authority dedicating numerous hours over the past five years in the voluntary agreement process now being referred to as the Agreements to Support Healthy Rivers and Landscapes. On March 29, 2022, Governor Newsom announced broad agreement on measures to provide additional water flows and new habitat to help improve conditions in the Bay-Delta watershed. Our region, in collaboration with Reclamation, are currently managing flows on the American River to ensure water supply reliability while balancing the health of the American River through the Modified Flow Management Standard. As part of the early implementation measures under the Voluntary Agreements our region has received funding, to bring online sooner, projects that will allow us to provide additional flows during drought years to protect and maintain a healthy Lower American River and contribute to a healthier Bay-Delta watershed. Roseville urges the board to recognize and direct staff to include the Healthy Rivers Agreements as the only alternative that advances the objectives of the California Water Action Plan and is consistent with the Water Boards 2018 Framework for Alternatives to the unimpaired flow approach.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
1	2	Adopting the bay-delta water quality control plan without inclusion of the Agreements undermines the significant fishery efforts and success stories in areas upstream of the Delta, which have benefited from integrating functional flows with habitat improvements and partnerships among our agencies.	Please see Common Response 1.3, Revised Proposed Plan Amendments, regarding the VA process and the relationship between the State Water Board's regulatory pathway and the VA pathway. As acknowledged in 2023 draft Staff Report Chapter 4, Other Aquatic Ecosystem Stressors, the benefits of increased flow can be enhanced when implemented in concert with non-flow measures. However, many potential non-flow measures fall within the purview of other agencies and entities, and should be further developed and implemented by those agencies and entities in concert with the State Water Board's planning and implementation efforts. Section 7.21, Habitat Restoration and

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			Other Ecosystem Projects, of the 2023 draft Staff Report evaluates the potential environmental impacts of non-flow measures that entities might undertake. Additionally, it is important to note that non-flow measures often depend on sufficient flow for successful implementation. For an in-depth examination of the benefits of flow and its role as a critical element of protection and restoration, see Chapter 3 of the 2023 draft Staff Report, Scientific Knowledge to Inform Fish and Wildlife Flow Recommendations.
1	3	In closing, Roseville believes, that the Healthy Rivers program alternative would satisfy the Framework requirements for transparency and accountability, monitoring and reporting, planning, adaptive management, periodic evaluation, enforceability, support by CDFW and contribute to achieving the water quality objectives and protection of fish and wildlife beneficial uses.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
2	1	The "fish flows" on the Stanislaus river have been proven to be ineffective by multiple scientific studies conducted by Fish Bio, & these flows should either be stopped completely or at the least greatly reduced since they are a gross WASTE of water! To actually achieve the intended good result of increasing our native trout & salmon populations you should instead use all available means to simply eliminate or at the least significantly reduce the population of the Apex Predator of these 2 desirable species. As you likely know the Apex Predator is the NON native Striped Bass which is currently protected by CA Fish/Wildlife season/size & daily catch limits. The likely first step to take would then be simply to eliminate all these Striped Bass protections & advertise their removal & why to the general public.	The comment describes conditions on the Stanislaus River which are not part of the Sacramento/Delta Update to the Bay-Delta Plan. See Staff Report Section 7.1.3, Purpose and Goals of the Sacramento/Delta Update to the Bay-Delta Plan, for a description of the purpose and goals of the Sacramento/Delta update to the Bay-Delta Plan; and Section 7.1.5.1, Sacramento/Delta, Plan Area, and Study Area, for a description of the plan area and study area. Also see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project. Please see Chapter 3, Scientific Knowledge to Inform Fish and Wildlife Flow Recommendations, of the Staff Report for a description of the benefits of increased instream flows and Chapter 4, Other Aquatic Ecosystem Stressors, for a description of the effects of non-flow stressors, including non-native predators. As described in Section 5.5.4, Fishery Management Actions, of the 2023 draft Staff Report, fishery management actions are largely the purview of other agencies, such as CDFW, California Fish and Game Commission, Pacific Fishery Management Council, USFWS, and NMFS.
2	2	Lastly, the water level of Tulloch Reservoir (where I & many others have a waterfront home), is dropped annually by 10 feet	The comment describes conditions on Tulloch Reservoir on the Stanislaus River, which are not part of the Sacramento/Delta

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		in mid-Oct and is not brought back up to the normal level until mid-May. This 7 month water level drop is done for flood control reasons; which made perfect sense when the dam was constructed in the early 60s - before the dam flood gates were computer controlled. However, continuing this outdated/unnecessary practice also continues its associated now completely unnecessary erosion, temporary loss of fish habitat, & much loss of lake enjoyment usage by both residents, & visitors = loss of much needed tourist revenue in Calaveras and Tuolumne Counties. Again I urge The Water Board to do ALL they can to immediately eliminate both this annual practice and also it's every 3 year incorporated practice of a 3 month 30 feet water level drop to "inspect the dam flood gates" which could/should instead be done anytime with a submersible camera drone.	Update to the Bay-Delta Plan. See Staff Report Section 7.1.3, Purpose and Goals of the Sacramento/Delta Update to the Bay-Delta Plan, for a description of the purpose and goals of the Sacramento/Delta update to the Bay-Delta Plan; and Section 7.1.5.1, Sacramento/Delta, Plan Area, and Study Area, for a description of the plan area and study area. Also see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
3	1	The League of Women Voters of California has supported past Water Board efforts to increase flows to protect high water quality standards in the Bay-Delta, and to protect flows for salmon migration while maintaining municipal drinking water and economic viability for agriculture. However, at this point we cannot support either the Phase II Bay-Delta Plan or the Voluntary Agreements because both represent efforts to manage a system that is based on inadequate information about how much water Californians can sustainably store, move, and use.	Please see Section 2.8, Existing Water Supply, of the Staff Report for a discussion on the current state of water supply in California and a presentation of information related to regional water supply in the corresponding subsections. Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
3	2	In 1922, the federal government divided flows among Colorado River Compact parties based on optimistic projections and inadequate consideration of future growth in the Compact states or the needs of indigenous users or the river ecosystem. The result has been disastrous. In the case of the Bay-Delta watershed, California water planners in 1960 understood that the state could not indefinitely provide water for the CVP, the SWP, and other export water users that was surplus to the needs of the watershed; however, that didn't prevent development of an entire water storage and delivery system that is already unreliable for many users who depend on inter-basin water transfers, and that will be even less dependable under changing climate conditions. The Bay-Delta Plan Executive Summary itself recognizes that more water has been promised for diversions from the Bay-Delta	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		watershed than is reliably available. Diversions to winter and spring outflows reduce the 28.5 million acre- feet average annual unimpaired flows by half or more; average regulatory minimum Delta outflows are only about 5 MAF, or about a third of current average outflows and less than 20 percent of average unimpaired outflows. The League supports protecting the economic, social, and environmental welfare of areas of water origin as well as areas of use. Our position discourages water contracting and marketing policies that build up demand and establish rigid patterns of distribution and use. However, continued resistance to Water Board attempts to develop this realistic Water Quality Control Plan reflect the inflexibility of some user demands. Historically, when local human and environmental water needs in the Delta and Estuary are weighed against the expectations of export interests elsewhere in the state, politics will ensure that Bay-Delta Estuary needs will be overruled.	
3	3	The state has never quantified all water rights. The League would like to see universal use of strategies to measure and manage actual consumption of both surface water and groundwater by all users, urban and agricultural. We need to be as firm about documenting water rights and water uses everywhere as the state has been in documenting water use in the Delta, by using satellite-based measures of consumptive use to determine unauthorized diversions and developing digitized Places of Use (POUs).	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
3	4	We also need to ensure that users do not compensate for lower surface water deliveries by treating groundwater as an inexhaustible savings account, further over drafting the state's groundwater. The League's Water position supports measures that increase water conservation and promote wastewater reclamation to minimize reliance on water exported through and around the Delta. We have seen considerable progress in water conservation and reuse in many urban areas of the state that rely on water from the Bay-Delta. However, urban use is just one-fifth of total use of developed water, and agriculture has not advanced as far	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project. Additionally, see Common Response 7.12.2, Groundwater and Sustainable Groundwater Management Act, regarding groundwater impact and consideration of the Sustainable Groundwater Management Act.

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		as cities have in developing the kinds of conservation strategies that will reduce reliance on exports.	
3	5	The League respects what growers contribute to our welfare in terms of food and jobs. The League's Agriculture position supports identifying land for agriculture that has a sustainable supply of surface and groundwater. We support California's Climate Smart Agriculture Program for improving soil health, preserving open space and sustainable agricultural lands, implementing alternative management practices, and using water more efficiently and effectively. We look forward to the day when all agricultural producers have a desire or an incentive beyond state regulation to take responsibility for the use of shared resources like water.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
3	6	Unfortunately, the current Phase II Bay-Delta Plan and the Voluntary Agreements being offered rely on incomplete knowledge and lack clear objectives for protection of ecosystems. The League of Women Voters of California encourages the Water Board to provide in a timely manner a water use plan that relies on current, accurate facts about the present conditions of available water, its storage, use, and conveyance for all Californians and to provide clear, measurable objectives to protect fish and wildlife habitat.	Please see the response to comment 3-1 and see Common Response 1.2, Water Quality Control Planning Process, for information on the reasonable protection of fish and wildlife beneficial uses.
4	1	The natural ecosystems of the Bay-Delta are in serious decline. Salmon populations are not healthy. Toxic algae blooms, due to warm nutrient-rich water (partially due to agricultural influence), are harmful to people and wildlife. Streamside habitat and important salmon nesting gravel areas are degraded. The State Water Board's 2010 Flow Criteria Report states that 75% of unimpaired flow on Sacramento River and tributaries is needed for protection of the Bay-Delta ecosystem. The same for water reaching the Bay from the Delta. On average, only 50% or less of natural flow of Central Valley Rivers reaches the Bay, causing a perpetual drought. Non-flow measures are important, but increased flows are the keys to turning around this dire situation. Voluntary agreements will not produce higher flows. It is a travesty that utilities are the beneficiaries of Public Trust water and public funding, yet fish populations and water quality continue to decline. I am	Please see Common Response 1.1, General Comments, for information on the Delta Flow Criteria Report and for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		saddened that Governor Newsome is pressuring the State Water Board to accept the Voluntary Agreements. This is NOT the direction that our state should be going. The State Water Board should be making decisions based on science, not political whims. These decisions will have long lasting effects on the future of our state, its citizens, and wildlife. I strongly urge the State Water board to do the right thing for all of us, and to do the job of restoring the Bay-Delta ecosystem by rejecting Voluntary Agreements.	
5	1	Thank you for the opportunity to speak today. My name is Martin Gothberg and I live in the San Francisco Bay Area. The last time I spoke in support of the Bay Delta Plan was seven years ago at the Merced hearing. That day in Merced was a contentious environment with many politicians speaking out of anger and frustration. One mayor/councilman loudly threatened to 'unleash the dogs of war' if the Plan was passed. Felicia Marcus calmly responded to the implied threat by stating she 'did not appreciate being used as a prop'. She was a cool-headed and courageous leader. Today I wonder what has happened to that leadership. Who is there to make the decisions needed to provide a better balance between the beneficial use of a public trust resource, especially between agricultural and environmental needs? If 80% of developed water is used by agriculture representing 2% of our economy and one river that I know of received less than 12% of unimpaired flow in a bad year, does this not cry out for rebalancing and equitable management? Will the Governor's legacy on this project be that he helped run out the clock on the salmon and steelhead by relying on politically expedient Voluntary Agreements? I am glad I withheld my vote for Governor during the last election cycle for the first time in 50 years of voting. He does not deserve my vote.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
5	2	I am extremely skeptical of the morning presentations on VA's and unimpaired flow. VA's have been used as a delaying strategy and as backroom deals to avoid accountability. Antiquated water rights make VA's inherently inadequate and time consuming to implement largely due to the power dynamics of ownership rights. Unimpaired flow is how the rivers existed before we all	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project. See also Common Response 1.3, Revised Proposed Plan Amendments, for information on the VA pathway, including enforceability.

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		arrived and rivers were healthy according to historical record so I'm highly skeptical of any conclusions on lower salmonid survival rates from increased flow. California deserves a restored and interconnected salmon-based ecosystem and time is running short. I urge you to approve the proposed plan amendments at the high flow level as that will drive the best and most protective solutions. We need real commitments with hard deadlines and accountability for success. That won't happen 'voluntarily'. In-stream measures like habitat restoration are destined to fail without floodplain inundation and adequate flow within the riverbanks. I hope we all agree on that. Thank you for your time and commitment to getting this right before it is too late.	
6	1	I am deeply concerned about the proposed changes to the Bay-Delta Plan. The Plan states that the Bay-Delta Plan matters because the Bay-Delta is a major source of water for the state. In reality, though, the Administration has been hell-bent on bypassing the Bay-Delta with a destructive tunnel underneath the Delta. Diverting fresh water inflows to the Delta, whether with a Peripheral Canal or an underground tunnel, means less water IN the Delta. And that has lots of adverse implications for the environment and for local economies. In particular, the Staff Report for the Bay-Delta Plan speaks of the "voluntary agreements". Such agreements involve private, incomplete, and discriminatory processes – in which most Californians were left out of having a say in water allocations and river and Bay-Delta protections. Further, those agreements will cause disparate impacts for tribal and environmental justice communities.	Please see Common Response 1.1, General Comments, for information on public participation and Common Response 1.3, Revised Proposed Plan Amendments, regarding comments on other water supply projects. Also see Chapter 10, Economically Disadvantaged Communities, and Chapter 11, Tribal Engagement, Traditional Ecological Knowledge and Tribal Beneficial Uses, of the Staff Report, Common Response 10.1, Economically Disadvantaged Communities, and Common Response 11.1, Tribal Engagement and Tribal Beneficial Uses.
6	2	The Staff Report doesn't contain a specific proposed project, but rather a recommended alternative with options, through which the Board can put together a Bay-Delta Plan that serves political interests instead of relying on science-based objectives needed to restore our fisheries and environmental health.	Please see Common Response 7.1, General CEQA and Approach to the Analysis, regarding the adequacy of the project description and Common Response 7.24, Alternatives Analysis, regarding the approach to alternatives. Additionally, refer to Common Response 1.2, Water Quality Control Planning Process, regarding the rationale for the State Water Board's proposed project and

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			State Water Board authorities related to the water quality control planning process.
6	3	As currently drafted, the Plan is incomplete and inadequate concerning fisheries and the overall health of the Bay-Delta estuary. A proposed alternative of 55% unimpaired flows for the Sacramento River with a range of 45-65%, will not save native fisheries and is tantamount to fisheries continuing to slide into extinction. There is no stable proposed project; instead, Board members are being offered alternatives with additional a la carte management options. 65% minimum unimpaired flows gets closer to fish recovery, but 75% is the best option based on established science.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project and Common Response 1.2, Water Quality Control Planning Process, for information on the reasonable protection of fish and wildlife beneficial uses. Also see Common Response 7.1, General CEQA and Approach to the Analysis, regarding the project description.
6	4	Still, there is no plan of implementation for the range of proposed alternatives. Those decisions should have been finished over the last five years.	The program of implementation was described in sufficient detail for the purposes of the analysis in the 2023 draft Staff Report and drafts were subsequently released for public review and comment in October 2024, July 2025, and December 2025. Please see Common Response 1.3, Revised Proposed Plan Amendments, for further information on the revised proposed Plan amendments.
6	5	There is no standard for control of harmful algal blooms. Standards are necessary to protect people who come in contact with waterways. There is no strategy for how harmful algal blooms will be tracked, identified, and mitigated.	Please see Common Response 4.1, Harmful Algal Blooms, regarding water quality standards for cyanotoxins and State Water Board efforts to address HABs in the Delta. Refer to Staff Report Section 5.6.1.3, Proposed Changes to Monitoring, Assessment, Special Studies and Reporting, regarding monitoring cyanobacteria harmful algal blooms (HABs) in the Delta, gaps in monitoring, the State Water Board's coordination efforts related to HABs monitoring and collaboration efforts on special studies to help fill gaps in knowledge about how stream flows and other environmental conditions contribute to Delta HABs to inform potential management actions by the Water Boards and others. In addition, the revised proposed Plan amendments described in the final Staff Report include provisions to address HABs, including monitoring requirements to track status and trends and efforts to identify possible HAB management and mitigation measures.
6	6	The optional voluntary agreements do not set water quality objectives and thus cannot meet the objectives of the Bay-Delta	Chapter 9, Proposed Voluntary Agreements, of the 2023 draft Staff Report included information about implementation of the

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		Plan. In addition, the voluntary agreements, do not include an implementation plan. That means the public will have to comment on implementation later, in a perpetual cycle of reacting to Bay-Delta proposals that are never finished.	VAs. Please see Common Response 1.3, Revised Proposed Plan Amendments, for information about the objectives in the revised proposed Plan amendments and how the VA pathway would contribute to them.
6	7	The voluntary agreements do not address cold water pools upstream that are needed for fisheries. Nor do the voluntary agreements appear to provide storage thresholds.	Please see Common Response 1.3, Revised Proposed Plan Amendments, for information on the VA pathway.
6	8	Although beneficial uses are identified in this plan - agriculture, fisheries, recreation, and drinking water - the Plan does not define Tribal Beneficial Uses. That is a continuation of past discriminatory practices.	Please see Staff Report Chapter 11, Tribal Engagement, Traditional Ecological Knowledge and Tribal Beneficial Uses, for the definitions of the Tribal Beneficial Uses and Chapter 13, Revised Proposed Plan Amendments, for additional information on incorporation and designation of Tribal Beneficial Uses. Please see Common Response 11.1, Tribal Engagement and Tribal Beneficial Uses, for responses to comments related to Tribal Beneficial Uses.
6	9	the Staff Report only considers at groundwater and drinking water, overlooking cultural and recreational uses.	The 2023 draft Staff Report describes and evaluates potential impacts on both cultural resources and recreation resources in Chapter 7, Environmental Analysis (see Section 7.7, Cultural Resources; Section 7.18, Recreation); Chapter 9, Proposed Voluntary Agreements, (see Section 9.7.7, Cultural Resources; Section 9.7.18, Recreation). Additionally, potential effects on cultural resources and recreation are described in Section 7.21, Habitat Restoration and Other Ecosystem Projects (see Section 7.21.2.5, Cultural Resources; Section 7.21.2.15, Recreation); and Section 7.22, New or Modified Facilities (see Section 7.22.2.5, Cultural Resources; Section 7.22.2.15, Recreation). Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
6	10	The Environmental Justice analysis for the Delta is inadequate. It appears to ignore 72 small drinking water systems.	Please refer to Common Response 10.1, Economically Disadvantaged Communities, for responses to comments related to analysis of drinking water systems in the Delta.
6	11	While the Staff Report does identify the beneficial uses of a healthy river and estuary system, and includes healthy fisheries within the cost-benefit analysis, the cost and benefits are mostly related to water exports.	Staff Report Chapter 3, Scientific Knowledge to Inform Fish and Wildlife Flow Recommendations, provides a review and summary of the best available science on flow needs for the protection of fish and wildlife beneficial uses. Please see Common Response 3.1, Fish Protection, on use of best available

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			science in the Staff Report. Section 8.6.1, Recreational and Commercial Fisheries, in the 2023 draft Staff Report (Section 8.6.2, Commercial Fisheries and Section 8.6.3 Recreational Fishing in the final Staff Report) addresses potential economic effects concerning commercial and recreational sport fisheries, with an emphasis on Chinook salmon. Section 13.8.4, Fisheries Economic Effects, provides supplemental economic information relevant to recreational and commercial fisheries and discusses fisheries economic effects under the revised proposed Plan amendments. In addition, in response to comments received on the economic analysis presented in the Staff Report, Chapter 8, Economic Analysis and Other Considerations, has been updated in the final Staff Report to include a new Section 8.6, Fisheries Economic Analysis, that addresses potential economic benefits from implementation of the flow scenarios and subsequent aquatic ecosystem improvements and benefits for native fish species. This new section provides additional context and information concerning beneficial fisheries and ecosystem economic effects, but does not change the conclusions of the Staff Report's economic analysis.
6	12	It is high time for the State Water Board to actually finish the Bay-Delta Plan. Delays associated with implementation of Phase I (San Joaquin River flows, approved December 2018) and the "voluntary agreements" process, have caused the Delta to suffer for many years without updated water quality and flow standards that protect communities, cultural aspects, fisheries, recreation, and agriculture. The current and prior Administrations have prioritized the destructive underground bypass instead of attending to the need for careful management of the Bay-Delta ecosystem, the local economies of the Delta and the diversity of its communities. Your Board can and should do better.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
7	1	I'm CEO of Done-Again Farms, a 230-acre almond orchard in Arbuckle on the west side of the Sacramento Valley. My family has been farming almonds in Arbuckle since the mid-1960's. We are proud members of Blue Diamond Growers, a farmer cooperative that markets the almonds grown by 3000 Central Valley growers to customers around the world. Our family's decision to expand our almond plantings in 1998 was taken	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		under the assumption that the Central Valley project, as it was originally designed to do, would provide a reliable water supply to support our 25-year agricultural investment. It takes 3 to 4 feet of water per acre delivered from April through October to grow an almond crop. Some of it comes as rain, but Colusa County Water District delivers most of the water we use from the Tehama-Colusa Canal, fed by Lake Shasta. We depend on this surface water, backed up by ground water from a well, to keep our trees alive and our orchards productive. We originally installed the well to provide water in the event of an unanticipated system shutdown in the summer. Management of our water resources and inputs is a top priority for our farm. We participate at the highest level in Blue Diamond's Orchard Sustainability Incentive Program. It rewards us for investing in sustainable farming practices, including using best practices in irrigation management. We invest heavily in technology (drip irrigation, soil moisture monitors, weather stations, innovative water treatments, and in-tree tensiometers) to minimize the amount of water needed to produce our crop, but we need a dependable supply of surface water year after year to sustain our orchards. We strongly support the Voluntary Agreements as the best alternative for the program of implementation to update the Bay-Delta Water Quality Control Plan. The Voluntary Agreements is a balanced approach that brings people together to work collaboratively to protect all beneficial uses of water in California. the Voluntary Agreements will also increase the likelihood of our family's ability to farm in Colusa County in the future.	
7	2	The Unimpaired Flow Approach would seriously hurt Valley cities and rural communities, farms, fish and wildlife, recreation, and hydropower. It would amplify the variability in water supply available to our farm (and the other users of Sacramento River water) and force us to increase our dependence on expensive groundwater to sustain our business. Unimpaired Flows will deal a heavy blow to our family farm, the	Potential effects of the proposed Plan amendments on agriculture economy are discussed in Section 8.4, Agricultural Water Supply Economic Effects, of the Staff Report. These analyses are fully supported by substantial evidence. Potential effects on the economically disadvantaged communities (DACs) are discussed in Section 8.4.4, Agricultural Economic Effects on Economically Disadvantaged Communities;

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		farms of our neighbors, and the families of those who work in agriculture and related industries. It will hurt the Colusa County economy, which already suffers from the pressures of drought and climate change. Unemployment in our largely underserved agricultural Colusa County was 8.5% in September 2023 despite the tight California labor market. Unimpaired flows will make it more difficult to farm profitably in Arbuckle, driving unemployment UP. The balanced approach of the Voluntary Agreements will strengthen our Colusa County and Sacramento Valley economies while allowing California agriculture to deliver food to the whole world in a truly sustainable way. We support the Voluntary Agreements alternative.	Section 8.5.9, Economically Disadvantaged Communities and Drinking Water; and Chapter 10, Economically Disadvantaged Communities.
8	1	I am a Bay Area water consumer, an avid backpacker of the Sierra Nevada and a volunteer at the TNC Cosumnes river preserve. I've spent my professional career in Silicon Valley working in startups doing new technologies and products. I applaud the VA's motivation of accelerating actions in water policy (few tech startups succeed in the market through the legal system!) but I strongly urge more closely following the science regarding adequate Bay-Delta flows to support beneficial uses if we want to share this world with any wildlife at all while preserving equitable quality of life for the state's citizens. In particular, I want to highlight the fact that the science shows we need higher flows for recovery of the Bay- Delta ecosystem and that the flow reductions in the current voluntary agreements will have to increase just to maintain equitable beneficial uses with a semblance of equity for humans and wildlife alike. The current plan is biased towards agricultural interests at the expense of other beneficial uses. Agriculture uses 80% of the State water supply while generating 2% to the State's economy. This monopolistic privatization of the water supply is inconsistent with the Public Trust and equitable beneficial uses. A root cause of this is that the price of Agricultural water is too cheap to incentivize innovation and efficiency investments. We need to both raise the price of water and increase the benefits of fallowing land that returns farmland to the ecosystem.	Please refer to Common Response 1.2, Water Quality Control Planning Process, for information about public trust and the consideration of beneficial uses.

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8	2	The current plan releases less than 55% of the water supply to the ecosystem - in good years - while the SWB's own 2010 flow criteria report demonstrated that protecting the Bay-Delta ecosystem requires 75% of flows to maintain water quality and temperatures. We have to both increase water volumes for ecosystems AND restore habitats. Compounding things, we, together, face an elephant sitting on our water table, climate change, which has already started reshaping our understanding of normal. To survive we must deeply rethink our expectations of each of our roles and contributions to the VA compact, in particular, legacy obligations. ALL VA participants (and all water users) will have to contribute to levels they will find uncomfortable as climate conditions worsen. To be successful we will have to listen to science and learn as we go, meet the needs of all the state's citizens, including both farmers and underrepresented communities, and make room for wildlife and ecosystems, recharge groundwater and restore the delta. To do this we will have to stretch and expand our understanding of the world to be bigger, better and more inclusive than today. Part of that stretch must include making more room for ecosystems and wildlife, and being nimble and adaptive and responding to the science as we progress and learn, starting with the SWB's own flow criteria report.	Please see Common Response 1.1, General Comments, for information on the Delta Flow Criteria Report and Common Response 1.2, Water Quality Control Planning Process, for information on the reasonable protection of fish and wildlife.
9	1	My name is Robert Pope. I have been a Delta resident for over 30 years. I am completely disgusted by the abject failures of your agencies to enforce multiple laws and regulations pertaining to and affecting the Bay Delta. The proposed Bay Delta Plan continues this pattern of failures to impact the deficiencies of regulating this resource. The Bay Plan, as currently proposed, is woefully inadequate, despite it's 5+ year delay past its due date. Amongst those failures include ignoring the co-equal goals of Human safety and cleanliness And wildlife protections over the protected interests of farming interests. The proposed 8 year term for the Voluntary Agreements will spell complete destruction for critical species: Smelt, Salmon, and Sturgeon. And many Humans will continue to be negatively impacted (injured)	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		by HABs and other causations of low flows caused by many diversions.	
9	2	The Bay Delta Plan delays have likely been influenced by political meddling, led by moneyed interests influencing what should be led by science and common sense. Immediately discard the Voluntary Agreements. YOU should have already set water flows and addressed Temperature concerns, especially during those times when large quantities of salmon fry could have been saved by improved flow management. In addition, it was a slap in our collective faces when our Governor terminated the planned desalinization plant in Southern California, an area that was not impacted by reduced flows while NorCal had restrictions imposed. Smelt, Salmon, and Sturgeon have all meaningfully declined or become endangered (or extinct??) while you have dithered your responsibilities. As the largest and most endangered estuary on the west coast, it is the linchpin for so many aspects of our lives.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
9	3	Please, Do Your Job! I am pro-farming, but Quit sending unlimited water to farming interests, especially on the West Side of the central valley. Especially those who export their thirsty commodities to foreign countries! That water they use is a precious commodity and should not be exported via crops. By the way, flood plains are good, but water flowing to the ocean is Not "wasted."	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
10	1	I support the Sierra Club and its opposition to this project. The VAs are not a substitute for science based flow standards, yet the State Water Board is still evaluating the VAs as an alternative in the most recent Phase II Bay-Delta Plan update. It's imperative the state instead prioritize local water solutions instead of big agribusiness supported policies like the VAs.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
11	1	Over the past few years, I have been speaking out on behalf of the California delta and river ecosystems, as I have watched them be diminished and degraded by our current water policies. We have taken more and more water from our rivers and delta	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		over the years, which has led us to the environmental crisis point we are at today. Voluntary Agreements have failed to reign in our water use habits, and it will take decisive action by the State Water Board to insist on scientifically based policies that benefit people, fish, wildlife, and ensure sustainable high quality water systems.	
11	2	I love being on the river and have done a number of rafting trips on the Tuolumne and Trinity over the years. Trips where we watched in amazement as thousands of huge salmon made their way past us toward their spawning grounds. Today shallower, warmer waters are choking off and decimating runs of salmon and causing algae blooms that threaten the fish in the delta waterways as well. Why do we think that our desire to siphon off ever more water from these ecosystems is sustainable? If we lose these salmon runs and continue to degrade the rivers and estuaries, we not only harm the native species but our families and future humans as well. Now is the time to ensure there is more than adequate water flow to maintain vibrant natural systems, so that our salmon season can once again be opened.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
11	3	The State Water Board is charged with restoring the Bay-Delta ecosystem; now is your opportunity to fulfill that mission. Please carefully consider this critical responsibility. Your decisions will determine the fate of these essential waterways. Will we have fresh clean cool waters to maintain the glorious natural resources we are blessed with or will we continue to exploit this ecosystem until these water resources are no longer viable? I thank you in advance for supporting scientific policies that guarantee a healthy future for our waterways and the species they support.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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12	1	Now let's focus on what needs to be done to increase the salmon and steelhead number in Auburn Ravine. There are six actions that need to be done to keep the ravine well stocked. First, we need a constantly sustainable amount of water flowing year-round in Auburn Ravine and its tributaries, especially its main tributary North Ravine. Any increase to the waterflow is beneficial.	Auburn Ravine is not identified as a Sacramento/Delta tributary that would be subject to the flow requirements under the regulatory pathway of the revised proposed Plan amendments. The majority of flows in Auburn Ravine constitute runoff from Nevada Irrigation District's hydroelectric project. That said, the proposed Plan amendments provide flexibilities for two or more tributaries to work together and the ability to move lower in the range based on successful voluntary implementation plans demonstrating that they achieve the narrative inflow objective using a combination of flow and other measures. The regulatory pathway of the revised proposed Plan amendments retains this flexibility although the term "voluntary implementation plan" has been replaced with "local cooperative solution." Habitat restoration actions in Auburn Ravine provide a good example of how water diverters could propose to utilize the provided flexibilities provided for the Yuba and Bear Rivers. The State Water Board encourages continued voluntary efforts to improve conditions for fish in the Auburn Ravine. In addition, the VA pathway includes a commitment to increase flows in Auburn Ravine to some extent. Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
12	2	Second, we must have more retention ponds on the entire length of Auburn Ravine to purify and add needed water when it's needed to purify and to retain the constant flow as needed in Auburn Ravine. Adequate amounts of pure water are essential for fish health. Problems caused by impervious surfaces are not only limited to the wet seasons of the year. Because infiltration is impeded, there is less recharge of groundwater. Thus, less water is discharged back to the surface during the dry times of the year, reducing base flow. Many streams simply dry up during periods of low rainfall. In short, impervious surfaces reduce the water storage capacity of a watershed. When water cannot be stored, it ends up having too much water when it rains, and not enough when it does not rain.	Please see the response to comment 12-1.

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		Human activity in watersheds affects the hydrologic of all watersheds so basically, retention ponds can help streams have more balanced flow of water in streams (in all new developments retention ponds would be a good thing for small streams, which feed rivers).	
12	3	Third, we need fish passage over Nevada Irrigation District's (NID's) Gold Hill Dam, which has been blocking fish since 1851. SARSAS has installed fish passage on the total remainder of Auburn Ravine so Gold Hill Dam is the only remaining obstacle to achieve SARSAS's mission. Once Gold Hill Dam has fish passage, fish will be able to reach the Confluence of Auburn Ravine and North Ravine, the property owned by the City of Auburn, one mile from the City of Auburn.	Please see the response to comment 12-1.
12	4	Fourth, SARSAS has a program of planting non-deciduous trees along Auburn Ravine, making the water cooler and more highly oxygenated water available for fishes. Where Shade Persist, Fish Exist.	Please see the response to comment 12-1.
12	5	And fifth, we need more plants to attract insects and larvae to feed the many fishes in Auburn Ravine and its tributaries, especially North Ravine, which has been cleared for spawning over its entire four miles length.	Please see the response to comment 12-1.
12	6	And lastly, we need a Stream Keeper, like the one on Putah Creek, who will constantly and thoroughly Communicate the needs of the fishes to SARSAS, and all the state and federal agencies who can work together to help the fishes endure and prevail.	Please see the response to comment 12-1.
13	1	Pay attention: the voluntary agreements are "illegitimate" because they exclude tribes and affected communities, fail to provide adequate flows for fish, and would allow the proliferation of harmful algal blooms that create health concerns. We need to regulate water flow through the delta sufficient to fully restore historic fisheries, baitfish populations and habitats.....repeat: fully restore.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
14	1	It is imperative that the state prioritize local water solutions instead of favoring big Agribusiness supported policies like the "Voluntary Agreements." Greedy Big Ag wants more water from our Delta to grow more Almonds, to sell to China, to make even bigger profits, at the expense of California taxpayers and the disastrous condition of the Bay Delta. Instead of waiting for the State Water Board to implement the Bay-Delta Plan that could	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		provide increased protections and freshwater flows to address water quality issues in the Delta and its tributaries, the Governor, while receiving huge contributions from Big Ag, decided to fast track CEQA review of this project. This will exacerbate existing environmental problems in the region such as harmful algae blooms, salinity in the Delta, mass fish die-offs, temperature management problems, and devastating consequences for the communities surrounding the Delta. In 2023, the salmon fishery was closed due to harmful algae blooms and lack of cool fresh water flows which impacted spawning and rearing habitats. The Water Board should adopt an unimpaired flow standard of at least 65% on the Sacramento River in order to provide for recovery and viability of imperiled species. After 5 years, the Board has STILL not implemented phase one of the Delta Plan. I plead with the Board to move forward with the Plan without the VA's.	
15	1	I am writing the Board to express my opinion that the Bay-Delta Plan Phase 2 should include a 75% flow standard in order to repair the damages that have occurred over time and are still occurring today to our fisheries and the habitats that support them. The idea that we are going to somehow get by with polluted rivers, bays, and the ocean is an idea that needs to be dismissed once and for all. Nothing bears this out quite as specifically and dramatically as the collapse of the Bay-Delta ecosystem. I would ask the board to more fully engage the tribes, nonprofit environmental organizations, the environmental justice community and the general public when decision making and work as partners.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
15	2	As a result of my education and work experience I will always consider water quality and quantity to be the master variables for the health of the Bay-Delta ecosystem and its tributaries. The Bay-Delta ecosystem has collapsed after a long history of man made transgressions like dam building, gold mining, clear cut logging, man made chemical contaminants, mercury poisoning, waste treatment plant nutrient loading runoff from animal farms, pesticide and herbicide use in farming practices. the destruction of the vast majority of marshland areas, and many other causes. Phase 2 needs to provide support for tributaries and the Bay-Delta under scrutiny in the panning process. There is no amount of engineering that can adequately address water	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		quality and quantity needs for a restoration of the Bay-Delta. The Bay-Delta ecosystem has gone from being one of the most productive areas in the world in the not too distant past, to one of the least productive estuaries in the world. There are estimates in the literature that productivity has dropped by 94%. While many Bay-Delta areas in the world are experiencing more productivity (often detrimental due to eutrophication) our Bay-Delta is the anomaly. With the destruction of 95% of the marshlands and looking at two iconic species that used to thrive in California like the Grizzly Bear and five species of salmon it is easy to understand the idea of a 94% reduction of productivity. A number of rivers are working with the last 1-2% of salmon populations. Invasive clams and many other factors have reduced phytoplankton and zooplankton populations thus upsetting the entire food web of the Bay-Delta. Increasing flow standards is a first step towards rejuvenating the Bay-Delta ecosystem.	
15	3	In light of the collapse of the Bay-Delta region I have compiled a partial list of obstacles to restoration as follows that I hope will illuminate some of the current problems: Politics A top down hierarchy does not work when it comes to water resources. For far too long we have had a leadership vacuum at the highest levels of state government in California when confronting water problems. A bottom up approach is the one that should be adopted harnessing all of knowledge in a state that probably has more water expertise than any comparable region in the world.	Active engagement by interested parties and members of the public plays an important role in the water quality control planning process. The State Water Board received valuable input from the public during several informational workshops, public Board meetings, comment periods, and a multi-day public hearing. For further discussion of public participation throughout this process, please refer to Chapter 12 of the Staff Report, Public Participation. See also Common Response 1.1, General Comments, for a discussion of the public outreach process associated with the Sacramento/Delta updates to the Bay-Delta Plan.
16	1	As a native Californian, for my whole life I've watched our state government put the water demands of industrial agriculture and now gas/oil fracking ahead of the needs of communities and the health of our great west coast Delta. State water policy needs to be based on sound science if we are to save our rich Delta and the great salmon fishery and other fisheries it once supported, to supply all California residents with potable water, and to honor treaty obligations for tribal fishing rights. The proposed voluntary agreements serve only special	Please see Common Response 1.1, General Comments, for information on the Delta Flow Criteria Report; Common Response 1.2, Water Quality Control Planning Process, for information on the consideration of beneficial uses; Staff Report Chapter 8, Economic Analysis and Other Considerations, for an analysis of the economic benefits and costs of the flow scenarios; Staff Report Chapter 11, Tribal Engagement, Traditional Ecological Knowledge and Tribal Beneficial Uses, and Common Response 11.1, Tribal Engagement and Tribal Beneficial Uses, for information on tribal consultation.

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		interests. We need a 75% through-flow of rivers if we are to repair the Delta. During the public comment hearing I attended, the agribusiness representatives claimed we must continue permitting hydropower, since it covers periods when solar and wind energy aren't available. This claim is absurd, given the increasing array of batteries at a range of scale that can store energy and make it available on demand. This argument undermines their credibility. They showed off their tiny voluntary projects, which may be all to the good but address only a fraction of the problem: the excessive demand for water made by industrial agriculture and the gas/oil fracking process. For the present and future well-being of our state, the California Water Resources Control Board must curb the short-sighted excessive exploitation of the Sacramento River and its complex Delta and estuary. We have plenty of evidence that the overdraft of Sacramento River water is unsustainable and that it is destroying the health of the Delta. The State Water Board has the significant responsibility to restore the natural processes of the Bay-Delta ecosystem. It is clear that "voluntary" actions by the too-many claimants of Sacramento River water are not sustainable. These claimants are not capable of or willing to reduce the water they take. On average only 50% of Central Valley rivers flow through the estuary to the Bay. The consequence of this inadequate flow of water through the Delta to the Bay is causing the destruction of the salmon fishery and the other fisheries that have served residents of northern California for eons. Another consequence of inadequate flow of river water through the Delta to the Bay is the warming of the more shallow water and consequent production of toxic algae blooms. In 2010 the State Water Board concluded that 75% of unimpaired flow of the Sacramento River and its tributaries flowing on through the Delta would be needed to protect the Bay-Delta ecosystem. But on average only 50% reaches the Bay,	

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		even less during droughts. To save our fisheries and prevent algae blooms, we MUST have a commitment to a much higher flow through, a standard to address algae blooms, and a program to implement this commitment now. We need the Board to acknowledge and protect not only our groundwater and drinking water needs but the beneficial cultural, recreational, and agricultural uses. These beneficial uses for a healthy Delta and estuary must be a part of any staff cost-benefit analysis, as they have not been. Consultation with the Tribes, whose ancestors protected the Delta and the fisheries over centuries, is essential. We know that agriculture uses 80% of our water but represents just 2% of our economy. Industrial agriculture's demands on our water sources are hugely disproportionate. Instead of tolerating waste, the state needs to reward efficient water use. We need the Governor to end his effort to direct even more water to the Central Valley, where it is squandered on water-needy products like almonds and instead protect the health of our great San Francisco Bay Delta ecosystem and its fisheries for future generations.	
20	1	It was stated by Diane Riddle that high and low flow analyses would reduce impacts to the Trinity River. Where in the Draft Staff Report can that be found?	Please also see Common Response 1.5, Trinity River, on consideration of the Trinity River watershed. Also see Appendix A1, Sacramento Water Allocation Model Methods and Results, Section A1.8.1, Trinity Imports for information on modeling related to the Trinity River watershed and Section A12.1.6.56, Trinity Reservoir (Trinity River Watershed) in the 2023 draft Staff Report for modeling results for Trinity Reservoir under the flow scenarios. In addition, the modeling has been updated since the 2023 draft Staff Report. Updated modeling results are available in Section H1a2.2.38, Trinity River below Lewiston Reservoir (SWRCB Trinity).
20	2	She also stated that the VA's are not expected to impact the Trinity River and that a Trinity impact analysis was done for the VA's. Where in the Draft Staff Report can I find the Trinity Lake storage analysis from the VA's? It was stated previously and is in	Please see Appendix G3a, Sacramento Water Allocation Model Methods and Results for the Proposed Voluntary Agreements, Section G3a.3.4.15, Trinity Reservoir (Trinity), for modeling results for Trinity Reservoir under the VA scenario. In addition,

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		the Draft Staff Report that Shasta Lake storage would be negatively impacted by the VA's. I reviewed the VA analysis and could not find any Trinity storage analysis.	the modeling has been updated since the 2023 draft Staff Report. The revised Plan contains a provision to ensure that implementation of the Bay-Delta Plan, including the VA pathway, does not result in redirected impacts on native fish and wildlife resources in the Trinity River watershed, including temperature and instream flow impacts. Please see Common Response 1.5, Trinity River, for more information on the Trinity River.
22	1	The California State Board of Food and Agriculture (Board) appreciates and understands the need for updates to the Water Quality Control Plan for the San Francisco Bay/Sacramento San Joaquin Delta Estuary (Bay Delta Plan) for the reasonable protection of fish and wildlife. The most recent Sacramento/Delta Draft Staff Report, reiterates several standalone alternatives that are based on flow scenarios provided in the SWRCB's 2018 Framework. The proposed change to the Bay Delta Plan from the Delta Draft Staff Report focuses on the proposed inflow objective - "Maintain inflows from the Sacramento/Delta tributaries at 55% unimpaired flow, within an allowed adaptive range between 45 and 65% unimpaired flow." The proposed changes to the Bay Delta Plan would have significant impact on California's farmers, ranchers and farmworkers as well as the communities in which they are based. California's agriculture is unique and diverse - supporting the nation's food security, addressing climate challenges, and advancing consumer priorities in animal welfare, soil health and farm-to-school. Economic impacts, as estimated in the Delta Draft Staff Report, include loss of acreage, closing of processing plants, substitution of crops, and decline in crop supply. Overall economic effects from the SWAP-Modeled Change in Agricultural Production show a \$996M impact on agricultural output, \$534M loss of income and an estimated loss of 8,480 jobs under the 55 percent flow scenario. When these economic impacts are combined with a similar analysis for the implementation of the Sustainable Groundwater Management Act, the future landscape of the Central Valley will be much different than today.	The Staff Report acknowledges that implementation of the flow scenarios could result in agricultural economic effects. These effects are adequately disclosed in Chapter 8, Economic Analysis and Other Considerations. Please refer to Common Response 8.1, Economic Analysis and Other Considerations, for information about the agricultural economic analysis. The groundwater bookends used in the SWAP analysis are a reasonable representation of potential outcomes that could occur as a result of the flow scenarios. It would be highly speculative to use a different pumping level for the no replacement bookend other than current use under the baseline condition, as methods for implementation of SGMA and regional decisions or actions are highly variable and subject to change.

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22	2	An alternative to consider is found within California's Water Resilience Portfolio. The Portfolio contains a key strategy to address the state's water challenges - Protect and Enhance Natural Ecosystems. One of the recommended actions (9.3) within the Portfolio is "Bring together regulators, tribes, water users, public water agencies, nongovernmental organizations, and other stakeholders to develop innovative, voluntary solutions to water supply, water quality and ecosystem protection." This recommended action is critical to help advance on-ground solutions to California's diverse water challenges. It is also preferred path forward for updating the Bay-Delta Plan as the Proposed Voluntary Agreement Alternative (Alternative 6). The Board greatly appreciates the Governor's leadership in advancing the Agreements to Support Healthy Rivers and Landscapes and we continue to strongly support the ongoing efforts of the Administration and federal partners to implement these agreements. The progress that has been made through the voluntary agreement framework will greatly benefit the Bay-Delta and provide reasonable protection for fish and wildlife. It is with this consideration that the Board recommends that Alternate 6, Proposed Voluntary Agreement Alternative, be strongly evaluated as the proposed change to the Bay-Delta Plan for the Sacramento/Delta.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
28	2	In 2021, the Board adopted a Racial Equity Resolution resolving to "center [its] work and decision-making on Black, Indigenous, and people of color who are disproportionately represented in the most vulnerable communities and in unsheltered populations." [Footnote 3: State Water Resources Control Board, Resolution No. 2021-0050, Condemning Racism, Xenophobia, Bigotry, and racial Injustice and Strengthening Commitment to Racial Equity, Diversity, Inclusion, Access, and Anti-Racism at ¶ 3.] If the Board is seriously committed to advancing racial equity and indigenous sovereignty and confronting the institutional racism embedded in the current water rights regime, it should begin by improving participatory processes for those communities most heavily burdened by the ecological crisis in the Bay-Delta. The current comment period is inadequate for many Native tribes and communities of color who face	This comment is a request to extend the deadline to receive written comments on the 2023 draft Staff Report. In response to this and other requests, the written comment period on the 2023 draft Staff Report was extended from December 15, 2023 to January 19, 2024.

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		significant hurdles to public participation, including fewer resources, limited time, and restricted access to scientific and legal consultation. Language barriers pose additional strains on those communities most impacted by the Staff Report's proposals and analysis.	
28	3	We also note that the Board has yet to identify its preferred alternative or proposed regulatory text for Bay-Delta water quality control standard updates. To protect against further delay, we urge the Board to move forward with developing and releasing a clear and stable project description and regulatory text for public review and comment. A 45-day extension of the current public comment period for the Staff-Report should not be an excuse to slow down progress toward updating the Bay-Delta Plan.	Please see Chapter 13 and Common Response 1.3, Revised Proposed Plan Amendments, regarding the revised proposed Plan amendments in the Staff Report.
33	1	[ATT 1:] The impact of the salmon closure on California Retail Dealers, Distributors and Restaurants. The impact of the Water Board actions and the shutdown of the California salmon season has put dozens of tackle and boat dealers out of business. This slide shows what happens to these businesses when the Water Board does not do its job. Most businesses can't survive. Wholesale and retail salmon equipment sales in California have crashed because there are no salmon. The Water Board ignores the problem. Washington and Oregon have maintained strong salmon restoration policies. California has not.	In response to comments received on the economic analysis presented in the Staff Report, Chapter 8, Economic Analysis and Other Considerations, has been updated in the final Staff Report to include a new Section 8.6, Fisheries Economic Analysis, that addresses potential economic benefits from implementation of the flow scenarios and subsequent aquatic ecosystem improvements and benefits for native fish species. This new section provides additional historical context related to the commercial salmon fishery, as well as information concerning beneficial fisheries and ecosystem economic effects.
33	2	[Exhibit 1: Photo of deceased salmon]	This exhibit was included in the comment. The exhibit does not raise a specific environmental impact or economic effect of the project. Refer to Common Response 1.1, General Comments, for the approach to addressing exhibits.
33	3	[Exhibit 2: Table titled Pro-Troll annual salmon equipment sales]	This exhibit was included in the comment. The exhibit does not raise a specific environmental impact or economic effect of the project. Refer to Common Response 1.1, General Comments, for the approach to addressing exhibits.
33	4	Three examples of the current Water Board policies and the negative results -Wayne Wasulko is the owner of three large Fishermen's	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		Warehouse stores and Tackletech, a distributor. His comments are: "Without the salmon season, every one of our stores has dropped \$300,000 to \$400,000 in sales. We are hurting bad. At the minimum, the governor should re-direct the Water Board to save the salmon and rebuild the stocks for the future" -Ken Brown is the owner of Bodega Tackle in Petaluma. Every year hundreds of fishermen get their salmon equipment from Ken. This year, with no salmon, he has laid off his staff and is attempting to keep the store open by himself. He says, "We desperately need the salmon back." -Mike Engbree owns Auburn Outboard Marine in Loomis. They sell fishing boats. Mike says, "I have never seen it this bad. The negative impact on our business is huge. The Water Board needs to start protecting the salmon instead of killing them".	
33	5	More examples of the current problems Tom Mattusch Is Vice President of the San Mateo Harbor District. The District and the harbor have been severely impacted by the closure of the salmon season. Mattusch says, "The salmon closure has been devastating to the harbor as well as local businesses. Recreational angling is off drastically as salmon fishing is the main driver of angler activity. Hundreds of boats that should be out fishing haven't moved in months. A vibrant salmon season sees the parking lot at the harbor full with empty trailers parked up and down Highway 1. This year, the Harbor parking lot looks abandoned and has been likened to a ghost town. Commercial fishermen are also bearing the brunt of the closure as the public, seafood distributors, and restaurants can't buy freshly caught salmon off the boats. This same scene can be witnessed at every harbor on the coast of California and at those in Southern Oregon. The cost is staggering.	Please see response to comment 33-1, which discusses a new Section 8.6, Fisheries Economic Analysis in the final Staff Report. This includes Section 8.6.2, Commercial Fisheries, and Section 8.6.3, Recreational Fisheries, which together discuss potential economic effects concerning commercial and recreational sport fisheries, respectively, with an emphasis on Chinook salmon. Section 13.8.4, Fisheries Economic Effects, provides supplemental economic information relevant to recreational and commercial fisheries and discusses fisheries economic effects under the revised proposed Plan amendments.
33	6	[Exhibit 3: List titled Businesses that are at serious risk of a shutdown due to salmon losses]	This exhibit was included in the comment. The exhibit does not raise a specific environmental impact or economic effect of the project. Refer to Common Response 1.1, General Comments, for the approach to addressing exhibits.

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34	1	[ATT 1:] State Water Resources Control Board Public Hearing on Phase II Staff Report Comments provided on behalf of Stockton East Water District December 11, 2023 Introduction - Stockton East Water District diverts water from the Calaveras River. - Comments were provided on the Working Draft Scientific Basis Report on the Phase II Update in December 2016. - The Phase II Staff report is responsive to some comments: - The Calaveras River is a rainfed, flashy system - The Calaveras River is a steelhead stream - Concerns remain that these, and other unique factors are not adequately reflected in the Staff Report analyses. - The Calaveras River Habitat Conservation Plan was not considered in the Staff Report. The Calaveras River Habitat Conservation Plan - Agreement between Stockton East Water District and NOAA Fisheries that authorizes take of ESA listed species and operational guidelines for a period of 50 years. - The goals of the HCP are to: - Maintain reliable water delivery to stakeholders by providing greater water security over a 50-year period, currently through 2070. - Comply with ESA laws and obtain an annual, predictable take allotment.	This PowerPoint presentation was submitted to accompany oral comments presented during the public hearing held in November and December 2023. Refer to Comment Letter 526 for responses to oral comments related to this PowerPoint.

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		- Protect and manage fishery resources, particularly rainbow and steelhead trout. The Calaveras River HCP Process - Long and thorough development process. - The District, and their biologists, worked closely with NOAA Fisheries during development. - The District engaged with other resource agencies and stakeholders while finalizing the written plan. - Calaveras HCP approved in September 2020. - The District now operates to criteria described in the HCP. Calaveras River HCP Flow Requirements - Year-round, guaranteed minimum flows. - Under high reservoir storage conditions, fall water storage is managed to increase frequency of fish migration opportunities into/out of spawning reach. - Flood control releases after December 1 are managed to optimize fish migration opportunities Fish Passage Improvement Projects - Improve structures in Mormon Slough/Stockton Diverting Canal impeding fish passage by replacement or retrofitting. - Four most limiting structures improved; one more in planning. - Multiple improvements planned at the Bellota Weir to improve fish passage including creation of a roughened channel fishway and a permanent fish ladder. - Once passage improvements are implemented in the lower	

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		river, this conservation strategy is expected to result in an increased number of salmonids able to access the Conservation Area under current flow objectives. Calaveras Fisheries Monitoring Program Fisheries monitoring efforts have been conducted since 2001. - Key compliance activity for CHCP. - Multiple activities to inform the entirety of Calaveras O. mykiss life history including rotary screw trapping (juvenile), fish ladder monitoring (adults), spawning surveys and over summer abundance snorkel surveys (rearing). - Also includes benthic macroinvertebrate sampling, water quality, and temperature monitoring as environmental metrics. Access to the HCP and Related Resources The State Water Board is urged to engage with Stockton East Water District regarding integration of the Calaveras HCP with the Phase II Update. For information regarding the Calaveras River HCP and Stockton East Water District's efforts please visit: https://sewd.net/habitat-conservation-plan/	
34	2	[ATT 1: Exhibit 1: Photo of fish]	This PowerPoint presentation was submitted to accompany oral comments presented during the public hearing held in November and December 2023. Refer to Comment Letter 526 for responses to oral comments related to this PowerPoint.
34	3	[ATT 1: Exhibit 2: Photo of New Hogan Dam facility]	This PowerPoint presentation was submitted to accompany oral comments presented during the public hearing held in November and December 2023. Refer to Comment Letter 526 for responses to oral comments related to this PowerPoint.
34	4	[ATT 1: Exhibit 3: Photo of a weir]	This PowerPoint presentation was submitted to accompany oral comments presented during the public hearing held in November and December 2023. Refer to Comment Letter 526 for responses to oral comments related to this PowerPoint.

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34	5	[ATT 1: Exhibit 4: PowerPoint slide of photo titled Calaveras Fisheries Monitoring Program (upper photo)]	This PowerPoint presentation was submitted to accompany oral comments presented during the public hearing held in November and December 2023. Refer to Comment Letter 526 for responses to oral comments related to this PowerPoint.
34	6	[ATT 1: Exhibit 5: PowerPoint slide of photo titled Calaveras Fisheries Monitoring Program (lower photo)]	This PowerPoint presentation was submitted to accompany oral comments presented during the public hearing held in November and December 2023. Refer to Comment Letter 526 for responses to oral comments related to this PowerPoint.
34	7	[ATT 1: Exhibit 6: Photo of a river]	This PowerPoint presentation was submitted to accompany oral comments presented during the public hearing held in November and December 2023. Refer to Comment Letter 526 for responses to oral comments related to this PowerPoint.
40	1	My name is Nicholas von Schlegell and I am a program associate at The Bay Institute. I'm reaching out to you today to inquire about information present in the Draft Staff Report in Support of Potential Sacramento/Delta Updates to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary. My question is whether in the report there is any data that shows the potential percent increase in median abundance relative to the baseline condition expected for Chinook Salmon in each UIF scenario (i.e. 35%, 45%, 55%, etc.). I was able to find this information for Delta species such as Longfin Smelt and Sacramento Splittail in Table 3.14-7 in Chapter 3 of the Staff Report, but I was unable to find a similar chart anywhere in the report for Chinook Salmon, Sturgeon, or Delta Smelt. Are these metrics present in the Staff Report and if so where would I be able to find them?	[The following response was provided during the comment period in an email from State Water Board Staff]: "While there is not an equivalent version of Table 3.14-7 for Chinook salmon, there are other benefits assessments in the draft Staff Report that are relevant to Chinook salmon. For example, Section 3.4.5, Flow Effects on Salmonids, presents analyses of flow levels that are beneficial to Chinook salmon while Section 3.14.1, Summary of Flow Thresholds for Species Protection, presents the frequency of exceeding those flow thresholds under each flow scenario. In addition, Section 3.14.2, Salmonid Tributary Habitat Analyses, presents expected changes in suitable salmonid tributary habitat area." In addition, although there are no flow-abundance analyses presented for Delta smelt or sturgeon that are equivalent to what is presented in Table 3.14-7, Staff Report Section 3.14.1 presents an analysis of the frequency of achieving ecological flow thresholds to benefit green and white sturgeon, and Section 13.5, Beneficial Environmental Effects, presents an analysis of the frequency of achieving ecological flow thresholds for Delta smelt. Please see Common Response 3.1, Fish Protection, for a discussion of ecological flow thresholds and the flow benefits analyses.
42	1	It has been apparent for some time the demands for freshwater are only increasing and we need better stewardship of this	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not

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		resource. This would include more water flow for the fish. The science is very clear; the fish populations in our waterways are in danger and habitat restoration alone will not achieve recovery of the fish populations. They need more water. I do not fish, but I am very concerned about our ecosystem and all the members in it. The fish are in crisis. The Voluntary Agreements will not solve our water issues or save the fish. The VAs will reduce protections for the Bay Delta ecosystem, definitely more than two steps backwards!	raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
45	1	Our current flow standards were first adopted in 1995. They are hopelessly inadequate and out of date. New standards, reflecting all accepted science, and the needs of people, must be implemented now. And because of these inadequate standards, we now have 6 endangered fish species, collapsing commercial/recreational fisheries, persistent toxic algal blooms, and communities in the San Joaquin valley that cannot drink their own tap water. What part of this is unclear to Governor Newsom and the Water Board? The Governor has pursued, so far secret, "voluntary agreements" with large water districts, instead of implementing the known, science-based protections for the environment, and for water that is actually drinkable. These districts are getting the water that belongs in the rivers. It is astounding that California privileges the profits of \$billionaire industrial farmers over the most basic needs of tribes, other people of color, and economically underserved communities. It is astounding that the state of California would put the profits of questionable water rights holders far above the fundamental needs of the rest of us Californians. These rights holders inherited their so-called "right" to divert our water from our rivers long ago in a State that no longer exists today—it was a time when California had a bounty on the	Please see Common Response 3.1, Fish Protection, for a discussion of the State Water Board's use of best available science, including the approach to updating the scientific literature, and the State Water Board's approach to analyzing the effects of flow on species abundance and life cycle models. Chapter 5, Proposed Changes to the Bay-Delta Plan for the Sacramento/Delta, Section 5.4.2, Inflows, of the Staff Report contains a discussion of existing inflow requirements and the basis for a new inflow objective to be proposed as part of the Sacramento/Delta update to the Bay-Delta Plan. In addition to the proposed Plan amendments, which remain part of the project as the regulatory pathway, the project has also been revised in response to comments received expressing concerns over potential water supply and carryover storage impacts. The inflow requirements contained in the revised proposed Plan amendments include water supply adjustments for existing water right holders at the outset of plan implementation to reduce water supply impacts and allow more water to be stored in reservoirs. Please see Common Response 1.3, Revised Proposed Plan Amendments, regarding a description of the inflow objective included in the revised proposed Plan amendments, the VA process, and the relationship between the State Water Board's regulatory pathway and the VA pathway. See also Common Response 4.1, Harmful Algal Blooms, for a discussion of the effects of harmful algal blooms on disadvantaged communities.

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		heads of native americans, prohibited people of color to claim water rights, and was coming out of a geologically wet period into the dry period we have today. Times up! These foolish and racist policies favoring billionaires and disenfranchising all other Californians are of a different time in history. These policies have no place in the world of today.	
50	1	The following are questions for the Staff Workshop on the draft Staff Report in Support of Potential Sacramento/Delta Updates to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary 1. The Draft Staff Report: Sacramento/Delta Update to the Bay-Delta Plan states on page 27 of Chapter 7.6.2: “The long-term operations plan included in the 2019 BiOps and associated Final Environmental Impact Study incorporated several components of the RPAs that were included in the 2008 and 2009 BiOps; however, it did not include several key components of the RPAs, considerably weakening the protective measures for listed fish species.” Specifically, which “key components of the [2008 BiOp and 2009 BiOp] RPAs” were excluded from the 2019 BiOps? What is the scientific basis for the conclusion that the exclusion of these “key components” “considerably [weakened] the protective measures for listed fish species?”	Please see Common Response 6.2, Baseline and No Project Alternative, regarding biological opinions. Please also see Staff Report Section 3.4.5, Flow Effects on Salmonids, and Common Response 3.1, Fish Protection, regarding the impacts of flow on native fish species. Also see Common Response 1.1, General Comments, regarding the federal and state Endangered Species Acts.
50	2	2. The Draft Staff Report: Sacramento/Delta Update to the Bay-Delta Plan states on page 28 of Chapter 7.6.2: “In addition, many other provisions to minimize effects of CVP and SWP operations on ESA-listed fish species were included in the [2019] BiOps.” Did the State Water Board staff do an analysis to determine whether these “many other provisions” provided protection to listed species equivalent to or greater than the protection provided by “key components of the RPAs” in the 2009 and 2009 BiOps that were excluded from the 2019 BiOps?	The analysis the commenter suggests is beyond the scope of the report. Please see Common Response 6.2, Baseline and No Project Alternative, regarding the biological opinions. Also see Common Response 1.1, General Comments, regarding the federal and state Endangered Species Acts.
50	3	3. The standard under section 7 of the Endangered Species Act is whether the proposed action is likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of designated critical habitat. This standard	The 2023 draft Staff Report and the analyses conducted within fulfill the requirements of the California Environmental Quality Act (CEQA) and Porter-Cologne Water Quality Control Act. Please see Common Response 7.1, General CEQA and Approach to the

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		is different than the standard for the protection of beneficial uses of water under the Porter-Cologne Water Quality Control Act. Did the State Water Board staff do an analysis to determine whether the operations described in the 2019 BiOps were likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of designated critical habitat? If the State Water Board staff prepared such an analysis, will that analysis be made public?	Analysis, regarding general CEQA overview. The analysis suggested is beyond the scope of the report. Please also see Common Response 1.1, General Comments, regarding the federal and state endangered species acts.
54	1	I am Dr. Rick Lanman, an environmental scientist with 130 peer-reviewed scientific publications, including a study providing the first physical evidence that Chinook salmon were historically native to the Guadalupe River watershed in San Jose, California. I strongly urge the State Water Board to consider only best available science, and not political interest, to restore Central Valley salmon populations. Voluntary efforts have failed to restore flows to the 75% of unimpaired flow on the Sacramento River and its tributaries, identified as critical for salmon and other endangered fishes – as recommended in the State Water Board’s 2012 report.	Please see Common Response 1.1, General Comments, for information on the Delta Flow Criteria Report and for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
54	2	Secondly, my county (Santa Clara county) imports water from San Luis Reservoir which has toxic algae blooms because it, in turn, imports water from the Delta. Several of our reservoirs become unsafe for human beings to even touch the water (Calero Reservoir and downstream to Alamos Reservoir/Lake). I hope you will act to restore sufficient water flows for our water to be safe our fish to thrive and our salmon fishing season t re-open some day.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project. See also Common Response 1.2, Water Quality Control Planning Process, for a discussion on reasonable protection of fish and wildlife.
55	1	Sadly, however, our water system is in crisis. We need to find solutions -- but solutions based on science and common sense, not on political expediency. The idea that we save the Delta and our water supply system by shipping more water south, or save our fisheries by providing less water for the fish is, well, utter nonsense. Toxic algae blooms are no good for fish either -- nor for people -- both Tribal folks and everybody else. The Voluntary Agreements that the politicians in Sacramento are	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		pushing are bound to fail. It is tempting to say that they are designed to fail, ultimately leading toward the privatization of our water. Governor Newsom and his hangers-on need to come clean and get with the right program. The Governor gets a lot of money (so-called "campaign contributions") from big agricultural corporations, but the people have the vote. He -- and the State Water Board -- should keep that in mind.	
61	1	I am reaching out to clarify which section of the Draft Staff Report provides information on water right priority. During the Staff Workshop yesterday staff mentioned that this information would be included in Chapter 7.3, 7.13, or 7.1. It was not clear which section the water right priority information would be located in. Can someone please clarify this?	[The following response was provided during the comment period.]: Please refer to Section 2.7, Existing and Future Water Rights in the Sacramento/Delta Watershed, for discussion of existing water rights and general information on water right priority relevant to the Sacramento/Delta update. See also Common Response 1.2, Water Quality Control Planning Process, for additional discussion of the relationship between water quality control planning and water right administration.
68	1	How were the 55% of unimpaired flow compliance points determined? Specifically, why do each of the major tributaries to the Feather River have a compliance point rather than applying a single compliance point at the Feather River above the confluence with Sacramento River, as was done with the American River?	The flow objective would also apply on the North Fork, Middle Fork and South Fork on the American River in a similar manner to the Feather River. Please see Common Response 1.3, Revised Proposed Plan Amendments, for more information on the regulatory pathway implementation of the inflow objective.
82	1	I have been a California resident since 1977, initially residing in Berkeley and now in Palo Alto. During that time I have enjoyed California's natural beauty on hikes and backpacking trips all over the state. As part of those trips I have fished for trout, salmon, and striped bass. During this time I have watched with great concern how our trout and salmon fisheries have collapsed due to a combination of recurring severe drought and poor water management within the state. Why is it that 80% of the state's water is consumed by agriculture, which only adds 2% to the state's GDP? Why are we exporting a gallon of water with every almond we ship to China? The answer is that big ag gets its water for free while cities and industries pay through the nose, up to 100 times more per acre-foot. The reason this is allowed to continue is the outmoded system of senior water rights and the undue lobbying influence of big ag on state government. All of you are appointees of Governor Newsom and I know that without his strong support for the Voluntary Agreements they would not even be considered as a mitigation for the reduced	Please see Common Response 1.1, General Comments, for information on the Delta Flow Criteria Report and for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		water flows to the three tributaries east of the Delta (Mokelumne, Cosumnes and Calaveras). If this misbegotten plan moves forward I will not be forgetting the Governor's hand in this when I am in the voting booth. The State Water Board's 2010 Flow Criteria Report found that 75% of unimpaired flow on the Sacramento River and its tributaries, and 75% of unimpaired Delta outflow (water reaching the Bay) would be needed to protect the Bay-Delta ecosystem. Let us not sacrifice our natural world so that a few wealthy farmers can make a bit more profit. I urge to maintain 75% minimum of unimpaired flow in addition to the habitat improvements suggested in the voluntary agreements.	
83	1	My name is Bob Stanley. I have lived in the bay area and the Tuolumne River watershed since 1964. I am writing to you about the inadequate response to the loss of biodiversity due to inadequate freshwater reaching SF Bay. Water diversion is the primary factor destroying this vastly productive ecosystem. Large volumes of water destined for the bay are sent to farms and cities all over California. Some diversion is expected and necessary for large populations of humans, but we have gone way too far. Extensive extraction of surface and groundwater throughout the great central valley has diminished the the availability of water to the estuaries. In turn, the ability of the estuaries to support life. Numerous species are now threatened. Average inflow to the bay is 1/2 of precolonial times and during droughts sinks to 25 percent. Water pollution is concentrated and habitat loss exacerbated by the diversion by water staying longer in the system. The commercial salmon fishery which is a tiny fraction of what it was a hundred years ago was closed this year due to decades long degradation of spawning habitat and drought. Toxic green algae is increasing dramatically, endangering not just fish and wildlife, but human life. Mitigations that are voluntary agreements are notorious for failure. One only has to look at the Paris Accord for Climate change to see this. We are blowing through the 1.5c degree goal	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		set by that "voluntary" agreement. In conclusion, Please set mandatory limits on water extraction from the San Joaquin/Sacramento watersheds to no more than 35% of water available over a rolling 10-year average... The destructive extraction of water from these watersheds has far exceeded short term benefits gained by such short-sighted planning.	
85	3	[ATT. 1:] Sacramento/Delta Tributaries Map on Figure 1-1a (see Exhibit 1A) does not reflect the importance of the Colusa Basin for the greater Sacramento Delta since it omits any reference to the Colusa Basin, the Colusa Basin Drain, the 1,036,000 acres of the Colusa Basin Watershed or the 17 ephemeral streams that flow into the Colusa Trough topographical area which has been a historical tributary to the lower Sacramento River and post reclamation the Yolo Bypass. Please consider the following references which illustrate this material omission in the Draft Staff Report. Exhibit 1B [See Att. 2 of Att. 1] – Page 57/8 & Map of the Will S. Green History of Colusa County, 1880. See particularly the "Skeleton Map, Showing the Natural Overflow of Flood Waters of the Sacramento River, and the Mountain Streams Emptying Into the "Trough" Page 57 and the description of the Upper Basin, Sycamore Slough, Lower Basin and Lower Sycamore Slough.	The Colusa Flood Basin is discussed in Section 2.3.2, Colusa Flood Basin, of Chapter 2, Hydrology and Water Supply. Additionally, the Colusa National Wildlife Refuge is considered in the analysis in Section 7.6.1, Terrestrial Biological Resources. Please see also Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
85	4	Exhibit 1C [See Att. 3 of Att. 1] - Map of Reclamation District 108 "1870-1902"; from Battling the Sacramento River-A History of Reclamation District 108 by George Bayse 2011 See Map detailing the natural location of Lower Sycamore Slough that connected to the Lower Sacramento River at Knights Landing and Sycamore Slough that connected to the Sacramento River at Sycamore south of Meridian and Reclamation Districts 64,67, 94,108 & 124.	Please see the response to comment 85-3.
85	5	Exhibit 1D [See Att. 4 of Att. 1] – eWRIMS Public Summary Page - The Division of Water Rights recognizes the Colusa Basin as a Watershed in it dropdown menu - the Sites JPA Water Right	Please see the response to comment 85-3.

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		Application which will be an Assignment of A025517X01 from the State of California makes two references to the Colusa Basin.	
85	6	Exhibit 1E [See Att. 5 of Att. 1] – Sacramento National Wildlife Refuge Website - The Colusa Basin has always been a wildlife habitat and an area of vast tules and sloughs according to Will S. Green. Currently the Sacramento NWR Complex includes nearly 70,000 acres of wetland, upland and riparian habitat.	Please see the response to comment 85-3. Wildlife refuges, including the Sacramento National Wildlife Refuge, are described in Section 7.6.1, Terrestrial Biological Resources.
85	7	Exhibit 1F [See Att. 6 of Att. 1] - A Report on Fish Rescue Operations at Sacramento and Delevan NWR Areas April 24 through June 5, 2013 by Robert Vincik Environmental Scientist CDFW - as late as 10 years ago salmon have been migrating into the Colusa Basin -40 to 100 were rescued by the CDFW in 2013.	Please see the response to comment 85-3.
85	8	[Att. 1:] Why has the presence of Salmon in the Sacramento River and Delta diminished since the 1960's? Could it be due to poor drainage, lack of sufficient dissolved oxygen and natural and anthropogenic contaminants in drain water from the Colusa Basin which is a tributary to both the Lower Sacramento River and Yolo Bypass? Exhibit 2A [See Att. 7 of Att. 1] - Pages 1,8 & 19 of Investigating Factors that Contribute to Phytoplankton Biomass Declines in the Lower Sacramento River by Timothy D. Mussent et. al March 2023 This Paper examines potential reasons for low phytoplankton biomass that is associated with the Lower Sacramento starting near Knights Landing (RM 65) (See Page 1). The Colusa Basin Drain which is a named Tributary has the highest EC and in the highest pH (See Page 8 Table 1). Page 19 discusses the wide disparity of the alkalinity of the Lower Sacramento River and the American River - the sudden "crashing" of phytoplankton bloom and the need for screen of "currently undetected toxic chemicals.	The 2023 draft Staff Report includes a description of the Colusa Flood Basin, including discussion of the Colusa Drain in Section 2.3.2, Colusa Flood Basin. Other ecosystem stressors which may contribute to the decline of native species in the Delta are discussed in Chapter 4, Other Aquatic Ecosystem Stressors. Low dissolved oxygen concentrations are considered in Section 4.3.3, Dissolved Oxygen, and a discussion of contaminants and potentially toxic chemicals can be found in Section 4.3.1, Contaminants. For more information on the diminished abundance of salmon in the Sacramento River and Delta, please see Section 3.4.3, Life History, Distribution, and Abundance Trends over Time, and the corresponding subsections that include discussions of salmon population trends and also see Section 3.4.4, Dam and Reservoir Effects on Salmonids, for an evaluation of the long-term decline of salmon with respect to dam construction. Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
85	9	Exhibit 2B [See Att. 8 of Att. 1] - DWR Colusa Basin Investigation May 1964 Pages 21 & 22 discusses the original plan for the Colusa Basin was to construct a "bypass through the Colusa Basin"; With the construction of the Sutter Bypass the apparent need for the Colusa Basin bypass was "eliminated". "Consequently, desirable drainage features which would have	For information on the Colusa Flood Basin, dissolved oxygen, contaminants, and salmon declines, please see response to comment 85-8. Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		been included with the proposed Colusa Basin bypass were not constructed." Page 22.	
85	10	Exhibit 2C [See Att. 9 of Att. 1] - Rather than try to fixed drainage problems in the Colusa Basin, GCID and 5 others entered into what is known as the 6 Party Agreement to share return drain water flows on June 2, 1953. This was further amended to include a 7th Party soon thereafter. On Page 2 it was clear that that Charles D. St. Maurice who was the duly elected Surveyor/Engineer for the County of Colusa on June 17, 1921 anticipated that there would be a structure that when constructed 'would provide full flow of the drainage waters down the drainage canal'. Rather than build the structure it was agreed that all 7 irrigation district/reclamation district parties would have the right to use and reuse all drainage and irrigation waters in the Colusa Basin Drain.	For information on the Colusa Flood Basin, dissolved oxygen, contaminants, and salmon declines, please see response to comment 85-8. Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
85	11	Exhibit 2D 1, 2, 3 [See Att. 10, 11, 12 of Att. 1] – (1) September 12, 2022 Letter from SWRCB Program Manager - Enforcement stating that despite potential detrimental flows - the dams on the Colusa Basin Drain appear to be used to "facilitate re-diversion of tail water and field drainage." (2) 2022 Photo of the Davis Weir Dam operated by GCID (Glenn Colusa Irrigation District) with a reservoir on the Colusa National Wildlife Refuge and (3) Colusa County Assessors tear sheet showing access to the Colusa Basin Drain that was purchased by GCID in 1963.	For information on the Colusa Flood Basin, dissolved oxygen, contaminants, and salmon declines, please see response to comment 85-8. Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
85	12	Exhibit 2E [See Att. 13 of Att. 1] – Excerpt for the Colusa National Wildlife Refuge Water Management Plan. On Page 9 regarding groundwater quality at the Refuges - "USBR drilled four test wells on nearby Sacramento NWR in the early 1990s. Chemical analysis of these groundwater wells at Sacramento NWR and at Colusa NWR detected mercury levels above the EPA chronic criteria (both Sacramento NWR and Colusa NWR) and levels of the hexavalent form of chromium above the EPA chronic and acute criteria (Sacramento NWR). Due to these test results it is believed that the use of this water could have a detrimental effect on the aquatic and wildlife resources that utilize the area. In addition, limited quantity (hundreds of gallons instead of thousands) was found for the test wells at Sacramento NWR. The groundwater basin under the refuge is considered to be of very limited usefulness". The presence of mercury is not unexpected due to the lack of running water and likely restricted dissolved	For information on the Colusa Flood Basin, dissolved oxygen, contaminants, and salmon declines, please see response to comment 85-8. For a discussion on mercury in the Bay-Delta system, please see Section 4.3.1.5, Selenium and Mercury. Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		oxygen levels behind the Davis Weir Dam during much of the year since there is naturally high levels of sulfate in the groundwater under the Colusa National Wildlife Refuge which would be the right conditions for the production of methylmercury by sulfate reducing bacterial and other microorganisms. Likewise the presence of the hexavalent form of chromium contamination would be concurrent with high pH levels that exists in the groundwater of both the Colusa NWR and Sacramento NWR.	
85	13	[Att. 1:] Groundwater Substitution should not diminish the groundwater quality sustainability for Sacramento Valley Subbasins. Any extraction via Groundwater Substitution should only be allowed if the well water quality is monitored and it is below the Minimum Threshold of EC or TDS for each Subbasin and the groundwater does not have high levels of other naturally occurring contaminants such as arsenic or manganese. See the 1973 Map [See Att. 14 of Att. 1] of the Base of Fresh Water in the Sacramento Valley prepared by Charles Berskstresser of the USGS in conjunction with the DWR (as attached to cover email). This map assumes a very high EC freshwater threshold of 3000 and even so documents a BFW higher than sea level in Colusa County north of Arbuckle and west of 1-5. There should be no economic incentive to sell fresh surface water and pump salty water to blend with fresh water within irrigation conveyance delivery ditches.	Section 7.12.2, Groundwater identifies that surface water transfers could result in a lowering of groundwater levels which could in turn exacerbate groundwater quality impairments in localized areas. Mitigation measures MM-GW-a, b, and f will avoid or reduce the impacts, but the Staff Report acknowledges that the State Water Board cannot guarantee implementation of mitigation that is not subject to State Water Board approval and therefore the impacts remain potentially significant. As stated in Mitigation measure MM-GW-b (6), the Board's review and transfer approval process is designed to alleviate certain risks associated with water transfers, such as transferors substituting poor quality groundwater following the sale and transfer of surface water entitlements. Water transfers that are subject to the Board jurisdiction are evaluated for their suitability upon acceptance, and the Board must make fact-based findings that the transfer and proposed groundwater substitution will not unreasonably affect the environment, fish, wildlife, or other instream beneficial uses; have significant unmitigated environmental effects; nor injure other legal users of water (Water Code section 1728 (b)). For groundwater substitution transfers, groundwater quality data may be required from the petitioner if the replacement groundwater quality is suspect. Transfers must also comply with county and regional requirements (if any) and any applicable groundwater sustainability management plans (Water Code section 1745.10). Other agencies involved with groundwater substitution transfers, such as the California Department of Water Resources with respect to the State Water Project, also review and assess the substituted groundwater quality prior to facilitating the transfer (DWR and Reclamation 2019a).

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85	14	[Att. 1:] We believe that the Voluntary Agreements are a reasonable way forward because if implemented properly it would bring more resources to support the Bay Delta ecosystem but we do not believe that the proposed governance structure is in any way acceptable since it basically is self governance with an economic disincentive for transparency.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project. Also see Common Response 1.3, Revised Proposed Plan Amendments, for information on the voluntary agreement pathway.
85	15	[Att. 1:] We would propose a Sacramento Valley Water Master be appointed with annual reports for each of the 8 years before possible renewal of the Voluntary Agreements. The Water Master would report on potential conflicts and problem areas and try to resolve issues the following year. This process would hopefully decrease data gaps and move all parties towards resolution of issues over the 8 year period.	Please see Common Response 1.3, Revised Proposed Plan Amendments, for information about the requirements of the VA pathway.
85	16	[ATT. 1 of ATT. 1: Exhibit 1A—Graphic sourced by Figure 1-1a, Sacramento/Delta Tributaries, of the 2023 Draft Staff Report]	This attachment was included with the comment letter. The attachment does not raise a specific environmental impact or economic effect of the project. Refer to Common Response 1.1, General Comments, for the approach to addressing attachments to comments.
85	17	[ATT. 2 of ATT. 1: Exhibit 1B—Document titled “Colusa County, California. Illustrations” from 1880]	This attachment was included with the comment letter. The attachment does not raise a specific environmental impact or economic effect of the project. Refer to Common Response 1.1, General Comments, for the approach to addressing attachments to comments.
85	18	[ATT. 3 of ATT. 1: Exhibit 1C—Document titled “Battling the Sacramento River: A History of Reclamation District 108”]	This attachment was included with the comment letter. The attachment does not raise a specific environmental impact or economic effect of the project. Refer to Common Response 1.1, General Comments, for the approach to addressing attachments to comments.
85	19	[ATT. 4 of ATT. 1: Exhibit 1D—Water rights application titled “eWRIMS Public Summary Page”]	This attachment was included with the comment letter. The attachment does not raise a specific environmental impact or economic effect of the project. Refer to Common Response 1.1, General Comments, for the approach to addressing attachments to comments.
85	20	[ATT. 5 of ATT. 1: Exhibit 1E—Webpage titled “Sacramento National Wildlife Refuge, Habitat and Wildlife at Sacramento NWR Complex”]	This attachment was included with the comment letter. The attachment does not raise a specific environmental impact or economic effect of the project. Refer to Common Response 1.1, General Comments, for the approach to addressing attachments to comments.

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85	21	[ATT. 6 of ATT. 1: Exhibit 1F—Excerpt from document titled “A Report on Fish Rescue Operations at Sacramento and Delevan NWR Areas April 24 – June 5, 2013”]	This attachment was included with the comment letter. The attachment does not raise a specific environmental impact or economic effect of the project. Refer to Common Response 1.1, General Comments, for the approach to addressing attachments to comments.
85	22	[Att. 7 of Att. 1: Exhibit 2A—Excerpts from document titled “Investigating Factors that Contribute to Phytoplankton Biomass Declines in the Lower Sacramento River”]	This attachment was included with the comment letter. The attachment does not raise a specific environmental impact or economic effect of the project. Refer to Common Response 1.1, General Comments, for the approach to addressing attachments to comments.
85	23	[Att. 8 of Att. 1: Exhibit 2B—Excerpt from document titled Bulletin No. 109 Colusa Basin]	This attachment was included with the comment letter. The attachment does not raise a specific environmental impact or economic effect of the project. Refer to Common Response 1.1, General Comments, for the approach to addressing attachments to comments.
85	24	[Att. 9 of Att. 1: Exhibit 2C—Agreement by Glen and Colusa county irrigation districts dated June 5, 1953]	This attachment was included with the comment letter. The attachment does not raise a specific environmental impact or economic effect of the project. Refer to Common Response 1.1, General Comments, for the approach to addressing attachments to comments.
85	25	[Att. 10 of Att. 1: Exhibit 2D1—Letter to Ben King from SWRCB dated September 12, 2022]	This attachment was included with the comment letter. The attachment does not raise a specific environmental impact or economic effect of the project. Refer to Common Response 1.1, General Comments, for the approach to addressing attachments to comments.
85	26	[Att. 11 of Att. 1: Exhibit 2D2—Photo of a weir]	This attachment was included with the comment letter. The attachment does not raise a specific environmental impact or economic effect of the project. Refer to Common Response 1.1, General Comments, for the approach to addressing attachments to comments.
85	27	[Att. 12 of Att. 1: Exhibit 2D3—Document titled Full Property Detail Report Parcel # (APN): 017-110-033-000]	This attachment was included with the comment letter. The attachment does not raise a specific environmental impact or economic effect of the project. Refer to Common Response 1.1, General Comments, for the approach to addressing attachments to comments.
85	28	[Att. 13 of Att. 1: Exhibit 2E—Excerpt from document titled Colusa National Wildlife Refuge Water Management Plan]	This attachment was included with the comment letter. The attachment does not raise a specific environmental impact or economic effect of the project. Refer to Common Response 1.1,

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			General Comments, for the approach to addressing attachments to comments.
85	29	[Att. 14 of Att. 1: Map and open file report titled Base of Fresh Ground Water – Approximately 3,000 Micromhos – in the Sacramento Valley and Sacramento-San Joaquin Delta, California]	This attachment was included with the comment letter. The attachment does not raise a specific environmental impact or economic effect of the project. Refer to Common Response 1.1, General Comments, for the approach to addressing attachments to comments.
90	1	Hello, my name is Karliann Atwell and I am a student at CSU Stanislaus. I have lived in the San Joaquin Valley my entire life, and I know how vital the delta is to the agricultural lifestyles of the valley. The Bay Delta Water Quality Control Plan perpetuates environmental injustice by hurting low income communities of color, which make up a large portion of the San Joaquin Valley.	Please refer to Common Response 10.1, Economically Disadvantaged Communities, for responses to comments related to existing environmental conditions and CEQA analysis, and racial equity and the State Water Board's Racial Equity Resolution and Racial Equity Action Plan.
90	2	Furthermore, threatened and endangered fish populations will suffer without flow restoration. The endangered Southern Resident Killer whales depend on our salmon fishery, and the delta plan will only serve to further assault the species. Natural flows and morphology of the delta must be restored, and Governor Newsom must act to protect these resources for future generations. It is of the utmost importance. Thank you.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project. The final Staff Report, Section 13.8.4, Fisheries Economic Effects, has been updated to explain that a more natural flow regime, which would occur to varying degrees under the VA and regulatory pathways, could improve the abundance of prey for whale species such as the Southern Resident killer whale.
91	1	To the members of the State Water Board, It must be perfectly clear to you that the voluntary adjustments policy that you continue to support for Delta water use has failed. It has resulted in 1. poor river flows and water quality in particular during the most critical months of every season, 2. no definition of a meaningful goal in water flow and quality, 3. no measure of the impact on the species that are threatened by your policy, and 4. no consequences to those that benefit greatly from your lack of meaningful action.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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91	2	It is time to act responsibly and independently and reject the Tuolumne River Voluntary Agreement and implement Phase 1 of the Bay Delta Plan. You may then have a legacy of which you can be proud.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
92	1	Please follow through on the legal mandate to restore the Bay-Delta ecosystem. I appeal to the State Water Board to make decisions based on science, not political expediency. This vote will impact everyone, including disadvantaged communities, tribes, the fishing community, for generations to come. The Bay Delta Plan could increase or decrease flow requirements based on whether biological goals are being met. The Delta needs more freshwater inflow. Toxic algae blooms in the Delta that can make people sick and kill pets and wildlife have continued to get worse. The commercial fishing season had to be closed this year, and will likely be canceled again next year. 6 species of fish are listed as endangered or threatened. The Bay Delta Plan needs to protect all of them. In an average year, only 50% of the natural flow of our Central Valley rivers reaches the Bay. During droughts it can drop to 1/3. This has put the Bay-Delta in a perpetual state of drought. The Voluntary Agreements would produce very little new water, and wouldn't even produce much new habitat. They have only served as a delay tactic for incalcitrant water agencies. These agreements are so flawed that the few NGOs that were involved early on in the process dropped out. Not a single conservation, fishing, tribal or environmental justice group supports the Vas. The Vas do not include a back-up plan if they fail. Agricultural exports privatize water that is supposed to belong to the people of California. The plan is prejudicial toward agricultural interests at the expense of other beneficial uses. Agriculture uses 80% of CA's developed water, but only contributes 2% of California's GDP.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		Please consider the impacts on our communities, tribes, the environment, wildlife and recreation.	
93	1	As elected officials representing the counties in the Sacramento River Basin, we encourage you and your administration to support the Agreements to Support Healthy Rivers and Landscapes and the associated benefits for communities, farms, businesses, the environment, and the public. We specifically urge the State Water Board to identify the Agreements to Support Healthy Rivers and Landscapes alternative in its final Staff Report and forthcoming program of implementation as the State Water Board's best pathway for updating the Sacramento/Delta portions of the Bay-Delta Plan. We remain concerned with the other alternatives, the State Water Board's proposal for a 55 percent unimpaired flow into the Delta, which would redirect significant amounts of water away from the Sacramento River Basin into the Delta. This simplistic approach would go beyond what is needed for environmental needs and would result in a substantial amount of water being put out to the ocean without any benefit. This in turn would be devastating to both the economy and the environment in the counties we represent, adversely affecting the availability of critical water for cities and rural communities (many of which are disadvantaged), farms, wildlife refuges for birds and many other species, salmon and other fisheries and recreation. We support a healthy Delta, but the unimpaired flow approach proposed by the State Water Board will redirect impacts upstream into the Sacramento River Basin and will likely fail to achieve its goal of protecting Delta water quality.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project. Also see Staff Report Chapter 3, Scientific Knowledge to Inform Fish and Wildlife Flow Recommendations, and Common Response 3.1, Fish Protection, for information on the benefits of increased flow. The economic and environmental analyses of the proposed Plan amendments were provided in Chapter 7, Environmental Analysis, and Chapter 8, Economic Analysis and Other Considerations, respectively, of the 2023 draft Staff Report.
93	2	The potential impacts to this region are not abstract, we experienced dry year impacts on the west-side of the region in 2022 like we would see if an unimpaired flow approach were adopted by the State Water Board. For context, 600 square miles of farmland was fallow in 2022, which is more than 370,000 acres of farmland, nearly 80% of the total farmland in this area. A report by the University of California Davis estimated that there was \$1.3 billion in lost economic value, 14,300 jobs lost, \$732 million in lost labor income, and devastated supply chains. {See the October 21, 2022 Congressional Record, Recognizing	The Staff Report adequately discloses the environmental impacts and economic effects of the flow scenarios. Section 7.4, Agriculture and Forest Resources, adequately evaluates impacts to agriculture. Chapter 8, Economic Analysis and Other Considerations, adequately evaluates agricultural economic effects.

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		the University of California, Davis Report on "Drought Ravaging California's Sacramento Valley.") To see these impacts, we encourage you to watch a short film on the devastating drought impacts in Colusa County in 2022. The film can be watched here.	
93	3	More specifically, the "unimpaired flow" approach will have two significant effects in our region: 1) Evacuate critical water in storage and prevent the diversion of water throughout our region, which will significantly affect precious water supplies for all these purposes. This is particularly true in dry years like we have seen this decade, where water available in storage is critical to helping Californians get through these challenging times. In other words, we will go backward under the State Water Board approach-not forward-in our efforts to better prepare for the next drought in California.	Sections 7.4, Agriculture and Forest Resources, 7.20, Utilities and Service Systems, and the corresponding subsections of Section 13.7, Environmental Analysis, consider the impacts of the revised proposed Plan amendments on agricultural land use and municipal water supplies, respectively, including under drought conditions. In addition, the revised proposed Plan amendments include provisions for exceptions to curtailment for human health and safety and related needs, as well as significant flexibility to enable water users to propose tailored local cooperative solutions to protect fish and wildlife while reducing water supply impacts. See Common Response 1.3, Revised Proposed Plan Amendments, for more information on the regulatory pathway and implementation methodology.
93	4	2) Less surface water available will lead to significant additional groundwater pumping throughout the region, which will make our efforts to implement sustainable groundwater management envisioned under the Sustainable Groundwater Management Act (SGMA) more difficult. In our region, the groundwater resources are currently sustainable, and we will continue to work hard with other local agencies to assure that our precious groundwater resources remain sustainable into the future. The State Water Board proposal will make our collective efforts to achieve groundwater sustainability more difficult if not impossible.	The proposed Plan amendments do not encourage or require increased groundwater pumping to offset reductions in surface water supplies. The Staff Report acknowledges, however, that depletion of groundwater may occur if the local response to reduction in surface water supplies is to increase groundwater pumping. The Staff Report also acknowledges that revisions to regional Groundwater Sustainability Plans (GSPs) may be needed if GSP water budgets are inconsistent with a change in surface water supplies that may occur from the implementation of an unimpaired flow alternative. In Section 7.12.2, Groundwater, the Staff Report analyzes the potentially significant impacts to groundwater supplies as Impact GW-b. Section 7.12.2.4, Mitigation Measures, discusses measures to mitigate this impact, including SGMA implementation and oversight, water supply diversification, groundwater banking, water recycling, water transfers, and voluntary implementation plans to provide equivalent protection of fish and wildlife habitat. Please see Common Response 7.12.2, Groundwater and Sustainable Groundwater Management Act, for more discussion

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			on how the Sacramento/Delta update to the Bay-Delta Plan aligns with the implementation of SGMA.
93	5	In sum, we encourage your administration to abandon the flawed "unimpaired flow" approach. Instead, we recommend that you pursue an integrated approach in the Agreements to Support Healthy Rivers and Landscapes where water is used for a specific environmental purpose that is compatible with important flood protection and other water uses in the region. We believe that this 21st century approach to water management will better serve the Sacramento River Basin and more effectively protect Delta water quality. We encourage your administration to embrace an approach that achieves your water quality goals for the Delta without redirecting impacts to the Sacramento River Basin.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
98	1	For me California's rivers are the most important and most beautiful part of our environment. As you well know, many populations of fish and other wildlife dependent on those rivers are in disastrous decline. While there are multiple reasons for that decline, inadequate freshwater flows (resulting from excessive diversions) in the Delta and the tributary rivers are major. While habitat restoration is important, habitat without adequate flows will not and cannot restore these critical ecosystems. The SWRCB 2010 Flow Criteria Report found that 75% of unimpaired flow on the Sacramento River and its tributaries, and 75% of unimpaired Delta outflow would be needed to better protect the Bay- Delta ecosystem. The Sacramento/Delta Draft Staff Report released in 2023 calls for substantially less than that level, with adaptive management options that could result in still lower flows. That is very disappointing to me, but I recognize that you on the SWRCB are charged with balancing the needs of the environment with human uses of water. The Draft Staff Report is a compromise that tries to support all beneficial uses. If the Draft Staff Report is rejected in favor of the proposed Voluntary Agreements, that would not be a compromise. That would be an abdication of California's responsibility to protect our environment. I urge you to adopt the Draft Staff Report.	Please see Common Response 1.1, General Comments, for information on the Delta Flow Criteria Report and for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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99	1	My role is President of the Peninsula Fly Fishers organization, based in Redwood City, CA. In that capacity, I'd like to encourage the State Water Board to fully embrace their commitment to restore health to the Bay-Delta ecosystem. The current situation is unacceptable, and the only viable way to remedy it is by restoring fresh water flows to 75% of unimpaired flow on the Sacramento River and its tributaries, and 75% of unimpaired Delta outflow (water reaching the Bay.) Currently in an average year, only 50% of the natural flow of our Central Valley rivers reaches the Bay. During droughts it can drop to 1/3, placing the Bay-Delta in a perpetual state of peril. Salmon populations are in such bad shape that the commercial fishing season had to be closed this year and will likely be canceled again next year. But they are not the only species at risk. It isn't hard to document cases of toxic algae blooms killing wildlife. Below is a picture [Exhibit 1] I personally took of one of dozens of striped bass found floating in our Bay recently. Fish and our entire food chain depends upon plentiful, clean water.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
99	2	[Exhibit 1: Photo described as a floating striped bass]	This exhibit was included in the comment letter. The exhibit does not raise a specific environmental impact or economic effect of the project. Refer to Common Response 1.1, General Comments, for the approach to addressing exhibits.
99	3	California big agriculture wastes a tremendous amount of water and depletes groundwater because irrigation water is often too cheap to incentivize innovation. Flood plains that existed for millennia are drained for crops or cattle, affecting everything from insect life, to fingerling fish, to bird and mammal life. Agricultural water is so highly subsidized that an argument could be made that we're paying farmers to use this shared resource. We need to change the playing field to reward efficiency. I believe we must call for a major shift in California state policies, one that supplements the regulation of access to water. We must directly manage and regulate agriculture within the State. The State regulates activities such as fishing, for example. It determines when, where and what can be harvested from our	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		waters. It licenses both commercial and private fishing activities. However, even such wasteful agricultural practices as almond farming are allowed to expand by double-digit percentages, year over year. It's time we determine what can be planted, by whom, where, and when. Change won't come overnight, but meanwhile please walk away from the failed policy of supporting a "voluntary agreement". This is simply, and laughably, ignored by big agriculture.	
100	1	I live in Butte County. Besides the Feather River we are fortunate to have numerous tributaries to the Sacramento River that provide critical habitat for iconic salmonid species. Butte Creek, for example, has the only remaining robust spawning habitat for wild Chinook Salmon in the entire Central Valley. Big Chico Creek hosts remnant winter/spring run Chinook adults returning to attempt survival of the species. Smaller streams such as Mud Creek have documented important rearing habitat that give out-migrating salmon a chance to gain size and improve survival to adulthood. When adults are holding in their summer pools my family and I take the time to hike to these remote locations to enforce our intention to protect the environment and to marvel at the large charismatic fish that heroically swim over a hundred miles to return to their natal homeland. We also contemplate the past when millions of these fish enhanced the Central Valley watershed with nutrients that supported forest, animal, and human health. We mourn the decimation of salmonid populations and are horrified by the possibility that humans would allow the complete extirpation of these keystone species. These upstream fish habitats need comprehensive migratory pathways to remain viable. A healthy Delta is required to give salmonids throughout the Central Valley the conditions for up-migrating fish to find their way home. The rearing habitat provided by a healthy Delta gives young fish a good start to smolt their way through the Bay and into the Pacific Ocean. The State Water Board's 2010 Flow Criteria Report found that 75% of unimpaired flow on the Sacramento River and its tributaries, and 75% of unimpaired Delta outflow (water reaching the Bay) would be needed to protect the Bay-Delta ecosystem. The VAs do not provide these flow necessities.	Please see Common Response 1.1, General Comments, for information on the Delta Flow Criteria Report, regarding comments about other projects, and for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		The existing demand for Sacramento River diversions is unsustainable from these habitat perspectives. Proposed increases in diversions associated with the nascent Sites project would impact critical Bay-Delta flushing that improves water quality.	
100	2	Groundwater pumping in the Sacramento Valley is another huge threat to our precious fisheries. Tributaries that provide rearing habitat were historically perennial but are now “seasonal”, losing their connection to the main stem as depleted aquifers stimulate stream leakage. SGMA plans in Butte County offer no relief from this trend and are designed to implement conjunctive use water banking that require management of groundwater levels below historic low to create storage space for artificial recharge projects. Other Sacramento Valley counties actively engage in groundwater substitution water transfers that have a negative cumulative impact on North Valley groundwater levels, tributary connectivity, and subsequent flow into the Delta.	As discussed in Section 7.6.2 Aquatic Biological Resources, the primary purpose of the proposed Plan amendments is to improve flow and water quality conditions for fish and wildlife beneficial uses in the Sacramento River watershed, Delta eastside tributaries, and Delta regions. The Staff Report acknowledges that increased groundwater pumping could exacerbate groundwater overdraft in the Sacramento River watershed and Delta eastside tributaries regions, particularly in groundwater basins where groundwater storage volumes are already in decline. The groundwater impacts pertaining to groundwater levels and quality are considered potentially significant (see Impacts GW-b, a and f) because of responses from the potential changes in water supply. The mitigation measures listed under Section 7.12.2.4, Mitigation Measures, for groundwater impacts are primarily the responsibility and jurisdiction of public agencies other than the State Water Board. While the State Water Board can ensure that mitigation is implemented for actions within its authority, the State Water Board cannot guarantee that measures always will be adopted or applied in a manner that fully mitigates the impacts. Therefore, unless and until the mitigations are fully and successfully implemented, the impact to groundwater levels (Impact GW-b) remains potentially significant. The Department of Water Resources (DWR) approved the Butte subbasin GSP on July 27th, 2023, after determining the GSP meets the requirements from Water Code § § 10727.2, 10727.4 and that it will likely reach their sustainability goals pursuant to Water Code § 10733 (a); However, recommendations from DWR for the plan were made and they include: Providing more information on the minimum thresholds established, how it may impact beneficial uses, users or sustainability indicators.

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			Providing more information about land subsidence and Define segments of interconnected surface water and timings, providing more information, data, and a strategy to manage depletions of interconnected surface water. The GSP must address the recommendations listed above before the first periodic evaluation and demonstrate it will likely achieve defined sustainability goals (DWR 2023a). Please see Common Response 7.12.2, Groundwater and Sustainable Groundwater Management Act, for more information pertaining to SGMA implementation timelines and interaction with the Bay-Delta Plan Update.
100	3	Voluntary Agreements (VAs) are insufficient to meet the challenge of declining Bay-Delta water quality goals. They are yet another example of supposedly beneficial efforts that offer the façade of including all stakeholders early in the planning process but, like SGMA, end up being dominated by the historic powers in the region. The VAs favor those with the most money and the most political power. The VAs are not supported by any conservation, tribal, fishing or environmental justice group. Your consideration of the VAs should be terminated and valid flow solutions to Bay-Delta health must be drafted.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
101	1	I would first like to say thank you for your service and commitment to our precious water supply. I understand that you have conflicting obligations to uphold water rights and environmental protection. Your board must be under tremendous pressure from all sides. I am not as educated on this topic as you all are so I'm sure my view will be overly simplistic. I have pondered what our beautiful Delta was like before people arrived. Long before agriculture and industry were a consideration. I imagine that all of the water was regulated and divided by Mother Nature and it created an environment suitable to support the tremendous economy we currently are blessed with. It is my opinion that we have abused this precious gift to the point where we are considering how much water fish need. Think about that. Now that I write these words I am disgusted by	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		my own contribution to this catastrophe. I do not have any solutions for you because there aren't any . You have an impossible job of maintaining something that is not within your power to control. It's Mother Nature who will ultimately decide. I think the only thing we can do as temporary inhabitants of this land is to return to, as much as humanly possible, the natural state of the environment. I don't envy your position. I do believe that you are going to do what is right in your own conscience. Thank for your service and dedication to this community.	
103	1	[Exhibit 1: PowerPoint slide of photo titled Floodplain process]	This exhibit was included in the comment letter. The exhibit does not raise a specific environmental impact or economic effect of the project. Refer to Common Response 1.1, General Comments, for the approach to addressing exhibits.
103	2	[Exhibit 2: PowerPoint slide of photo titled Floodplain at scale]	This exhibit was included in the comment letter. The exhibit does not raise a specific environmental impact or economic effect of the project. Refer to Common Response 1.1, General Comments, for the approach to addressing exhibits.
103	3	[Exhibit 3: Photos of various animals and insects]	This exhibit was included in the comment letter. The exhibit does not raise a specific environmental impact or economic effect of the project. Refer to Common Response 1.1, General Comments, for the approach to addressing exhibits.
103	4	[Exhibit 4: Two graphics titled Central Valley Historical Ecology]	This exhibit was included in the comment letter. The exhibit does not raise a specific environmental impact or economic effect of the project. Refer to Common Response 1.1, General Comments, for the approach to addressing exhibits.
103	5	[Exhibit 5: Photo of a floodplain]	This exhibit was included in the comment letter. The exhibit does not raise a specific environmental impact or economic effect of the project. Refer to Common Response 1.1, General Comments, for the approach to addressing exhibits.
103	6	[Exhibit 6: Photo of a floodplain]	This exhibit was included in the comment letter. The exhibit does not raise a specific environmental impact or economic effect of the project. Refer to Common Response 1.1, General Comments, for the approach to addressing exhibits.
103	7	Flow-abundance relationship driven by existing infrastructure - Levees and Weirs unnecessarily reduce/minimize critical River	This PowerPoint presentation was submitted to accompany oral comments presented during the public hearing held in

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		and Landscape interaction - Tisdale Example - Fishery Enhancement largely driven by the habitat delivery - VA's target 20,000 acres of new floodplain habitat - Delivery of those acres are made possible: - Landowner Fix not Fight Culture - Science showing a path forward - Avoid Regulatory Approach - Floodplains Reimagined already underway Floodplain Reimagined - 3 years and approx. \$10 million Invested - 500,000 acres - Inclusive - 100% Voluntary (carrot and stick) - Bottom Up Approach - Invest in understanding others interests - Respect Existing Uses - Empower those that know the land best through Technical Assistance - Powered by Trust and Partnership!! Technical Assistance Projects Approved	November and December 2023. Refer to Comment Letter 528 for responses to oral comments related to this PowerPoint.

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		- In-Corridor River Restoration Opportunities - River Partners - Sanborn Slough Bifurcation Flow Measurements – Wild Goose - Benden Farms – Carter - Dry Side Inventory - DU Potential Future Technical Assistance - RD70 Upper Butte Basin/ Butte Slough - Colusa Basin Drainage District - Other	
103	8	[Exhibit 7: Graph titled Butte Creek Spring-Run Chinook Salmon Population Estimates]	This exhibit was included in the comment letter. The exhibit does not raise a specific environmental impact or economic effect of the project. Refer to Common Response 1.1, General Comments, for the approach to addressing exhibits.
103	9	[Exhibit 8: PowerPoint graphic titled Floodplain Reimagined]	This exhibit was included in the comment letter. The exhibit does not raise a specific environmental impact or economic effect of the project. Refer to Common Response 1.1, General Comments, for the approach to addressing exhibits.
103	10	[Exhibit 9: PowerPoint graphic titled Technical Assistance Projects]	This exhibit was included in the comment letter. The exhibit does not raise a specific environmental impact or economic effect of the project. Refer to Common Response 1.1, General Comments, for the approach to addressing exhibits.
104	1	Operations Considerations: Bay-Delta Water Quality Control Plan December 11, 2023 Limited CVP & SWP operational flexibility within the overall System Key Takeaways: • Reduced allocations and exports do not offset impacts to storage	While the implementation of the proposed Plan amendments would cause substantial changes to operations, operations would still adhere to existing regulatory requirements for Delta water quality and flood control rules. Potential effects on hydropower and electrical grid reliability are described in Section 7.8, Energy, and potential effects on environmental requirements are evaluated in other resource sections. Conditions during dry years are evaluated in the resource sections and more drought-related information is provided in Common Response 4.2, Drought and Climate Change. Please see Common Response 7.6.2, Aquatic Biological

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		• Releasing more water can conflict with maintaining storage for temperature management and other downstream requirements • Climate change will further complicate water management Central Valley Project and State Water Project • Contracts and Agreements for: • Senior Water Right Holders • Agriculture and M&I • Wildlife Refuges • Delta water quality • Environmental requirements • Drought protections • Electrical power grid reliability • Flood Control Climate Change Challenges • Outflow requirements differ from runoff patterns • Releases to meet requirements relies upon storage from wet periods Conclusion • Limited CVP & SWP operational flexibility within the overall System • Reduced allocations and exports do not offset impacts to storage • Releasing more water can conflict with maintaining storage for	Resources and Cold Water Habitat, for a discussion related to implementation of the cold water habitat objective. Please see Common Response 4.2, Drought and Climate Change, for comments regarding climate change. This PowerPoint presentation was submitted to accompany oral comments presented during the public hearing held in November and December 2023. Refer to Comment Letter 528 for responses to oral comments related to this PowerPoint.

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		temperature management and other downstream requirements • Climate change will further complicate water management	
104	2	[Exhibit 1: Pie chart titled ~Relative capacity of major reservoirs in the Central Valley]	This PowerPoint presentation was submitted to accompany oral comments presented during the public hearing held in November and December 2023. Refer to Comment Letter 528 for responses to oral comments related to this PowerPoint.
104	3	[Exhibit 2: PowerPoint graph titled Oct. through Apr. Releases from Shasta Reservoir]	This PowerPoint presentation was submitted to accompany oral comments presented during the public hearing held in November and December 2023. Refer to Comment Letter 528 for responses to oral comments related to this PowerPoint.
104	4	[Exhibit 3: PowerPoint graph titled May through Sep. releases from Shasta reservoir]	This PowerPoint presentation was submitted to accompany oral comments presented during the public hearing held in November and December 2023. Refer to Comment Letter 528 for responses to oral comments related to this PowerPoint.
104	5	[Exhibit 4: PowerPoint graphic titled Shasta Temperature Control Device]	This PowerPoint presentation was submitted to accompany oral comments presented during the public hearing held in November and December 2023. Refer to Comment Letter 528 for responses to oral comments related to this PowerPoint.
104	6	[Exhibit 5: PowerPoint slide of two graphs titled Temperature]	This PowerPoint presentation was submitted to accompany oral comments presented during the public hearing held in November and December 2023. Refer to Comment Letter 528 for responses to oral comments related to this PowerPoint.
104	7	[Exhibit 6: PowerPoint graph titled CVP/SWP Operations for Fish Species]	This PowerPoint presentation was submitted to accompany oral comments presented during the public hearing held in November and December 2023. Refer to Comment Letter 528 for responses to oral comments related to this PowerPoint.
104	8	[Exhibit 7: Graph titled Eight River Index]	This PowerPoint presentation was submitted to accompany oral comments presented during the public hearing held in November and December 2023. Refer to Comment Letter 528 for responses to oral comments related to this PowerPoint.
104	9	[Exhibit 8: PowerPoint graph titled CVP and SWP Historical Allocations]	This PowerPoint presentation was submitted to accompany oral comments presented during the public hearing held in November and December 2023. Refer to Comment Letter 528 for responses to oral comments related to this PowerPoint.
107	1	Thank you for this opportunity for taxpaying citizens to make their views public on healthy management of our State's water and ecological systems.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not

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		The Bay, the Delta, and the watersheds of all the rivers that flow into the Delta have historically been vital components of California's special biological, geographical, geological systems. Having taken millions of years to create, we must not in greed and special interests destroy those vast and special systems and the ecological systems within them. Already, we have diverted 50% of the natural water flow into the Delta. Many years the flow is only 30%!! NO MORE! OUR State Water Board has as its duty to RESTORE the Bay-Delta ecosystems, NOT DESTROY them! OUR Bay and Delta are simply in a slow death mode. We must stop now and RESTORE the Bay-Delta ecosystem. Listening to the avarice and greed of Gov. Newsom (who we know supports the State in mouth only) and his rich friends guarantee the death of the Bay-Delta/watersheds ecosystems.	raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
108	1	[ATT 1: PowerPoint titled State Water Resources Control Board Bay-Delta Plan Update Restore Hetch Hetchy Comments]	This PowerPoint presentation was submitted to accompany oral comments presented during the public hearing held in November and December 2023. Refer to Comment Letter 516 for responses to oral comments related to this PowerPoint.
111	1	Agreements to Support Healthy Rivers and Landscapes December 1, 2023 State Water Resources Control Board Public Hearing for Phase 2 of the Bay-Delta Water Quality Control Plan Update Hydrology and Modeling Panel: Key Points ● Agreements provide significant tributary and Delta flows. ● Agreements address specific habitat needs. ● Agreements provide benefits without significant adverse impacts of unimpaired flow alternatives.	This PowerPoint presentation was submitted to accompany oral comments presented during the public hearing held in November and December 2023. Refer to Comment Letter 561 for responses to oral comments related to this PowerPoint.

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		● Unimpaired flow alternatives do not create habitat. ● Unimpaired flow alternatives cause significant impacts to beneficial use for: ○ Water supply (ag, M&I, refuge, DACs). ○ Terrestrial species. ○ Water temperature management for fisheries. ○ Power generation. ● Agreements are a better balance that reasonably protect beneficial uses. ○ Demonstrated with information contained in Draft Staff Report (DSR).	
111	2	Modeling and Operations Summary ● VA Alternative is well defined ○ In general, Draft Staff Report modeling reflects alternative. ○ Benefits likely understated but still present. ● Unimpaired Flow Alternatives are conceptual ○ Modeling reflects conceptual nature. ○ No implementation plan. ○ Results are difficult to interpret and less certain.	This PowerPoint presentation was submitted to accompany oral comments presented during the public hearing held in November and December 2023. Refer to Comment Letter 561 for responses to oral comments related to this PowerPoint.
111	3	VA Increases Flows With watershed-wide flow contributions, VA expected to	This PowerPoint presentation was submitted to accompany oral comments presented during the public hearing held in November and December 2023. Refer to Comment Letter 561 for responses to oral comments related to this PowerPoint.

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		increase Delta inflow and outflow over and above D-1641 and 2019 Biological Opinions.	
111	4	[Exhibit 1: Graph titled Jan - Jun Delta Outflow Increase with VAs]	This PowerPoint presentation was submitted to accompany oral comments presented during the public hearing held in November and December 2023. Refer to Comment Letter 561 for responses to oral comments related to this PowerPoint.
111	5	[Exhibit 2: PowerPoint slide of four graphs titled End of May Storage]	This PowerPoint presentation was submitted to accompany oral comments presented during the public hearing held in November and December 2023. Refer to Comment Letter 561 for responses to oral comments related to this PowerPoint.
111	6	Lower spring storage with 55% UIF creates temperature and hydropower impacts.	This PowerPoint presentation was submitted to accompany oral comments presented during the public hearing held in November and December 2023. Refer to Comment Letter 561 for responses to oral comments related to this PowerPoint.
111	7	Water Supply Impacts ● VA shows less impact ● 55% UIF impact to: ○ M&I ○ Ag ○ Refuge ● Impact is understated ○ VA excludes export cuts ○ 55% UIF underestimates impact ● Expected water supply shortages cannot be fully mitigated	This PowerPoint presentation was submitted to accompany oral comments presented during the public hearing held in November and December 2023. Refer to Comment Letter 561 for responses to oral comments related to this PowerPoint.
111	8	[Exhibit 3: PowerPoint graph titled Water Supply Impacts]	This PowerPoint presentation was submitted to accompany oral comments presented during the public hearing held in November and December 2023. Refer to Comment Letter 561 for responses to oral comments related to this PowerPoint.

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111	9	Impacts to Disadvantaged Communities ● The State Water Project (SWP) provides approximately three-quarters of California's Disadvantaged Communities (DACs) with some or all of their water supplies. ● Unimpaired Flow Alternatives reduce SWP deliveries significantly – increasing risk of shortage and affordability.	This PowerPoint presentation was submitted to accompany oral comments presented during the public hearing held in November and December 2023. Refer to Comment Letter 561 for responses to oral comments related to this PowerPoint.
111	10	[Exhibit 4: Graphic modified by commenter of Figure A1-227, Total Water Supplied to Total SWP Table A Percent Exceedance Plot Deliveries, from the 2023 Draft Staff Report]	This PowerPoint presentation was submitted to accompany oral comments presented during the public hearing held in November and December 2023. Refer to Comment Letter 561 for responses to oral comments related to this PowerPoint.
111	11	Tributary Fish Habitat • VA Alternative shows greater benefits. • Habitat benefits in all years with VA.	This PowerPoint presentation was submitted to accompany oral comments presented during the public hearing held in November and December 2023. Refer to Comment Letter 561 for responses to oral comments related to this PowerPoint.
111	12	[Exhibit 5: Three graphs titled Median Habitat, VA Median Spawning Habitat, and VA Median Rearing Habitat, respectively]	This PowerPoint presentation was submitted to accompany oral comments presented during the public hearing held in November and December 2023. Refer to Comment Letter 561 for responses to oral comments related to this PowerPoint.
111	13	Tributary Terrestrial Wildlife ● VA Alternative shows less impacts to rice acres. ● VA Alternative has no impact to refuge water supply.	This PowerPoint presentation was submitted to accompany oral comments presented during the public hearing held in November and December 2023. Refer to Comment Letter 561 for responses to oral comments related to this PowerPoint.
111	14	[Exhibit 6: Excerpt from Table 7.6.1-5, SacWAM Results for Annual Average Reductions in Refuge Water Supplies (TAF/yr) from Sacramento/Delta Water, from the 2023 Draft Staff Report and two graphs titled Reduced Sac Valley Rice Areas and Reduced Refuge Water Supply, respectively]	This PowerPoint presentation was submitted to accompany oral comments presented during the public hearing held in November and December 2023. Refer to Comment Letter 561 for responses to oral comments related to this PowerPoint.
111	15	[Exhibit 7: Two graphs titled Flow thresholds based on analysis that shows only a 50:50 chance of increase in abundance and Correlative analysis is also uncertain, with a flat relationship during last decade, respectively]	This PowerPoint presentation was submitted to accompany oral comments presented during the public hearing held in November and December 2023. Refer to Comment Letter 561 for responses to oral comments related to this PowerPoint.

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111	16	VA Alternative Increases Estuarine Species Abundance: Irrespective of baseline used, VA expected to increase species abundance, especially in dry years.	This PowerPoint presentation was submitted to accompany oral comments presented during the public hearing held in November and December 2023. Refer to Comment Letter 561 for responses to oral comments related to this PowerPoint.
111	17	[Exhibit 8: Graphic modified by commenter of Figure 9.6-4, Potential Percent Increase (Median Prediction $\pm$ 95% Confidence Intervals) in Abundance Indices Relative to Baseline and 2008–2009 BiOps Condition, from the 2023 Draft Staff Report]	This PowerPoint presentation was submitted to accompany oral comments presented during the public hearing held in November and December 2023. Refer to Comment Letter 561 for responses to oral comments related to this PowerPoint.
111	18	[Exhibit 9: Graph titled Expected Increase in Estuarine Habitat with VA]	This PowerPoint presentation was submitted to accompany oral comments presented during the public hearing held in November and December 2023. Refer to Comment Letter 561 for responses to oral comments related to this PowerPoint.
111	19	Water Quality - Temperature ● Spring operations drive cold water pool development. ● Reduced end-of-May storage affects summer water temperatures.	This PowerPoint presentation was submitted to accompany oral comments presented during the public hearing held in November and December 2023. Refer to Comment Letter 561 for responses to oral comments related to this PowerPoint.
111	20	[Exhibit 10: Graph titled Shasta Lake Isothermobaths Plot - 2023]	This PowerPoint presentation was submitted to accompany oral comments presented during the public hearing held in November and December 2023. Refer to Comment Letter 561 for responses to oral comments related to this PowerPoint.
111	21	Water Quality – Temperature ● Unimpaired Flow Alternatives significantly increase water temperatures relative to baseline. ● VA Alternative provides better water temperatures.	This PowerPoint presentation was submitted to accompany oral comments presented during the public hearing held in November and December 2023. Refer to Comment Letter 561 for responses to oral comments related to this PowerPoint.
111	22	[Exhibit 11: Excerpts from Appendix A6, Water Temperature Modeling and Fish Assessment for the Sacramento, Feather, and American Rivers, Tables A6-25, A6-47, A6-37 and entire Appendix G3e, Water Temperature Modeling and Fish Assessment for the Sacramento, Feather, and American Rivers for the Proposed Voluntary Agreements, Tables G3e-3, G3e-19, and G3e-13 from the 2023 Draft Staff Report]	This PowerPoint presentation was submitted to accompany oral comments presented during the public hearing held in November and December 2023. Refer to Comment Letter 561 for responses to oral comments related to this PowerPoint.
111	23	Increased Spring Generation - Hydropower is an important balancing resource for solar and	This PowerPoint presentation was submitted to accompany oral comments presented during the public hearing held in

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		wind. - Higher flows mean less ability to balance solar and wind. - Decrease in generation would likely be filled by additional use of GHG-emitting generation.	November and December 2023. Refer to Comment Letter 561 for responses to oral comments related to this PowerPoint.
111	24	[Exhibit 12: Table titled Total Simulated Generation in April (GWh) and two graphs titled Comparison of Historical Hydropower and Wind and Solar Generation in Mid April (2021-2023) and Comparison of Historical CAISO Demands in Mid April (2021-2023), respectively]	This PowerPoint presentation was submitted to accompany oral comments presented during the public hearing held in November and December 2023. Refer to Comment Letter 561 for responses to oral comments related to this PowerPoint.
111	25	Decreased Summer Generation - Reduced storage reduces hydropower's ability to support grid during high-demand periods. - Summer loads can exceed system generation capacity during summer heat storms. - Decrease in generation would likely be filled by additional use of GHG-emitting generation. - Loss of hydropower generation flexibility during high demands could result in outages.	This PowerPoint presentation was submitted to accompany oral comments presented during the public hearing held in November and December 2023. Refer to Comment Letter 561 for responses to oral comments related to this PowerPoint.
111	26	[Exhibit 13: Table titled Total Simulated Generation in September (GWh) and two graphs titled Comparison of Historical Hydropower and Wind and Solar Generation During September 6-7, 2022 Heat Storm and Comparison of Historical CAISO Demands During September 6-7, 2022 Heat Storm]	This PowerPoint presentation was submitted to accompany oral comments presented during the public hearing held in November and December 2023. Refer to Comment Letter 561 for responses to oral comments related to this PowerPoint.
111	27	Implementation - VA Alternative is well defined - Water: crop idling, reservoir release, reduced diversions. - Strategic habitat to address specific needs. - Implementation can be immediate.	This PowerPoint presentation was submitted to accompany oral comments presented during the public hearing held in November and December 2023. Refer to Comment Letter 561 for responses to oral comments related to this PowerPoint.

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		-Flow Alternatives are conceptual - Range of flow from 45 to 65% of unimpaired flow. -20% range is approximately 5 million acre-feet -Narrative cold-water objective. - Actions for habitat are neither specific nor strategic. -Implementation is deferred/unclear. - Discretionary decision making by Board staff.	
111	28	Reflections on Flow-Only Approach Since 2008, requirements in Biological Opinions for CVP/SWP increased average annual Delta Outflow by 1,000,000 acre-feet. - Flow only has not worked. - Vas offer flow and habitat to strategically address specific needs.	This PowerPoint presentation was submitted to accompany oral comments presented during the public hearing held in November and December 2023. Refer to Comment Letter 561 for responses to oral comments related to this PowerPoint."
111	29	[Exhibit 14: PowerPoint graphic titled Reflections on Flow-Only Approach and two graphs titled Average Annual Change and Average Monthly Change, respectively]	This exhibit was included in the comment letter. The exhibit does not raise a specific environmental impact or economic effect of the project. Refer to Common Response 1.1, General Comments, for the approach to addressing exhibits.
111	30	[Exhibit 15: Table titled Expected Change Compared to Draft Staff Report Baseline]	This PowerPoint presentation was submitted to accompany oral comments presented during the public hearing held in November and December 2023. Refer to Comment Letter 561 for responses to oral comments related to this PowerPoint.
111	31	[Attachment 2: PDF version of Attachment 1: (PowerPoint titled Agreements to Support Healthy Rivers and Landscapes)]	This PowerPoint presentation was submitted to accompany oral comments presented during the public hearing held in November and December 2023. Refer to Comment Letter 561 for responses to oral comments related to this PowerPoint.
112	1	SWRCB Public Hearing - Draft Staff Report in Support of Potential Sacramento/Delta Updates to the Bay-Delta Plan December 1, 2023	This PowerPoint presentation was submitted to accompany oral comments presented during the public hearing held in November and December 2023. Refer to Comment Letter 537 for responses to oral comments related to this PowerPoint.

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		Willie Whittlesey, General Manager Terri Daly, Assistant General Manager Agencies Missions [Exhibit 1] Reducing Flood Risk [Exhibit 2] Ensuring a Sustainable Water Supply [Exhibit 3] Local Impact [Exhibit 4] Partnerships & Collaboration [Exhibit 5] Statewide Impacts - Grid Reliability [Exhibit 6] '[T]here are some extreme circumstances that can cause California's electric grid to become unreliable due to inadequate electric supply, leading to the need for rotating power outages. If these rotating outages occur again, changes in hydrology could cause an incremental exacerbation of the outages.' Draft Staff Report, "California Power Flow Grid Reliability," p. 7.8-29 Statewide Impacts - Water Supply Availability [Exhibit 7] "Water users can and should diversify their water supply portfolio to the extent possible, in an environmentally responsible manner and in accordance with the law. This includes sustainable conjunctive use of groundwater and surface water, water transfers, water conservation and efficiency upgrades, and increased use of recycled water." Draft Staff Report, "Mitigation Measures," p. 7.20-50 55% Unimpaired Flow Would... [Exhibits 8 through 11] Greatly reduce Yuba Water's power generation and ability to support grid reliability	

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		Eliminate a critical statewide water supply - Yuba Accord transfers Reduce Yuba Water's ability to advance and operate flood risk reduction actions of regional significance, including FIRO. Limit Yuba Water's ability to engage in collaborative efforts to address complex resource challenges across the Yuba River watershed. Disproportionate Impact - Yuba River Watershed [Exhibits 12 and 13] Yuba Water's VA Proposal Protects the Significant Statewide Benefits of Yuba Water's Operations - Flood Control -- Protects Yuba Water's ability to enhance flood risk reduction infrastructure -- Does not affect flood operations at New Bullards Bar Reservoir - Water Supply -- Preserves significant proportion of total market transfers supplied from the Sacramento Valley to South of Delta - Hydropower Generation & Grid Reliability -- Maintains Yuba Water's capacity during heat emergencies and supports Northern California grid reliability - Environmental Contributions -- One of the only CV streams providing coldwater habitat year-round for the ESA-listed spring-run Chinook salmon, steelhead, & green sturgeon -- Provides ecological flows for habitat benefits through implementation of the Yuba Accord flow schedules	

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		Yuba Water VA Implementation Already Underway Based on the State's support for Early Implementation actions and a new spirit of collaboration, Yuba Water began moving forward in 2019 - Initiated VA early implementation habitat actions - Ready to implement flow actions Advanced three habitat projects including the 157-acre Hallwood Project which provides side-channel and floodplain rearing habitat Recommendations & Next Steps - Engage and collaborate to identify and advance innovative approaches to achieve the narrative objectives and protect all beneficial uses. - Ensure that the final Staff Report and program of implementation fairly allocate responsibility for proportionate contributions to provide a secure foundation for this and future updates of the Bay-Delta WQCP and program of implementation. - Advance Yuba Water's VA proposal as it carefully balances multiple beneficial uses and minimizes negative statewide impacts.	
112	2	[Exhibit 1: PowerPoint slide of five photos titled Agency Missions]	This PowerPoint presentation was submitted to accompany oral comments presented during the public hearing held in November and December 2023. Refer to Comment Letter 537 for responses to oral comments related to this PowerPoint.
112	3	[Exhibit 2: PowerPoint slide of four photos titled Reducing Flood Risk]	This PowerPoint presentation was submitted to accompany oral comments presented during the public hearing held in November and December 2023. Refer to Comment Letter 537 for responses to oral comments related to this PowerPoint.
112	4	[Exhibit 3: PowerPoint slide of four photos titled Ensuring a Sustainable Water Supply]	This PowerPoint presentation was submitted to accompany oral comments presented during the public hearing held in

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			November and December 2023. Refer to Comment Letter 537 for responses to oral comments related to this PowerPoint.
112	5	[Exhibit 4: PowerPoint slide of four photos titled Local Impact]	This PowerPoint presentation was submitted to accompany oral comments presented during the public hearing held in November and December 2023. Refer to Comment Letter 537 for responses to oral comments related to this PowerPoint.
112	6	[Exhibit 5: PowerPoint slide of four photos titled Partnerships & Collaboration]	This PowerPoint presentation was submitted to accompany oral comments presented during the public hearing held in November and December 2023. Refer to Comment Letter 537 for responses to oral comments related to this PowerPoint.
112	7	[Exhibit 6: Graphic modified by commenter of Figure 7.8-14, Estimated Average Change in Hydropower Generation for the 55 Scenario at Individual Hydropower Facilities, from the 2023 Draft Staff Report and a text excerpt from p. 7.8-29 of the 2023 Draft Staff Report]	This PowerPoint presentation was submitted to accompany oral comments presented during the public hearing held in November and December 2023. Refer to Comment Letter 537 for responses to oral comments related to this PowerPoint.
112	8	[Exhibit 7: Graphic modified by commenter of Table 6.6-1, Summary of Market-Based Water Transfers, by Region (Annual Average – thousand acre-feet per year), from the 2023 Draft Staff Report and a text excerpt from p. 7.20-50 of the 2023 Draft Staff Report]	This PowerPoint presentation was submitted to accompany oral comments presented during the public hearing held in November and December 2023. Refer to Comment Letter 537 for responses to oral comments related to this PowerPoint.
112	9	[Exhibit 8: Figure 7.8-14, Estimated Average Change in Hydropower Generation for the 55 Scenario at Individual Hydropower Facilities, from the 2023 Draft Staff Report]	This PowerPoint presentation was submitted to accompany oral comments presented during the public hearing held in November and December 2023. Refer to Comment Letter 537 for responses to oral comments related to this PowerPoint.
112	10	[Exhibit 9: Graph titled Yuba Accord Annual Water Transfer Volumes]	This PowerPoint presentation was submitted to accompany oral comments presented during the public hearing held in November and December 2023. Refer to Comment Letter 537 for responses to oral comments related to this PowerPoint.
112	11	[Exhibit 10: Photo of a spillway]	This PowerPoint presentation was submitted to accompany oral comments presented during the public hearing held in November and December 2023. Refer to Comment Letter 537 for responses to oral comments related to this PowerPoint.
112	12	[Exhibit 11: Photos described as watershed collaborative efforts]	This PowerPoint presentation was submitted to accompany oral comments presented during the public hearing held in November and December 2023. Refer to Comment Letter 537 for responses to oral comments related to this PowerPoint.
112	13	[Exhibit 12: Graphic modified by commenter of Figure 7.8-14, Estimated Average Change in Hydropower Generation for the 55	This PowerPoint presentation was submitted to accompany oral comments presented during the public hearing held in

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		Scenario at Individual Hydropower Facilities, from the 2023 Draft Staff Report]	November and December 2023. Refer to Comment Letter 537 for responses to oral comments related to this PowerPoint.
112	14	[Exhibit 13: Graphic titled Yuba River Diversions]	This PowerPoint presentation was submitted to accompany oral comments presented during the public hearing held in November and December 2023. Refer to Comment Letter 537 for responses to oral comments related to this PowerPoint.
112	15	[Exhibit 14: Photos described as a habitat project]	This PowerPoint presentation was submitted to accompany oral comments presented during the public hearing held in November and December 2023. Refer to Comment Letter 537 for responses to oral comments related to this PowerPoint.
112	16	[Exhibit 15: Graph titled Yuba River Outflow (cfs) January 28, 2019 VA Operations Planning – CNRFC 50% Forecast]	This PowerPoint presentation was submitted to accompany oral comments presented during the public hearing held in November and December 2023. Refer to Comment Letter 537 for responses to oral comments related to this PowerPoint.
112	17	[Exhibit 16: Photo titled Yuba Water VA Implementation Hallwood Side Channel and Floodplain Restoration Project]	This PowerPoint presentation was submitted to accompany oral comments presented during the public hearing held in November and December 2023. Refer to Comment Letter 537 for responses to oral comments related to this PowerPoint.
113	1	Sacramento/Delta Draft Staff Report: Salmon Recovery Requires Functional Flows Bronwen Stanford, Ph.D. Lead River Scientist The Nature Conservancy, California Water Program. Central Valley Chinook Salmon are in Decline: Despite decades of habitat restoration work, salmon have not met doubling goals Natural production increases with more seasonal flow of cold water. Functional Flows Approach: "Functional flow" = hydrograph component that provides a distinct geomorphic, ecologic, or biogeochemical function as part of a comprehensive flow regime • Method for protecting key functions when full natural flow is not possible • Reflects natural patterns in space and time, including specific flow magnitudes Salmon Respond Strongly to Flow	This PowerPoint presentation was submitted to accompany oral comments presented during the public hearing held in November and December 2023. Refer to Comment Letter 542 for responses to oral comments related to this PowerPoint.

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		Flow is the only action that improves habitat across the entire basin • Flow predicts smolt-to-adult ratio better than ocean conditions (Michel 2019) • Lower flows delay juvenile migration timing and survival (Sturrock et al. 2020; Hassrick et al. 2022) • Increased flow benefits all migrant size classes (Sturrock et al. 2019) Restored Habitat Requires Flow to Function: Existing rearing habitat (particularly in the Delta) is not well occupied at current flows or spawner abundances • Higher and more variable flows increase fry habitat use (Munsch et al. 2020) • River flow most important modeled predictor of salmon survival, off-channel habitat not important (Henderson et al. 2019) Higher % UIF Meets Critical Flow Thresholds More Consistently: Outmigrating juveniles benefit from spring flows of 10,700 cfs (Michel et al. 2021). By comparison, median April and May flows are • 5,000-7,000 cfs in baseline (+700 cfs in Vas) • 7,500-8,800 cfs at 55% UIF • 10,000-11,700 cfs at 75% UIF Flow Improvements are Needed for Salmon • Current flow conditions are not supporting native fishes • VA flow conditions are similar to baseline	

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		• The proposed Project (55% UIF) is improvement from baseline but does not consistently meet critical flow thresholds • Salmon need higher flows and functional flows to benefit from habitat restoration Hassrick et al. 2020. N. Am. J. Fish. Manag. 42(2) Michel 2019. Can. J. Fish. & Aquat. Sci. 76(8) Sturrock et al. 2020. Glob. Change Biol. 26(3) Henderson et al. 2018. Can. J. Fish. & Aquat. Sci. 76. Munsch et al. 2020. Can. J. Fish. & Aquat. Sci. 77(9) Michel et al. 2021. Ecosphere 12(5)	
113	2	[Exhibit 1: Graph titled Figure 3. Estimated yearly adult natural production, and in-river adult escapement, of spring-run Chinook salmon in Central Valley rivers and streams, 1952-2015]	This PowerPoint presentation was submitted to accompany oral comments presented during the public hearing held in November and December 2023. Refer to Comment Letter 542 for responses to oral comments related to this PowerPoint.
113	3	[Exhibit 2: Photo titled Flow Creates Habitat]	This PowerPoint presentation was submitted to accompany oral comments presented during the public hearing held in November and December 2023. Refer to Comment Letter 542 for responses to oral comments related to this PowerPoint.
113	4	[Exhibit 3: PowerPoint graph titled Functional Flows Approach]	This PowerPoint presentation was submitted to accompany oral comments presented during the public hearing held in November and December 2023. Refer to Comment Letter 542 for responses to oral comments related to this PowerPoint.
113	5	[Exhibit 4: PowerPoint graphs titled Salmon Respond Strongly to Flow]	This PowerPoint presentation was submitted to accompany oral comments presented during the public hearing held in November and December 2023. Refer to Comment Letter 542 for responses to oral comments related to this PowerPoint.
113	6	[Exhibit 5: PowerPoint graphs titled Restored Habitat Requires Flow to Function]	This PowerPoint presentation was submitted to accompany oral comments presented during the public hearing held in November and December 2023. Refer to Comment Letter 542 for responses to oral comments related to this PowerPoint.

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113	7	[Exhibit 6: Graphic modified by commenter of Figure A1-33, Sacramento River Streamflow below Wilkins Slough Monthly Boxplot, from the 2023 Draft Staff Report]	This PowerPoint presentation was submitted to accompany oral comments presented during the public hearing held in November and December 2023. Refer to Comment Letter 542 for responses to oral comments related to this PowerPoint.
113	8	[Exhibit 7: Figure 9.5-4, Monthly Streamflow for the Sacramento River at Freeport under Baseline and Proposed VAs, from the 2023 Draft Staff Report]	This PowerPoint presentation was submitted to accompany oral comments presented during the public hearing held in November and December 2023. Refer to Comment Letter 542 for responses to oral comments related to this PowerPoint.
117	1	I personally enjoy visiting the environmentally rich 88,000 acres of protected Suisun Marshes near my home in Vacaville, California. The bird habitats and fish populations are endangered by the marginalized low water quality in the Delta and it is getting worse.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
117	2	The Sacramento/Delta Draft Staff Report and the DRAFT REVISED SUBSTITUTE ENVIRONMENTAL DOCUMENT IN SUPPORT OF POTENTIAL CHANGES TO THE WATER QUALITY CONTROL PLAN FOR THE BAY-DELTA: SAN JOAQUIN RIVER FLOWS AND SOUTHERN DELTA WATER QUALITY (SED) are important to me because I believe the historic method of the distribution of this state's precious water resources are in dire need of redesign to adequately serve environmental, domestic, industrial and agricultural requirements. Presently the system for the agricultural distribution of water is flawed by over allocating water resources and serving users that do not practice efficiency in their water uses. The waters of the Bay-Delta region have been severely degraded by poor allocation management. Toxic algae blooms growing in size in the Delta are an obvious indication that the Voluntary Agreements (VA) are failing. I applaud the Board taking steps to reverse the demise of the salmon spawning grounds and repair the damages of the Bay-Delta by over diverting.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project. Section 7.12.1.3, Impact Analysis, of the Staff Report includes a discussion of possible mitigation options for harmful algal blooms (HABs) in the Delta. See also Common Response 4.1, Harmful Algal Blooms, for a discussion of HABs in the Bay-Delta. See also Common Response 1.3, Revised Proposed Plan Amendments, regarding the VA process and the relationship between the State Water Board's regulatory pathway and the VA pathway.
117	3	Solution: Redefine "Water Right" priorities. Your science shows that more water must be allocated for the health of the Bay-Delta region to restore salmon-based ecosystem. Senior water rights based on the chronological history of water development makes for an inequitable distribution. If agriculture counts for 85% of the water divisions and industrial users at 12% and domestic 3%, then it makes sense that the agricultural users have the greatest potential to have the greatest impact if they practice	Please see the response to comment 117-2. Also see Common Response 1.2, Water Quality Control Planning Process, for more discussion of Article X Section 2 of the California Constitution and its prohibition on waste and unreasonable use, as well as a discussion of the State Water Board's consideration of beneficial uses during the water quality control planning process and an overview of the public trust

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		better water use efficiency. The Water Right's Policy of "Use it or lose it," policies and highly subsidized water allocations promotes wasting water and growing water intensive agriculture products. Large corporate farmers along the west side of the San Joaquin Valley have successfully acquired highly favorable water rates and guarantees that do not encourage more expensive efficient irrigating practices and low water consumptive crops. The Board needs to award users of all kinds who are more efficient with their water allocation. I don't understand the difference between Federal and State water projects and their water allocations. I oppose our State's water resource ultimately subsidizing and profiting large corporate agricultural international exports. I support having our resources feed the world, but not by selling water that is largely subsidized with tax dollars and with the loss of fish and wildlife habitat, recreation, tourism and the fishing industry.	doctrine as it relates to the water quality control planning process. Also see Common Response 6.3, Water Supply and Other Water Management Actions, for a discussion of water supply and other water management actions.
117	4	The VA's would not even meet the modest objectives of the proposed Bay Delta Plan, so consideration of them should be terminated immediately. The concept that less water can produce more fish is scientifically flawed! It is impossible to redistribute the water resources to make all parties happy. You will undoubtedly have to be brave and be fair to the environment! Rivers are the "Life Blood" of our very existence. From their source to the sea, to evaporate and return in a pure state to the mountaintops to repeat over and over again is science and truly a life-giving miracle! The Alfa and the Omega!	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
118	1	The Executive Summary describes potential impacts on special status terrestrial species, stating "Increased inundation in flood bypasses during the planting season could affect crop acreage, which could affect special-status wildlife species that use croplands as habitat. The mitigation measure is to "minimize impacts on Sutter and Yolo Bypass Agricultural Lands" but does not state how. The description of impacts does not describe the potential impact on the implementation of the Yolo Habitat Conservation/Natural Community Conservation Plan, which relies on conservation of land in the Yolo Bypass to protect giant garter snake habitat. As described above, it also does not	Please see Common Response 7.1, General CEQA and Approach to the Analysis, regarding the approach and scope of the analysis presented in the 2023 draft Staff Report as well as a discussion of mitigation measures. The 2023 draft Staff Report acknowledges that increased inundation could occur in April through June after the planting season begins which could lead some farmers to convert land to non-agricultural uses which could result in a reduction of agricultural habitat for special-status wildlife species. Section 7.6.1, Terrestrial Biological Resources, identifies potentially

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		describe the magnitude of the proposed impacts, such as how late into the planting seasons the proposed actions may increase inundation. If the project proponent wishes to receive coverage under the Yolo HCP/NCCP, the project must receive authorization to utilize the Yolo HCP/NCCP take permits consistent with the Special Participating Entity protocol. Yolo Habitat Conservancy staff recommend initiating conversations related to utilizing the Yolo HCP/NCCP process as soon as possible to avoid any potential delays.	significant impacts on sensitive species including giant gartersnake. The 2023 draft Staff Report, in Section 7.6.1.3, Regulatory Setting, acknowledges and describes the numerous approved regional Habitat Conservation Plans and Natural Community Conservation Plans within the study area (Table 7.6.1-4), including the Yolo Habitat Conservation Plan/Natural Community Conservation Plan (Yolo HCP/NCCP). As described in Section 7.6.1.5, Mitigation Measures, Mitigation Measure TERR-a:1 Minimize Impacts on Sutter and Yolo Bypass Agricultural Lands incorporates Mitigation Measure MM-AG-a,e: 4 and Mitigation Measure MM-AG-a,e: 8 from Section 7.4, Agriculture and Forest Resources which will reduce or avoid disruptions of agricultural operations and associated potential land use conversions from increased inundation in the Sutter and Yolo Bypasses (See Section 7.4.4, Mitigation Measures, for more detail). The Yolo HCP/NCCP applies to "infrastructure (e.g., roads, bridges, and levees) and development activities (e.g., agricultural facilities, housing, and commercial buildings), identified for construction over the next 50 years in Yolo County (Yolo Habitat Conservancy n.d.) and as such does not apply to the proposed Plan amendments as it is a restoration project. However, entities implementing infrastructure projects in Yolo County in response to the proposed Plan amendments may get coverage as a "Special Participating Agency" pursuant to the Implementing Agreement for the Yolo HCP/NCCP (ICF 2018). The State Water Board agrees that consultation and coordination with the Yolo Habitat Conservancy should occur. Mitigation includes continuation and expansion of collaborative efforts between federal, state, and local agencies, including the Yolo Habitat Conservancy.
119	1	Greetings, My name is Rebecca Goulet and I grew up along the Delta in Antioch, CA for 20 years. It is a special place to me and to thousands and thousands of people who have spent time fishing, boating, kayaking, or even just looking out into the horizon admiring its beauty.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		So much of the Delta's beauty is unseen, intricately woven into an essential ecosystem that operates without many thinking about it. However, we have seen the negative effects when the Delta thirsts for water... Algae blooms, toxic water, fish populations declining. The ecosystem is in CRISIS. Please, listen to scientists not lobbyists. Soon, the ecosystem that operates mostly unseen....will have no choice but to make itself known. Catastrophe lies ahead if we continue to manipulate nature in such a selfish, short-sighted manner. The Delta is meant to have MORE water, fresh flow, and immense biodiversity. Let's save and restore what we have left, not destroy it. Thank you,	
125	1	I am a San Francisco native....I have been going to the delta all my life, which is why I care enough to send a comment....I have been following the plan, and have commented previously....My goal is to empower the State Water Board to make decisions based on science, not political expediency...This is a vote that will impact everyone, including disadvantaged communities, tribes, the fishing community, our children and all future generations that already have so much to worry about...Let's give our youth hope for the future – an outcome we can all be proud of! I expect the Board to represent ALL of the State's interests, protect ALL beneficial uses, and follow through on their legal mandate to restore the Bay-Delta ecosystem... ..Below is a list of bullet points the Board should consider...	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
125	2	The Bay-Delta Is an Ecosystem in Crisis! • Everyone acknowledges this, yet water agencies and the Newsom Administration want people to believe they have solutions that will “produce more fish with less water.” Their Voluntary Agreements (VAs) are nothing new, and are destined to fail. • The State Water Board is charged with restoring the Bay-Delta ecosystem, so decisions should be made based on legitimate science, not wishful thinking.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		• Salmon populations are in such bad shape that the commercial fishing season had to be closed this year, and will likely be canceled again next year. • Toxic algae blooms in the Delta that can make people sick and kill pets and wildlife have continued to get worse. They are caused by slow moving, warm, nutrient-rich water. The Delta needs more freshwater inflow. • 6 species of fish are listed as endangered or threatened. The Bay Delta Plan needs to protect all of them. • Some general facts about the Bay-Delta can be found here.	
125	3	Fish Need Water • The State Water Board's 2010 Flow Criteria Report found that 75% of unimpaired flow on the Sacramento River and its tributaries, and 75% of unimpaired Delta outflow (water reaching the Bay) would be needed to protect the Bay-Delta ecosystem. • In an average year, only 50% of the natural flow of our Central Valley rivers reaches the Bay. During droughts it can drop to 1/3. This has put the Bay-Delta in a perpetual state of drought. • Non-flow measures, such as habitat restoration and invasive predator management, are important, but cannot substitute for higher flows. We need both. Non-flow measures have little impact on critical issues such as water temperature, floodplain inundation (creating habitat for baby fish), harmful algae blooms in the Delta, and water quality. • The VAs would produce very little new water, and wouldn't even produce much new habitat, which is what they falsely claim is all that's needed.	Please see Common Response 1.1, General Comments, for information on the Delta Flow Criteria Report and for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
125	4	The Voluntary Agreements (VAs) Are Destined to Fail • Programs, such as CalFed, that focused almost exclusively on non-flow measures have all failed. The VAs would produce more	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project. See also Common

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		of the same results. Here's a good article on why previous efforts to restore the Bay-Delta have failed. • VAs were touted as expediting ecological improvements, but have achieved the opposite. They have only served as a delay tactic for intransigent water agencies. • The VAs are a give-away of Public Trust water and public funding to water agencies that are legally obligated to keep fish populations in good condition, but have failed to do so. • The VAs would only last eight years – less time than what it's taken to consider them. • The VAs are so flawed that the few NGOs that were involved early on in the process dropped out. Not a single conservation, fishing, tribal or environmental justice group supports the VAs. • The VAs do not include an adequate adaptive management plan (back-up plan if they fail). The Bay Delta Plan, on the other hand, could increase or decrease flow requirements based on whether biological goals are being met. The VAs are just a checklist. • The VAs would not even meet the modest objectives of the proposed Bay Delta Plan, so consideration of them should be terminated immediately. • Governor Newsom is the problem, pressuring the State Water Board to embrace the pathetic VAs.	Response 1.3, Revised Proposed Plan Amendments, for information on the VA pathway.
125	5	Beneficial Uses and Public Trust Resources • The Plan acknowledges the need for Tribal Beneficial Uses (TBU), but does not include a plan to protect them. California's water rights are inherently racist – See this article.	Please see Common Response 11.1, Tribal Engagement and Tribal Beneficial Uses, for responses to comments related to Tribal Beneficial Uses.
125	6	• The Plan fails to protect beneficial uses related to fisheries, including commercial, subsistence, tribal and recreational fishing (perhaps one of these beneficial uses relates to you).	Please see Common Response 1.2, Water Quality Control Planning Process, for information on the consideration of beneficial uses. Also see Common Response 11.1, Tribal Engagement and Tribal Beneficial Uses, regarding tribal beneficial uses.

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125	7	The plan fails to protect water quality for other forms of recreation, such as swimming and boating.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project. Please also see Common Response 1.2, Water Quality Control Planning Process, for information on the consideration of beneficial uses.
125	8	The plan is prejudicial toward agricultural interests at the expense of other beneficial uses. Agriculture uses 80% of CA's developed water, but only contributes 2% of California's GDP.	Please see Common Response 1.2, Water Quality Control Planning Process, regarding the consideration of beneficial uses.
125	9	Agricultural exports privatize water – a Public Trust resource that is supposed to belong to the people of California – making a small group rich at the expense of our ecosystems and low income communities.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
125	10	Agriculture wastes a lot of water and depletes groundwater because irrigation water is often too cheap to incentive innovation. We need to change the playing field to reward efficiency.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project. Additionally, see Common Response 7.12.2, Groundwater and Sustainable Groundwater Management Act, regarding groundwater impact and consideration of the Sustainable Groundwater Management Act.
126	1	Stop this plan to divert water! Water is the MOST underrated and finite resource that we need to live. This is not existential. IT IS REAL! I am a resident of San Francisco, and am very concerned about the death of our planet. This project for the Delta diversion is a very bad idea. The current plans for the Bay Delta Water Quality Control Plan are really off base and a serious threat to our world. Not only is it an abuse of a natural ecosystem, it opens up terrible and unjustified access to water for people who financial interests and who don't seem to care about this precious resource. Nor do they	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		care about the numerous lives that depend on this water. Farmers and others have already destroyed huge reserves of groundwater, and now they want to eliminate habitat for life systems in the Sacramento Basin! Voluntary agreements are a dream! They have proven that they do not work. Let's get real! Not only will this plan destroy the environment while building this diversion, it also supports excessive use of a finite resource at many levels. Water flow is essential to the Delta and is already too low for sustainability. Stop this breach of public trust that was your duty to protect!	
128	1	Please, please, stop sacrificing our bay delta. Sending too much water to the central valley for agriculture is wasteful. Growing water-hungry alfalfa for cattle food and almonds to export is garnering too much of our precious water. The delta cannot sustain salmon and other fisheries when too much water is diverted. Farmers should be charged for the water and hundred-year-old water rights tossed. We need a strong water plan that is fair to all. We need pure rivers and healthy fish with no algae blooms and contaminator from low water levels. Please keep our water clean.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
129	1	I live in the Bay Area and am deeply concerned about the Bay-Delta Ecosystem and how it is managed. The ecosystem is in very poor shape with one example being that the commercial salmon fishing season had to be closed this year, and will likely be closed again in the coming year. Managing the ecosystem must be based on science. Voluntary water agreements are simply not sufficient to protect the system. We are seeing toxic algae blooms in the Delta, and at least six species of fish are now listed as endangered or threatened. Your own Board's 2010 Flow Criteria Report found that 75% of the unimpaired flow on the Sacramento River and its tributaries, and 75% of unimpaired Delta outflow are needed to protect the	Please see Common Response 1.1, General Comments, for information on the Delta Flow Criteria Report and for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		Bay-Delta ecosystem. In contrast, only 50% of the natural flows of our Central Valley rivers reach the Bay these days. Drought years lower these flows even more.	
129	2	Voluntary Agreements are failing. The evidence shows this clearly. The Board must institute specific measures to protect the ecosystem. Not a single conservation, fishing, tribal or environmental justice group supports voluntary agreements. Voluntary agreements fail to protect beneficial uses related to fisheries, including commercial, subsistence, tribal and recreational fishing. They also fail to protect water quality and are prejudiced toward agricultural interests at the expense of other beneficial uses. Agriculture wastes a lot of water and depletes groundwater because irrigation water is often too cheap to incentivize innovation. The Board must change water usage regulations for the Bay-Delta Ecosystem to preserve the health of the environment now and into the future. If the agriculture business segment is required to monitor water usage, and pay sufficient commercial rates based on their usage (tiered possibly, as is done with our homeowner water rates), they will be more incentivized to conserve and find new ways to manage crop use or revise the crops they choose to grow. I ask the Board to get serious about protecting the Bay-Delta Ecosystem and how water is managed to safeguard water for the future. Voluntary agreements are insufficient as history shows. Solutions must be science-based.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
130	1	SUMMARY I am opposed to the Draft Sacramento Delta Plan—particularly its dependence on “Voluntary Agreements” and non-flow measures. Flow measures are the only way to maintain the health of the Delta and Bay. Habitat improvement projects are charming but measurable quantifiable data is key to managing the complex Bay-Delta water system	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
130	2	Currently, I am enjoying visits to SF Bay’s Don Edwards wildlife refuge and celebrating the few salmon that has trekked through the Bay to return to spawn near my current home close to the Guadalupe River. These experiences depend on a high-quality fresh water flow through the SF Bay.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		Closer to my house, trees are dying from the salt water intrusion created by multiple generations of water diversions; a recent drought exacerbated the problem. Sadly, our local arborists expect all of San Jose's shallow water table will become salt water contaminated in the life time of a new tree—all because of inadequate flow from the Sierras passing through the Bay.	
130	3	The Delta That Was Is Not Now. Year ago, I joined my grandparents and great uncles on boats berthed in the Delta. Many weekends my "kissing cousins" and I fished, water skied, swam, or lounged in the arms of singing crickets. My generation has stopped going to the Delta. The algae blooms make the dogs sick and the kids itchy--eliminating swimming and water skiing. Many of the fish have disappeared. Boating isn't fun anymore either—some of the sloughs are now too shallow. The Delta is no longer healthy—it stinks of putrid and rot. In some areas, even the crickets have abandoned the Delta.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
130	4	Voluntary Agreements are Doomed—too many disincentives Your staff's draft plan depends on Voluntary Agreements that will be unsuccessful. Local water agencies have no incentive to conform to "Voluntary Agreements." Their board members live in the little towns they serve. Everyone knows their name. While members of the state water board live in relative anonymity when you make a difficult decision, local water board members and their families are accosted in the local grocery stores when they raise rates or make other changes. Do you think these board members will voluntarily change supplies to their neighbors? It is easier to make excuses to the water board.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
130	5	Mandates Work People change their behavior when mandated. Rice farmers in my extended family didn't start reducing their water use until they were mandated. My winery employer continued sprinkle irrigation until the well went dry and the cost of purchased potable water confronted them. Multiple studies show how much water is wasted throughout the agricultural districts of the Central Valley where pricing structures encourage waste over conservation. When the State Water Resources Control mandates	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		change, local agencies comply. Stand up for the Delta! Issue mandates!	
130	6	Measurable Objective Standards Work Flow measures are measurable and objective. They are made using the same technique in every location. Increased flow brings about predictable results depending on the geometry of location: scouring, flooding, sedimentation, mixing. Flow rates have high correlations to fish numbers and bird breeding. Flow rates can predict algal blooms. Why wouldn't you want to use them? Cynics might say that avoiding flow rate measures allow for less accountability among all involved. In contrast, habitat restoration projects have unpredictable results. Yes, the local habitats are improved, but what about the greater impact? There are confounding results. Sometimes a small habitat project can have big impacts. Sometimes a large habitat project can have no impact. A few habitat projects have had detrimental impacts depending on what measure you use. What's a "good" project? Is it a big project? Is it a project that increases fish breeding areas? Or is it a project that improves bird nesting areas? The problem with using habitat restoration projects as a measure is that multiple measures of outcome based on multiple subjective measures of habitat make for complexity that cannot be detangled due to confounding of results. I believe in habitat restoration, but I do not believe habitat restoration is a suitable measurable objective standard.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
130	7	Overall Please reject staff's Sacramento Delta Plan. Reject Voluntary Agreements and use flow controls as primary measures of compliance.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
130	8	Implement policies and incentives that implement best agricultural practices that reduce water waste. Implement grant programs to incentivize habitat restoration separately.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
131	1	The Bay-Delta ecosystem is in crisis. Toxic algae blooms in the Delta make people sick and kill pets and wildlife, and continue to	Please see Common Response 1.1, General Comments, for information on the Delta Flow Criteria Report and for responses

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		worsen. They are caused by slow moving, nutrient-rich warm water. The Delta needs more cold fresh-water inflow to treat this toxic problem. Six species of fish are either endangered or threatened. The Bay Delta Plan needs to protect all of them. Salmon populations are so low that the commercial fishing season had to be closed in 2023 and will likely be closed again in 2024. We all know that fish need water. The aforementioned facts are evidence that present environmental conditions no longer sustain healthy fish populations. The State Water Board's 2010 Flow Criteria Report found that 75% of flow on the Sacramento River and its tributaries, and 75% of unimpaired Delta outflow (water reaching the Bay) would be needed to protect the Bay-Delta ecosystem. In an average year only 50% of the natural flow of our Central Valley rivers reaches the Bay. During drought years it can drop to 1/3. This effectively places the Bay-Delta in a perpetual state of drought. Attempts to increase fish populations via non-flow measures such as habitat restoration and invasive predator management are certainly important, but they are not a substitute for higher flows. Also, they have little impact on critical issues such as water temperature, floodplain inundation (which creates habitat for baby fish), harmful algae blooms in the Delta, and water quality (lower salinity).	to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
131	2	Voluntary Agreements (VAs) are ineffective, flawed, have failed outright and are not based on biological goals. They would produce very little new water, and would not produce much new habitat, although they falsely claim new habitat is all that is needed. What is needed is for you, the California State Water Board, to whole-heartedly take-up what you have been charged to do: restore the Bay-Delta ecosystem. Do so based on available and legitimate science, not wishful thinking or political expediency. I urge you to consider this movement a legacy vote - your legacy vote - that will impact everyone, including disadvantaged communities, native tribes, the fishing community, our children and all future generations that already have so much they worry	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		about. Give our youth hope for the future -- an outcome everyone can be proud of. I expect the Board to represent all of the State's interests, protect all beneficial uses, and follow through on your legal mandate to restore the Bay-Delta ecosystem. YOU are in the position to change this ecosystem, and, again, legally mandated to do so. Proudly step forward.	
132	1	As a long-time Bay Area resident with children and a grandchild in the area, I urge you to make decisions on the future of the Sacramento River, tributaries, and delta that increase flows to levels that are healthy for both wildlife and people. The State Water Board's 2010 Flow Criteria Report indicated that 75% of unimpaired Sacramento River and Delta outflow reaching the bay is required to protect the ecosystem, but that on average, only half of the natural flow from Central Valley rivers reaches the Bay. During drought, the flow can fall to 1/3. Voluntary agreements have failed to deliver the needed flows. Habitat restoration and other non-flow measures are helpful, but they don't address ecosystem concerns that require a flow solution, including water temperature, habitat for young fish, and algae blooms. Your decisions now will have a major impact on future generations. Please make effective flow increases a top priority in the current Bay Delta Water Quality Control Plan.	Please see Common Response 1.1, General Comments, for information on the Delta Flow Criteria Report and for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
133	1	The river and the Bay-Delta are important to me, to us all, to continued reclamation of health of Earth.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
134	1	I am hoping you will give a high priority in your decision making to the needs of nature. While it can seem important to prioritize our agricultural businesses, that is short sighted since they are built on top of a foundation created by nature and neglecting the needs of nature serves only to undermine that foundation and risk toppling our ecosystem. We have already seen the population of the delta smelt decimated. This should be evidence enough that the Bay-Delta ecosystem has been severely compromised. We need sufficient	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		water flows in ALL of our rivers and streams to allow fish to reach their breeding grounds and for their habitat to be healthy (fish need bugs and vegetation, too). We have already seen that the voluntary and pledged reductions don't work. We need to guarantee and prioritize the flows for nature and make the allocation to agriculture be the variable at the whim of nature. These guarantees must be long term/permanent protections. A proper plan will also include allocation for tribal uses - after all, these pre-date all of the agricultural uses. Thank you for your attention and consideration to the needs of our environment.	
135	1	I am a 3rd generation Californian. I want our water plan to be scientifically implanted. Agriculture is important but it is only a part of the needs of Californians. We need safe, clean drinking water and the fish need habitat. Fish need rivers to raise their young Distribution needs to be fair and agriculture cannot take it all. A real conservation plan is needed. People's lives depend upon it. Please do a fair and reasonable plan for a more and more scarce element.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
139	1	Please implement 75% unimpeded unimpaired flows in our Rivers stop all the diversions to the Southern California corporate desert agriculture that grows almonds that sells the foreign countries that sacrifice our salmon and our ecosystems and all other Fisheries. And reject the VA's voluntary agreements done behind closed doors without public input corporate and political corruption to the max!	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
140	1	I am a resident of Nevada County, watershed of the Yuba River, and I am writing to comment on the Water Quality Control Plan for the San Francisco Bay/Sacramento San Joaquin Delta Estuary	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not

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		(Bay Delta Plan). My vote is for voluntary water contributions, rather than the 55% unimpaired flow level. Nevada County is an agricultural area, and many of my friends and acquaintances are farmers. To mandate that 55% of their water be redirected for other purposes would be unfair and compromising to the livelihoods of farmers and property owners in Nevada County and other rural areas affected by this decision. Please allow voluntary water contributions rather than taking away an unfair portion of the water we rely on here in Nevada County.	raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
141	1	The Sacramento River has been part of my life since the 1970's. I have been an avid hiker, fisherman, and whitewater kayaker. The river canyons are fantastic. As I have gotten older, and in rainy years seen the Delta fill with water, and watched ducks flying and herons stalking the shallows, I have begun to see the importance of the delta, and I am hurt for what a shrunken shadow it is of what it once was. Today, California salmon and steelhead populations are threatened. Let's manage these waters, their beauty, and the circles of life they maintain with great care. They are critical to future generations.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
142	1	I have a passion for nature and a longstanding desire to see more sustainability based decision making throughout our society that has sadly often taken more nearsighted politically and economically motivated approaches. It's been painful to see the degradation of our environment from the Sierras to Pacific. This is why I found it so important to write to you today, to implore you to stand up for our precious environment and for future generations. I am deeply concerned over the current approach proposed in Phase 2 of the Bay Delta Water Quality Control Plan. The Bay-Delta ecosystem is undeniably in crisis. Salmon populations have reached alarming lows, resulting in the closure of the commercial fishing season, and toxic algae blooms in the Delta	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		pose threats to human and wildlife health. The critical need for increased freshwater inflow to address these concerns cannot be overstated. Current flow falls significantly short of the recommended levels, failing to protect the Bay-Delta ecosystem. While measures like habitat restoration and predator management are important, they cannot substitute for higher flows, especially in addressing crucial issues like water temperature, floodplain inundation, and water quality.	
142	2	The proposed Voluntary Agreements (VAs) raise significant doubts about their effectiveness. These agreements, lacking support from conservation, fishing, tribal, and environmental justice groups, are seen as a giveaway to water agencies that have previously failed to meet their obligations. Moreover, the VAs are criticized for their short duration, flawed structure, and absence of a sufficient adaptive management plan. The Bay Delta Plan, with its potential for adjusting flow requirements based on biological goals, offers a more comprehensive and flexible approach. Governor Newsom's advocacy for the VAs is a cause for concern, as it appears to prioritize certain interests over the broader public and ecosystem health. I urge the State Water Board to reconsider embracing the VAs and instead focus on a plan that protects Tribal Beneficial Uses, fisheries, water quality for recreation, and ensures a fair distribution of water resources that benefits all Californians. It is essential to address the inherent racial disparities in California's water rights system, prioritize beneficial uses related to fisheries, and prevent the undue influence of agricultural interests at the expense of other crucial needs. In conclusion, I implore the California State Water Resources Control Board to prioritize the well-being of the Bay-Delta ecosystem, its diverse communities, and future generations by adopting a comprehensive and sustainable approach in Phase 2 of the Bay Delta Water Quality Control Plan.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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143	1	Start over. End the Voluntary Agreements. Change the water contract with the City of San Francisco. End flood irrigation. Stop agricultural businesses of foreign countries. I'm running out of time hoping a California Governor will make the right decisions. As a resident of California for 82 years, I have been closely watching each Governor's attempts to address the health and distribution of water from the Sierras as they flow to the Sacramento River and its tributaries. I have yet to see a wise, fair or reasonable approach. Instead what remains are one-sided unfair Voluntary Agreements, Senior Water Rights, flood irrigation and unequal assignment to cities such as San Francisco. To continue treating water as though it is 1900 and the mere claim of historical water rights still exists is a failure. Missing are equity and a science--based process. It is time to set aside the system of Voluntary Agreements and use your authority and knowledge to settle once and for all the deep inequity of Senior Water Rights, Tribal rights and needs must be addressed. The health of the water as it enters the Delta is of the highest priority. Protecting the commercial fishing industry cannot be ignored. I repeat: Start over. End the Voluntary Agreements. Change the water contract with the City of San Francisco. End flood irrigation. Stop agricultural businesses of foreign countries. You have the authority. Use it. It's your responsibility and legacy.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
144	1	Working California ricelands provide a unique opportunity to support both species resiliency and agriculture, when considering final actions in this report. Covering 500,000 acres in the Sacramento Valley, rice provides critical surrogate wetland habitat for many wildlife species and holds the promise of assisting in the recovery of several runs of salmon in the watershed. Rice fields are actively used by wildlife during the growing season and after harvest, they contribute the equivalent of 255,000 acres of wetlands for wintering waterfowl, in a state that has lost over 95 percent of this important habitat. Ricelands also directly support over half of the remaining 75,000 acres of public and privately managed wetlands in the state by providing	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		essential drain water in the fall. The value of rice habitat is widely recognized with \$6M in conservation programs deployed annually across agencies including USDA-NRCS, DWR and CDFW.	
144	2	Waterbirds The Central Valley supports one of the highest densities of wintering waterfowl in the world, estimated at 7 million birds annually. Of this number, half of the ducks and nearly all the geese are found in the Sacramento Valley, where rice fields provide 80 percent of all waterfowl food. Rice fields, along with managed wetlands in the Sacramento Valley, are designated as Shorebird Habitat of International Significance. Of the 52 shorebird species that regularly breed in North America, 90% are predicted to experience an increase in risk of extinction due to habitat loss as a result of climate impacts, according to Western Hemisphere Shorebird Reserve Network.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
144	3	Salmon Due largely to the zooplankton (fish food) produced in winter-flooded rice fields in the Sacramento Valley, these fields can be specially-managed to help in salmon recovery. Fields in the bypasses that are still inundated by floodwaters when the bypasses run hold great promise to host large numbers of salmon within the historic floodplain. In fact, salmon growth rates in these rice fields are the highest ever recorded in Sacramento Valley habitats. CRC, working with UC Davis and other groups, is testing a new practice that has great potential to optimize the management of these fields for salmon, making them even more productive than they are now. During our field trials, we have seen salmon recruitment onto these fields make up about 75% of all fishes using the fields and all salmon runs have been documented as using the rice fields. There are also many more rice fields in the historic floodplain located on the “dry side” of the levees where juvenile salmon can no longer access. However, a new practice that we call Fish Food Export has been successfully implemented and studied by California Trout on these dry side rice fields. The practice	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		strategically drains multiple cycles of zooplankton-rich water into the river, creating a food subsidy for juvenile salmon that are confined to the main river channel. This greatly expands the total number of rice acres that can be managed to help with salmon recovery efforts.	
144	4	GGS Sacramento Valley ricelands provide much needed habitat for the giant gartersnake, which historically occurred in marshes and sloughs throughout the Central Valley. Due to the loss of wetlands habitat, two-thirds of their range has been lost and the species is now listed as threatened under the California and U.S. Endangered Species Acts. Today, the majority of habitat for the giant gartersnake is comprised of rice fields of the Sacramento Valley. The species is reliant on water deliveries to marshes and rice fields for their persistence.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
144	5	Species Diversity 230 species of wildlife have been documented to use rice fields in the Sacramento Valley during their lifecycle. This includes not only those highlighted, but 30 species listed as special status under California and federal designations. Rice fields are unique in agriculture for their ability to provide wetland-like habitat supportive of such species diversity.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
144	6	Impacts of unimpaired flows Ducks Unlimited estimates that the impact of the proposed unimpaired flows would be the loss of 144,000 acres of riceland habitat. This is equal to 25 percent of the food resources used by migrating waterfowl in the Sacramento Valley. Importantly, there are no additional food surpluses elsewhere in the Central Valley to offset this loss. The impacts on giant gartersnake and other rice dependent species would be expected to be equally devastating. Fortunately, the board does not have to choose between water for rice and water to support species resiliency. Rice fields provide both. When growing, from spring-summer, rice fields provide food, nesting areas and cover for hundreds of species of wildlife. In fall after harvest, fields are reflooded for migratory waterbirds and to replicate the once abundant floodplains that provide food and refuge for juvenile salmon. The	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project. The 2023 Staff Report evaluated impacts to irrigated agriculture in the Sacramento/Delta and the San Joaquin Valley using the SWAP model, which is a regional agricultural and economic optimization model that estimates growers' responses to changes in water supply by determining the cropping pattern that maximizes the net returns to agricultural production. A conservative threshold of significance for conversion is used that captures the importance of agriculture as a resource in California. As shown in Table 7.4-17 and Figure 7.4-11, during an average year, if groundwater is not used to offset Sacramento/Delta surface water supply reductions, crop acres

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		500,000 acres of rice in the Sacramento Valley are a unique and vital resource for the state and worthy of protection by actions of the Board, as it considers updates to the plan.	primarily decline in alfalfa and pasture and rice. Under a 55 scenario, rice acreage could decrease from 567,700 acres to 533,900 acres for a total of 33,800 acre reduction, 6.0 percent from baseline. Table 7.4-18 and Figure 7.4-12 show that during a dry year, if groundwater is not used to offset surface water supply reductions, rice acres in the 55 scenario could be reduced by 13.2 percent from baseline. Effects on crop acreage would be less with maximum replacement groundwater pumping. The commenter references impacts to 144,000 acres of riceland habitat from proposed flows, although it is not clear how this number was derived. SWAP estimates a potential loss up to 144,000 total crop acres under the most conservative assumptions (Table 7.4-18 [estimated changes in irrigated crop acreage in Sacramento/Delta for a dry year with no groundwater replacement under a 55 scenario], which is a decline of 6.4 percent from baseline). Because rice is a comparatively lower revenue crop, does not tolerate deficit irrigation, and occupies a large proportion of the crop category acreage, changes in water supply would likely affect a larger proportion of the rice acreage. However, even under the worst case assumptions, reduction in rice acres would not approach 144,000 acres. In addition, the project is revised as described in Common Response 1.3, Revised Proposed Plan Amendments. The proposed Plan amendments remain part of the project as the regulatory pathway; however, the revised proposed Plan amendments include water supply adjustments and relaxations to carryover storage requirements for existing water right holders at the outset of Plan implementation to reduce water supply impacts and allow more water to be stored in reservoirs. The final Staff Report, Section 13.7.6.1, Terrestrial Biological Resources, includes analyses of how the expected changes in hydrology and water supply will impact rice farming and special status species under both the VA pathway and the regulatory pathway.
145	1	I have lived in northern California for over 50 years and have seen the State's fresh water sources become more endangered every year. I have been following the Bay Delta Plan, and there appears to be a political motivation over good science that is	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		directing the plan. I have hiked across the entire Delta on foot. Anyone that takes the time to view the Delta from different angles can see that the Bay-Delta Is an ecosystem in crisis. The water agencies and the Newsom Administration want people to believe they have solutions that will “produce more fish, birds, animals and plants with less water.” Their Voluntary Agreements (VAs) are nothing new and are destined to fail. The State Water Board is charged with restoring the Bay-Delta ecosystem, so decisions should be made based on legitimate science, not wishful thinking with so much political backscratching. Ours salmon populations are in such bad shape that the commercial fishing season had to be closed this year and will likely be canceled again next year. Toxic algae blooms in the Delta that can make people sick and kill pets and wildlife have continued to get worse as climate change makes the water warmer and significantly affects how much snow we get in storage. The Delta needs more freshwater inflow to maintain the ever-shrinking numbers of endangered or threatened fish. The Bay Delta Plan needs to protect all of them.	
145	2	The State Water Board’s 2010 Flow Criteria Report found that 75% of unimpaired flow on the Sacramento River and its tributaries, and 75% of unimpaired Delta outflow (water reaching the Bay) would be needed to protect the Bay-Delta ecosystem from collapse. The VAs are a give-away of Public Trust water and public funding to water agencies that are legally obligated to keep fish populations in good condition but have failed to do so. The VAs would only last eight years – less time than what it’s taken to consider them. The VAs are so flawed that the few NGOs that were involved early on in the process dropped out. Not a single conservation, fishing, tribal or environmental justice group supports the VAs. The VAs do not include an adequate adaptive management plan (back-up plan if they fail). The Bay Delta Plan, on the other hand, could increase or decrease flow requirements based on whether biological goals are being met. The VAs are just a checklist and would not even meet the modest objectives of the proposed Bay Delta Plan, so consideration of them should be terminated immediately.	Please see Common Response 1.1, General Comments, for information on the Delta Flow Criteria Report and for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
145	3	Governor Newsom is obviously pressuring the State Water Board to embrace the pathetic VAs. The Plan acknowledges the need for Tribal Beneficial Uses (TBU) but does not include a plan to	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not

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		protect them. The Plan fails to protect beneficial uses related to fisheries, including commercial, subsistence, tribal and recreational fishing. The plan fails to protect water quality for other forms of recreation, such as swimming and boating. Most importantly the plan is prejudicial toward agricultural interests at the expense of other beneficial uses. Agriculture uses 80% of CA's developed water, but only contributes 2% of California's GDP. Agricultural exports privatize water – a Public Trust resource that is supposed to belong to the people of California – making a small group rich at the expense of our ecosystems and low income communities. Agriculture wastes a lot of water and depletes groundwater because irrigation water is often too cheap to incentive innovation. We need to change the playing field to reward efficiency.	raise specific economic effects of the project. See also Common Response 1.2, Water Quality Control Planning Process, for information on beneficial uses and public trust and Common Response 11.1, Tribal Engagement and Tribal Beneficial Uses, for information on Tribal Beneficial Uses.
146	1	Sad to see how the politics and money tied to water are killing our fish and our destroying our fragile ecosystem. Please make the hard decisions in the right direction! - Implement 75% unimpeded unimpaired flows in our Rivers - STOP diversions to So Cal for big corporate farmers - Quit the "VA's Voluntary Agreements" Thanks, and please do the right thing. There is no rewind button.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
147	1	Thousands of people participate in recreational uses throughout the year at the Wildlife Area including environmental education, hiking, wildlife viewing, photography, fishing, and hunting. The Yolo Basin Foundation has a wide range of wetlands based educational programs including the Discover the Flyway program for K-12 students, California Duck Days wetlands festival, monthly field trips, and daily summer field trips to view the flyout of Mexican free-tail bats. Over 40 percent of the students participating in the Discover the Flyway program come from low-income schools. For many of them a visit to the Wildlife Area is their first experience in a wild place.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
147	2	We reviewed the executive summary and Chapters 1-7. A sample of mitigation measures proposed for agriculture, terrestrial and recreation impacts of the proposed actions in the draft report are	Please see the response to comment 147-3.

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		discussed below. The point is that the proposed measures will not adequately address the impacts of the proposed “unimpaired flows” to Wildlife Area specific management. While unimpaired flows may be beneficial to Delta water quality, they are not necessarily beneficial for current agriculture, recreation, and wetland habitat on the Yolo Bypass Wildlife Area. Mitigation measures proposed in the draft report put the responsibility for mitigation of plan amendments on the agency responsible for management of the property. It is unrealistic to assume that there will be enough funding to modify the complex water delivery and drainage systems existing for management of agriculture and wetland management in throughout the Yolo Bypass and specifically at the Yolo Bypass Wildlife Area.	
147	3	Mitigation measures proposed in Chapter 7.4 regarding the impact of increased floodplain inundation in the Yolo Bypass are inadequate. The impacts to agriculture will not be reduced by increased monitoring and implementation of new habitat projects. The proposed mitigation does not address the economic loss from diminished rice and range production. This loss of revenue would seriously impact the operations of the Yolo Bypass Wildlife Area specifically. “Minimize Disruptions to Agriculture in the Sutter and Yolo Bypasses from Increased Floodplain Inundation: Federal, state, and local agencies, landowners, and water users should continue and expand collaborative efforts to achieve flood protection, agricultural sustainability, ecosystem protection, and other benefits in the Sutter and Yolo Bypasses. To reduce or avoid disruptions to agricultural operations and associated land use conversions associated with floodplain inundation, these entities should continue and expand efforts related to monitoring, planning, and implementing projects in the Sutter and Yolo Bypasses. These efforts should include the following. Monitoring flow conditions and collaborating on other planning efforts to predict floodplain inundation to inform crop planting and other land management decisions in advance. Coordinating restoration projects and other implementation activities to maximize fish and wildlife beneficial uses while minimizing disruptions to agricultural operations associated with floodplain inundation to the extent feasible. “	The Staff Report adequately evaluates impacts to agriculture in Section 7.4, Agriculture and Forest Resources. The Staff Report identifies mitigation measures that could avoid or reduce impacts to agriculture. As discussed in Staff Report Section 7.1, Introduction, Project Description, and Approach to Environmental Analysis, some potentially significant impacts can be mitigated to less-than-significant levels. Many other identified potentially significant environmental impacts could be reduced to less-than-significant levels with mitigation incorporated. However, due to the large scope of the project and wide range of possible response actions, sufficient information is not available to conclude with certainty that the mitigation measures will reduce all impacts to less-than-significant levels in all circumstances. Some mitigation activities are within the State Water Board’s jurisdiction, while other mitigation measures are largely within the jurisdiction and control of other agencies or depend on how water users respond to the project. Accordingly, the State Water Board cannot guarantee that measures will always be adopted or applied fully to mitigate potentially significant impacts. Therefore, unless and until the mitigation is fully implemented, the impacts remain potentially significant. Please refer to Common Response 7.1, General CEQA and Approach to the Analysis, for further discussion of mitigation measures. Chapter 8, Economic Analysis and Other Considerations, adequately evaluates agricultural economic effects.

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147	4	In Chapter 7.6 (terrestrial ecosystems) there is the assumption that any change in hydrology would likely be beneficial to wetland habitat. Impacts to Yolo Bypass wetland habitats due to change in hydrology is not adequately addressed. Mitigation for impacts to sensitive and threatened species puts the responsibility on the wildlife agencies. Management of wetlands is not only for sensitive or threatened species. The point is to manage for a healthy, diverse ecosystem. Changes in hydrology will have an impacts requiring unfunded and unrealistic mitigation. “Overall, riparian and wetland habitat and natural communities would likely benefit from changes in hydrology.” This statement ignores the complexity of the moist soil management practices that create healthy seasonal wetlands. These practices require the careful timing of flood up and draw down of water in ponds. Moist soil management is necessary because the natural hydrology present before the creation of dams on Sacramento River tributaries does not exist. Unimpaired flows on Putah Creek will not return managed ecosystems back to Yolo Bypass wetlands. Millions of dollars have been spent over 25 years of habitat restoration to create the water delivery and drainage systems necessary for moist soil management. More water at the wrong time will degrade the existing successfully managed wetland ecosystems of the Yolo Bypass Wildlife Area.	The rationale for the generally beneficial effects of the changes in hydrology is described in Section 7.6.1.4, Impact Analysis, under Impact TER-c. The proposed Plan amendments would generally result in beneficial effects to riverine and associated natural wetland and riparian habitat and communities in the Sacramento Delta. Riverine flows would be similar to, or greater than baseline flows in the spring which would support natural processes such as sediment deposition, marsh accretion, nutrient transport, seed dispersal, and flow-related disturbance. These hydrologic changes also would potentially improve functions and services of existing wetlands, such as sediment retention, nutrient uptake, and supporting biological productivity. That is not to say that every change in hydrology would benefit wetland habitat. The 2023 draft Staff Report acknowledges potential adverse impacts to wetland habitat due to changes in hydrology in Section 7.6.1.4, Impact Analysis. Changes in streamflows on the lower Sacramento River, Cache Creek, and Putah Creek would likely cause an increase in the frequency and duration of flooding in the Yolo and Sutter Bypasses, which could affect natural communities and agriculture there—in particular, in the lower half of the Yolo Bypass below Putah Creek. As discussed in Section 7.4, Agriculture and Forest Resources, when Yolo Bypass inundation occurs before early April, the effect on agriculture is much smaller than if inundation occurs after early April, when planting begins. There would be occasional increases in some flow scenarios between April and June; the most frequent increases would occur between December and March, before the planting season. Delays in planting crops, as well as the increased inundation of natural communities in the bypass, could affect special-status wildlife species that utilize these areas (e.g., giant gartersnake, western burrowing owl, white-tailed kite, Swainson’s hawk, tricolored blackbird) by making these habitats less available. The 2023 draft Staff Report notes that increases in the duration and frequency of inundation would generally improve habitat for wintering waterfowl and may benefit some other wildlife species that occur in floodplains such as the Yolo Bypass. However, the draft Staff Report also discusses the importance of the timing of these inundation events. In Section 7.6.1.4, Impact Analysis, Impact TER-a, the State Water

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			Board acknowledges that increased inundation in the Yolo and Sutter bypasses could occur in April through June after the planting season begins which could lead some farmers to convert land to non-agricultural uses, which in turn could result in a reduction of agricultural habitat for special-status wildlife species. Mitigation for these impacts is discussed in Section 7.6.1.5, Mitigation Measures, Mitigation Measure TER-a:1 Minimize Impacts on Sutter and Yolo Bypass Agricultural Lands. Increased acquisition of conservation easements is one method to encourage continued use of land for agricultural purposes in the bypasses. Another is to communicate and collaborate with farmers to maintain economic feasibility of continued use of land for agricultural purposes in the bypasses. An interagency coordination group such as the Yolo Bypass and Cache Slough Partnership could serve as a forum for expanding existing efforts and developing additional planning and implementation measures to reduce the impacts on agricultural operations associated with increased floodplain inundation during the planting season. These measures could be implemented in conjunction with planned habitat restoration and other efforts, which could promote multiple beneficial uses within the Yolo Bypass. Please see Common Response 7.1, General CEQA and Approach to the Analysis, for a discussion about the level and scope of the analysis presented in the 2023 draft Staff Report, as well as a discussion of mitigation measures. The State Water Board has evaluated and incorporated mitigation measures throughout the draft Staff Report. However, because the State Water Board does not have the authority to impose mitigation measures beyond its regulatory authority, the 2023 draft Staff Report includes additional suggested mitigation measures that other entities could take to lessen project impact and the State Water Board encourages those entities to take those actions. Indeed, Section 7.6.1.5, Mitigation Measures, Mitigation Measure TER-a: 2 Habitat Protection and Restoration Actions includes both suggested actions for other agencies, as well as actions the State Water Board will undertake, including reducing water transfer fees for transfers to wildlife refuges, making minor modifications

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			to water right priorities to ensure adequate water supply to refuges, and consultation and coordination with other agencies to secure and distribute funding to support habitat restoration projects. For a discussion of impacts to terrestrial biological resources beyond those to special status species, see Section 7.6.1.4, Impact Analysis, Impacts TER-b through TER-f. In addition, the project is revised as described in Common Response 1.3, Revised Proposed Plan Amendments, and changes in hydrology will be decreased compared to under the proposed Plan amendments in the 2023 draft Staff Report. New water supply adjustment include both watershed-wide adjustments and tributary-specific adjustments. The watershed-wide adjustments would require flows of 55 percent of unimpaired flow during wetter conditions, with required flows at 45 percent of unimpaired flows during intermediate conditions and flows down to 35 percent of unimpaired flow under the driest conditions. The tributary-specific water supply adjustments would allow for additional adjustments in rainfall-dominated and municipal-supply-dominated tributaries, including Putah Creek and the Mokelumne and Calaveras Rivers, that would allow for more frequent reductions in the required flow levels within this range, as well as no new flow requirements during the driest conditions. The likelihood of increased inundation of the Yolo and Sutter Bypasses adversely affecting special-status wildlife species under the starting point for the regulatory pathway would be less than evaluated in Section 7.6.1, Terrestrial Biological Resources, due to these refinements. However, because the water supply adjustments could be modified after initial implementation and flows could be higher in the range of unimpaired flow in the future on some or all tributaries, impacts could also be as high as those identified in Section 7.6.1.
147	5	Impacts to the quality of wildlife viewing and other recreational activities are inadequately described. Mitigation measure for recreation refer to the inadequate mitigation measures described in Chapter 7.4 for sensitive and threatened species.	Section 7.18, Recreation, analyzes recreational activities, including wildlife viewing, using methods and criteria consistent with the State Water Board's environmental checklist (Cal. Code Regs, tit. 23, §§ 3720-3781, Appendix A) and other State Water Board CEQA requirements, as described in Section 7.1,

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			Introduction, Project Description, and Approach to Environmental Analysis. Per these criteria, Section 7.18 adequately describes wildlife viewing as a recreational activity that takes place in several wildlife refuges located throughout the study area. In addition, Section 7.18 identifies the potential impacts that could occur due to reduced Sacramento/Delta water supply. Section 7.18 states that reduced surface water deliveries could affect wildlife populations at refuges, which could reduce opportunities for wildlife viewing. This reduction would not happen at a significant level, however, because impacts likely would not be concentrated at one refuge or even at a few of them. The threshold of significance under Section 7.18 is whether reductions in water supply would sufficiently alter the distribution of recreationists among refuges to substantially degrade facilities at other refuges. This impact was determined to be less than significant and, therefore, did not necessitate mitigation to reduce impacts. Section 7.18, however, refers to mitigation measures in Section 7.6.1, Terrestrial Biological Resources, that were determined could further reduce potential impacts of changes in supply on terrestrial species. The mitigation measures in Section 7.6.1 refer to mitigation measures in Section 7.4, Agriculture and Forest Resources, related to impacts on special-status species that use agricultural habitat in the Sutter and Yolo Bypasses due to changes in hydrology (increased inundation at the bypasses), but Section 7.6.1 also has a number of other mitigation measures to address the potential impacts on special-status species, including those that occur in wildlife refuges. Please see Common Response 7.1, General CEQA and Approach to the Analysis, regarding the adequacy of mitigation measures.
148	1	Our very own Bay Delta is an ecosystem in crisis. If we don't release sufficient water to the Bay Delta, we risk losing (among many other things) our salmon — our extraordinarily valuable food source. We also risk damaging the fishing industry itself while also causing irreparable harm to the fragile ecosystems along the rivers and in the Delta that depend on water. In an average year, only 50% of the natural flow of our Central Valley rivers reaches the Bay and during droughts that can drop to 30%!	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		We absolutely cannot risk adopting the Voluntary Agreements — they would produce very little new water, and wouldn't even produce much new habitat which is what they falsely claim is all that's needed. The VAs are a give-away of Public Trust water and public funding to water agencies that are legally obligated to keep fish populations in good condition, but have failed to do so.	
148	2	The VAs do not include an adequate adaptive management plan (a back-up plan if they fail). The Bay Delta Plan, however, could increase or decrease flow requirements based on whether biological goals are being met. The VAs are prejudicial toward agricultural interests at the expense of other beneficial uses. Agriculture uses 80% of CA's developed water, but only contributes 2% of California's GDP. Agriculture also wastes a lot of water and depletes groundwater because irrigation water is often too cheap to incentivize innovation. We need to reward efficiency, not waste. I've mentioned fish and agriculture, but don't forget that insufficient water flow caused last year's toxic algae blooms. What more of a signal do you need to understand that we must release more water? The science is there, and it supports the Bay Delta Water Quality Control Plan. Please, you need to act accordingly. We don't have any time to lose.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project; Common Response 1.2, Water Quality Control Planning Process, for information on the consideration of beneficial uses; and Common Response 1.3, Revised Proposed Plan Amendments, for information on the VA pathway.
149	1	My vote is for voluntary water contributions, rather than the 55% unimpaired flow level. Nevada County is an agricultural area, and many of my friends and acquaintances are farmers. To mandate that 55% of their water be redirected for other purposes would be unfair and compromising to the livelihoods of farmers and property owners in Nevada County and other rural areas affected by this decision. Please allow voluntary water contributions rather than taking away an unfair portion of the water we rely on here in Nevada County.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
150	1	The species evaluations indicate that multiple aquatic species in the Bay-Delta estuary are in crisis. Recovery of native species would require both habitat restoration and increased flow in Central Valley tributaries and the Delta. Successful recovery of native species is not possible without parallel investment in both	Although data sources used in the analyses in Chapter 3, Scientific Knowledge to Inform Fish and Wildlife Flow Recommendations, are current up to or near the release of the 2017 Scientific Basis Report, which provides the basis for the science and analyses in Chapter 3, the addition of new data is not

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		efforts. The focus of this analysis has been to determine the magnitude and timing of flow needed to restore salmonids and the estuarine-dependent fish and invertebrate community. The need for additional complementary ecosystem measures to protect fish and wildlife beneficial uses is addressed in the program of implementation for the revised Bay-Delta Plan. Indices of population abundance for all the estuarine species are at all-time low levels, except for California bay shrimp (Table 3.15-1, Figure 3.15-1). The population abundances of Sacramento splittail, Delta smelt, and longfin smelt have declined by 98, 98, and 99 percent, respectively, since sampling began in 1967. The three native species have continued to decline since implementation of D-1641 in 2000 (Table 3.15-1). Several of these species are protected under the federal ESA and CESA (Table 3.15-1). The population abundance of the California bay shrimp is an exception and has remained near its long-term median abundance since monitoring began in 1980. The natural production of all four runs of Chinook salmon and Central Valley steelhead is also in decline. Natural production of winter-, spring-, late-fall-, and fall-run Chinook salmon has decreased from the annual average baseline conditions from 1967 through 1991 by 89, 61, 52, and 43 percent, respectively (Table 3.4-3). As discussed above, natural production of steelhead has also declined substantially in recent decades. Hatcheries now provide most of the salmon and steelhead caught in the commercial and recreational fisheries. Credit – draft Staff Report, Chapter 3, Scientific Knowledge to Inform Fish and Wildlife Flow Recommendations, Conclusion, Section 3.15, page 3-134, less Table 3.15-1 and Figure 3.15-1 As honest, concise and clear as the draft conclusion is, it is outdated and does not deliver the much-needed current status of salmonid and estuarine dependent fish and wildlife populations. Much of the data utilized in the draft staff report dates only to 2014, with some only to 1991. The last 9+ years of population levels and trends are essential to present in the Staff Report in order to understand the urgency of the situation. Monumental and likely irreversible ecosystem-altering decisions are to be made. In the last few years, it has become evident that in many if not most years only salmon smolts trucked and released at the Golden Gate or seaward at coastal sites contribute to the return	expected to alter the primary conclusions of Chapter 3 regarding the patterns and causes of declines of native fish species or the need for increased flow and other measures such as habitat restoration to recover the species. See Common Response 3.1, Fish Protection, for further discussion on data sources, use of best available science, and process for updates to literature in Chapters 3 and 4. The purpose of the proposed Sacramento/Delta Update to Bay-Delta Plan is to provide for the reasonable protection of fish and wildlife beneficial uses. There is an urgent need to address both issues, instream flows and habitats, to increase the survival of the native species, including Chinook salmon, throughout the Central Valley streams and rivers, and ultimately to protect and increase their populations. The State Water Board is considering revised proposed Plan amendments including a regulatory pathway that includes provisions for instream flows in the Sacramento River and its tributaries and Delta eastside tributaries, Delta inflows, flows through the Delta and Delta outflows that would protect and enhance the survival of salmonids through their spawning, egg incubation, juvenile rearing, and juvenile and adult migration stages; these would ultimately enhance their population-level success. The revised proposed Plan amendments also include a VA pathway that would provide additional flows and habitat restoration actions on certain tributaries and in the Delta. Staff Report Chapter 13, Revised Proposed Plan Amendments, describes revised proposed Plan amendments for the Sacramento/Delta Update. Please also see Common Response 1.3, Revised Proposed Plan Amendments, for a discussion of the regulatory and VA pathways. The State Water Board will continue to review new water rights applications and petitions. Before the State Water Board issues a new permit, it must consider all prior rights and the availability of water in the basin. The State Water Board considers, too, the flows needed to preserve instream uses such as recreation and fish and wildlife habitat. Permits often include conditions on use such as amount or time of use. See Common Response 1.2, Water Quality Control Planning Process, on the State Water Board's authorities related to water rights.

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		fishery. Salmon smolts attempting a freshwater/brackish path to the Pacific Ocean are doomed to mortality and extirpation. Voluntary agreements are nothing new. For decades “actions and/or concessions” have been voluntarily offered to stem the decline in fisheries. Almost everything but meaningful flow and water temperature protections have been offered in attempts to shape public opinion to believe that “things aren’t so bad and look at all we are doing to fix it”. These past “spending programs” have proven to be ineffective. When water flow has been offered typically it has just been temporally available in the headwaters and not allowed to continue as estuarine outflow. The offers have been long on hatcheries, trucking, spawning gravel replenishment, ineffective screens and salvage programs, short lived water operations, and the all-too-frequent “studies”. Concurrently, new applications for appropriation of water and petitions for change have been approved almost always without conditions to prevent further declines in aquatic habitat values. If the balance in protection of beneficial uses is to change from the past, change in water project operations is needed.	
151	1	In commenting on your Phase 2 Bay Delta plan, let me remind you that your brief is to preserve, enhance, and restore the quality of California's water resources and drinking water for the protection of the environment, public health, and all beneficial uses ... for present and future generations. Unfortunately, your Phase 2 plan for the Bay Delta, is – by your own accounts – destined to fail. Your own 2010 Flow Criteria Report found that 75% of unimpaired flow on the Sacramento River and its tributaries, and 75% of unimpaired Delta outflow (water reaching the Bay) would be needed to protect the Bay-Delta ecosystem. As you well know, your Bay-Delta draft falls significantly short of that, putting the Bay-Delta in a perpetual state of environmental crisis.	Please see Common Response 1.1, General Comments, for information on the Delta Flow Criteria Report and Common Response 1.2, Water Quality Control Planning Process, for information on the reasonable protection of fish and wildlife beneficial uses.
151	2	No matter how you try to work around this, the simple fact remains: non-flow measures cannot substitute for higher flows. You can’t have more fish with less water. So how does the plan hope to guarantee even inadequate unimpaired flow? With Voluntary Agreements. Good luck with that! As far I can tell not a single conservation, fishing, tribal or environmental justice	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		group supports the VAs. Sometimes one has to be real, and given the seriousness of the problem, that time is now.	
151	3	So, who does support these VAs? Governor Newsom, a man I normally admire, but I daresay – and I’m sure you know this better than I do – he’s got his eye on big Ag. What on earth is water-stretched California doing supporting what amounts to the export of California water in the form of nuts and cattle fodder? It takes a minimum of 1 gallon for a single almond; 5 gallons for a walnut. Even worse is alfalfa – Saudia Arabia has a law against growing alfalfa (for cattle feed); so it “uses up” California water by importing alfalfa from California. Who benefits? Not the California economy, not the Bay Delta. Agriculture uses 80% of CA’s developed water, but only contributes 2% of our economy. This makes no sense, and an increasing number of politically engaged California citizens agree.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
151	4	I’ve sailed in the Bay, I’ve water skied in the Delta – although not recently, for good reason. And I have watched salmon do their miraculous thing. But salmon populations are in such bad shape that the commercial fishing season had to be cancelled this year, and it will likely be cancelled again next year. As many environmental scientists say, “salmon are the canary in the coal mine.” Added to that, we have the toxic algae blooms in the Delta, which seem to get worse each year, fed by slow moving, warm, nutrient-rich water. The Delta needs more freshwater inflow, and that in turn, will feed the Bay.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
151	5	Sometimes we have to look at the long term – and given the state of our planet, and the state of our state’s water resources, that time is now. I don’t know any of you, but may I appeal to how you might consider your legacy. What are you going to leave behind? Don’t sacrifice it by adopting your current Phase 2 Bay/Delta plan, trusting in “voluntary agreements” and pseudo-science that pretends the problem isn’t more water. Please. Listen to your better selves. Think about the future. Thank you for considering my comments.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
152	1	I unfortunately have watched with alarm the degradation of this ecosystem. I had great hopes that the Bay Delta Water Quality Control Plan could help heal and restore the ecosystem, but unfortunately this hasn’t been the case.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		Having been a commercial fisherman, the plight of the salmon and other threatened and endangered fish in the Bay-Delta saddens me. I feel that in trying to restore the river you are not following the science - decision needs to be made using and following science on what the fish need to survive. We need 75% of unimpaired flow on the Sacramento River and its tributaries, and 75% of unimpaired Delta outflow (water reaching the Bay) would be needed to protect the Bay-Delta ecosystem. Unfortunately, the Voluntary agreements proposed for phase 2 don't provide this.	
152	2	The voluntary agreements are a recipe for disaster. Vas was touted as expediting ecological improvements, but have achieved the opposite. They have only served as a delay tactic for intransigent water agencies. I look at the Tuolumne River agreement which has been a colossal failure, not only for the survival of salmon, but for excluding much of the public. The Vas are a give-away of Public Trust water and public funding to water agencies that are legally obligated to keep fish populations in good condition, but have failed to do so. The Vas are so flawed that the few NGOs that were involved early on in the process dropped out. Not a single conservation, fishing, tribal or environmental justice group supports the Vas. The Vas do not include an adequate adaptive management plan (back-up plan if they fail). The Bay Delta Plan, on the other hand, could increase or decrease flow requirements based on whether biological goals are being met. The Vas are just a checklist. The Vas would not even meet the modest objectives of the proposed Bay Delta Plan, so consideration of them should be terminated immediately.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project; Common Response 1.2, Water Quality Control Planning Process, for information on public trust; and Common Response 1.3, Revised Proposed Plan Amendments, for information on the VA pathway.
153	1	I support the recommendations of the Environmental Water Caucus for reforming our current and past mismanagement of water in our state. I urge you to act to greatly improve instream flows in the Delta. The State Water Board's 2010 Flow Criteria Report found that 75% of unimpaired flow on the Sacramento River and its tributaries, and 75% of unimpaired Delta outflow (water reaching the Bay) would be needed to protect the Bay-	Please see Common Response 1.1, General Comments, for information on the Delta Flow Criteria Report and for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		Delta ecosystem. Other measures are useful but cannot replace instream flows. Voluntary Agreements have failed. It is time to follow the science for the health of our precious Bay and Delta system. This is important for residents, for native tribes and for the environment and endangered species. Please do the right thing and begin to restore the Delta to health. Californians care.	
154	1	I support voluntary water contritions.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
155	1	The concept of Voluntary Agreements as alternative solutions to a flow-only approach provides the State Water Board the opportunity to adopt an efficient and effective Bay-Delta Plan using a wide variety of tools. Habitat restoration, monitoring and dedicated funding streams are, in addition to flows, appropriate tools indeed.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
155	2	The State Water Board should, however, use this opportunity to encourage water agencies to maximize the beneficial uses of available water supplies in other ways, including recharge of groundwater basins in wet years. Improving groundwater recharge would be particularly valuable for agricultural and urban communities which rely on supplies in the Tuolumne River watershed as well as for the environment. Low-cost water banking could be dedicated to several purposes: (1) supplementing supplies for cities and farms, (2) providing additional instream flows, and/or (3) obviating the need to retain a reservoir flooding Yosemite National Park's Hetch Hetchy Valley.	The Tuolumne River is not included in the plan area. Please refer to Staff Report Section 7.1, Introduction, Project Description, and Approach to Environmental Analysis, Sacramento/Delta, Plan Area, and Study Area, for more information about the plan area.
155	3	The State Water Board should approve a VA for the Tuolumne River only if water agencies managing the river's supplies demonstrate a substantially expanded program to recharge groundwater. Restore Hetch Hetchy's comments herein pertain specifically to the Tuolumne River, but the principles of sensible groundwater management should be applied throughout the state. Certainly, California's Sustainable Groundwater Management Act, passed in 2014, will provide enormous long-term benefits throughout the	The Tuolumne River VA is being considered in a separate process. Please refer to Staff Report Section 7.1, Introduction, Project Description, and Approach to Environmental Analysis, Sacramento/Delta, Plan Area, and Study Area, for more information about the plan area.

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		State and, indeed, will bring groundwater basins into balance. SGMA, however, does not require recharging depleted basins, nor does it encourage investment in effective groundwater management from water agencies which physically lie outside a Groundwater Sustainability Agency even if their surface supplies originate from within the GSA's watershed. Other than to expect and demand that water agencies improve groundwater recharge programs, Restore Hetch Hetchy does not take a position on how the State Water Board should rule with respect to the specific elements included in the proposed Voluntary Agreements. Groundwater recharge on the Tuolumne River is much less than on the San Joaquin River. The Tuolumne River is very close in volume and character to the San Joaquin River (i.e. natural flows into Don Pedro Reservoir are similar to those into Millerton Reservoir). Yet while the Tuolumne River includes far greater amounts of surface storage, it "spills" more often and in far greater magnitude. For example, in 2005 and 2006 alone, flows on the Tuolumne River exceeded those on the San Joaquin River by more than 1,500,000 acre-feet. While some of this water no doubt provided instream benefits, much of this additional flow could have been better redirected to groundwater recharge for any or all of the uses outlined above. See Attachment 1, [see ATT 1] Comparing Hydrology and Water Management on the Tuolumne and San Joaquin Rivers. San Francisco does not bank groundwater in the Central Valley. Unlike many urban water suppliers in California, the San Francisco Public Utilities Commission has not engaged in groundwater banking in the Central Valley, but is instead considering a series of projects that would provide lesser supply at far greater cost. The necessary institutional cooperation, between the SFPUC, the Turlock and Modesto Irrigation Districts, and perhaps the Eastside Water District, is absent [see Exhibit 1]. This absence of cooperation is especially striking in comparison to the groundwater banking agreements put in place over the past several decades between so many agencies -	

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		especially customers of the State Water Project (see Attachment 2, page 4, of [see ATT 2] Yosemite's Opportunity: Options For Replacing Hetch Hetchy Reservoir).	
155	4	[Exhibit 1: Graphic captioned Banking opportunities in Eastside Water District]	This exhibit was included in the comment letter. The exhibit does not raise a specific environmental impact or economic effect of the project. Refer to Common Response 1.1, General Comments, for the approach to addressing exhibits.
155	5	[ATT 1: PowerPoint titled Comparing Hydrology and Water Management on the Tuolumne and San Joaquin Rivers]	This attachment was included with the comment letter. The attachment does not raise a specific environmental impact or economic effect of the project. Refer to Common Response 1.1, General Comments, for the approach to addressing attachments to comments.
155	6	[ATT 2: Article titled Yosemite's Opportunity Options For Replacing Hetch Hetchy Reservoir]	This attachment was included with the comment letter. The attachment does not raise a specific environmental impact or economic effect of the project. Refer to Common Response 1.1, General Comments, for the approach to addressing attachments to comments.
157	1	CMUA's members include several water agencies that were signatories to the 2022 Memorandum of Understanding (MOU) advancing voluntary agreements to update and implement the Bay-Delta Water Quality Control Plan (Bay-Delta Plan). We write to support voluntary agreements, also known as Agreements to Support Healthy Rivers and Landscapes (Agreements), as the best option for updating and implementing the Bay-Delta Plan. CMUA urges the State Water Board to sign the Agreements to begin immediate restoration of the Bay-Delta. The Draft Staff Report discusses multiple potential implementation pathways and ultimately proposes the adoption of regulations to establish an unimpaired flow requirement on rivers. The process of establishing a flow regime and overcoming conflicts that would arise under this proposal could take at least a decade before implementation could begin. Flow alone does not recreate and restore the type of ecological functions that are needed to support fish and wildlife that the Agreements would. An unimpaired flow regime would have substantial impacts on water supply for cities, farms, and wildlife refuges, with significant effects on local ratepayers and regional economies, as described in the draft Staff Report.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project. Also see Chapter 3, Scientific Knowledge to Inform Fish and Wildlife Flow Recommendations, of the Staff Report and Common Response 3.1, Fish Protection, for information on the benefits of increased flow. Additionally, please see Common Response 1.3, Revised Proposed Plan Amendments, for information on the non-flow habitat restoration measures included in the revised proposed Plan amendments.

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157	2	Additionally, the unimpaired flow proposal would reduce the reliability of California's grid by requiring dam owners to release water in the Spring leaving less water available for hydroelectric generation to offset peak demand in the Summer. The draft Staff Report inaccurately analyzes the proposal's impacts during multi-year droughts where hydroelectric production is critical during extreme heat waves. Water agencies with the capacity to do so increase hydroelectric generation to assist in resolving extreme heat crises (such as those in 2020 and 2022) and ease pressure on the grid; however, when reservoirs are low, as they would be in drought years under the proposed regulation, hydroelectric production is not an available solution and would be replaced with natural gas resources. Reduced hydroelectric generation could lead to more Californians being impacted more frequently by rolling backouts, as hydropower is key during times of high demand when other sources may not be available.	Please see Common Response 7.8, Energy and Hydropower, regarding the continued ability of hydropower facilities to respond to electrical grid emergencies, including a summary of the grid reliability evaluation in the Staff Report, emergency peaking operations, and effects on carryover storage.
157	3	The Agreements, comparatively, are a suite of commitments of water, habitat, and funding that create new, immediate measures to integrate additional water flows, floodplain restoration, and other habitat measures to improve biological conditions for native fish. The Agreements are a new and transformational approach to California water management that provides a better future for California to adapt to our climate reality and better balances all of the beneficial uses. Aside from the restorative benefits, the Agreements commit to legal agreements, an adaptively managed science and monitoring plan, and a strategic governance plan, and include nearly \$3 billion of funding (20% of which is directly from public water agencies). The Agreements represent a collaborative approach that will include non-governmental organizations, government, and water users, and thus far, the vast majority of the parties subject to the Bay-Delta Plan have signed a MOU to advance the concept. The Agreements would provide the most benefits with the least impacts to beneficial uses and, as a collaborative effort, are immediately implementable and enforceable.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project. Also see Common Response 1.2, Water Quality Control Planning Process, for information on the consideration of beneficial uses.

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		Unimpaired flow is not the appropriate solution for the Bay-Delta. We therefore urge the State Water Board to support the Agreements as the implementation pathway.	
158	1	I am deeply troubled by the poor ecological state of the San Francisco Bay Delta. The Delta has been starved of adequate instream flows, and populations of fish and wildlife have plummeted. There are toxic algae blooms in the Bay Delta and invasive species clogging water ways. The fisheries are in collapse. These biological disasters would not be occurring if there was adequate stream flow into the Delta. We are at risk of losing the entire eco-system of the river basin and Delta. The majority of my clients for over a decade have requested water efficient landscape design. The landscape industry has made great strides in designing and installing more efficient irrigation systems and landscapes for private, public and commercial landscapes. Most jurisdictions in the Bay area have reduced water use 15% to 25%. Citizens have stepped up and use less water in order to save more water for our beautiful and necessary river and Delta eco-systems. We are not saving water so that Almond growers can flood their crops for export. If water is used wisely and not wastefully, in other words big ag does not get such high volumes of cheap water, the scientific studies that have been presented by staff which build on the 2018 Bay Area Delta Plan and other studies presented at these meetings have shown that there would be ample water for farmers, urban centers and a healthy environment.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
158	2	The Volunteer Agreements which have been introduced for political expediency have been shown to be based on discredited data. The flows required to restore and protect our rivers and the Delta are not reflected in the VA's. No fishing, conservation, tribal or environmental justice groups support the VAs. Restoration projects which are currently in process or are proposed are good, but they must be accompanied by the restoration of stream flows that feed the rivers and the Delta with cold, fast moving water. Now the Board has the opportunity to do what is right for the long-term health of the San Francisco Bay Delta and all of the	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		citizens of the Bay Area who depend on a healthy environment. The lives and livelihoods of fisher people have already been harmed by the disasters caused by lack of adequate flows allowed into our rivers and the Delta. If the ecology of the Bay Delta continues in this deteriorated state, and deteriorates further, all human life in the Bay area will be harmed. The governor is putting pressure on the Board and is backing the VA's. However, Gov. Newsom's time as governor is limited, but your decision could affect our environment and our lives forever.	
159	1	We are running out of time to save California's salmon and the salmon families the fishery supports. Winter and Spring run salmon are a growing extinction risk. The commercially and recreationally critical Central Valley Fall run is also in decline. The 2023 California salmon fishing season is closed for just the third time in state history and it appears likely that the 2024 fishing season will be closed as well. Simply slowing this rate of decline is unacceptable and would fail to meet the salmon protection objective. In fact, allowing the state's salmon runs to continue their catastrophic downward trajectories amounts to the sanctioned theft of the people/s natural resource, a resource that coastal towns, families, river ecosystems, the fishing industry, cultures, and many tens of thousands of jobs in California and Oregon depend on.	Please see Common Response 1.2, Water Quality Control Planning Process , for a discussion on the reasonable protection of fish and wildlife.
159	2	I have lived in the greater bay area my whole life. I was raised by a man that lived for the outdoors and fishing. My brothers and I were taught by Dad that you respect Mother Nature and all she has to offer by respecting the land, water and environment. Always leave the land in better condition than when you arrived. I am 68 years old and love fishing, I have been a guide and have shown my children, grandchildren, and many friends the way to enjoy and respect nature. I see all of that disappearing more and more every year.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
159	3	The sturgeon and all bay and delta fish are dying from algae blooms, The salmon and steelhead are headed for extinction due to hot water with depleting oxygen levels. The bait fish that support salmon and larger fishes are going extinct, all due to our lack of conservation and making sure all living creatures have the amount of cold clean water that they need to exist.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		I have been writing letters for 50 years, and I have always closed my letters with this one phrase that applies to our rivers, delta, bays and ocean. The fish are like canaries in a coal mine. When our fish die the people will die shortly after. Please do the right thing. Follow the biologists, scientists and professionals' word on how we should be treating our land and water. You can't go wrong.	
160	1	Freshwater from the Sacramento River has been fundamentally overdrawn for decades. The Bay-Delta ecosystem and its resident species have suffered profoundly from the subsequent degradation caused by severely restricted natural inflows. Volumes are critical, timing is critical, and we have the collective knowledge to significantly improve the situation. Our salmon fisheries are going to disappear if we collectively don't get serious about mitigating many of our bad policies. The SF Bay/Delta ecosystem needs to be prioritized as a critical step in reversing this decline. The Water Board needs to do a much better job of managing their responsibilities to preserve and protect the health of this ecosystem. This means committing to functionally unimpaired water flows.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
161	1	The Bay-Delta is an Ecosystem in Crisis: *Everyone acknowledges this, yet water agencies and the Newsom Administration want people to believe they have solutions that will "produce more fish with less water." Their Voluntary Agreements (VAs) are nothing new, and are destined to fail. *The State Water Board is charged with restoring the Bay-Delta ecosystem, so decisions should be made based on legitimate science, not wishful thinking. *Salmon populations are in such bad shape that the commercial fishing season had to be closed this year and will likely be cancelled again next year.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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161	2	Fish Need Water *The State Water Boards's 2010 Flow Criteria Report found that 75% of unimpaired flow on the Sacramento River and its tributaries, and 75% of unimpaired Delta outflow (water reaching the Bay) would be needed to protect the Bay-Delta ecosystem. *In an average year, only 50% of the natural flow of our Central Valley rivers reaches the Bay. During droughts it can drop to 1/3. This has put the Bay-Delta in a perpetual state of drought. *The VAs would produce very little new water, and would not even produce much new habitat, which is what they falsely claim is all that is needed.	Please see Common Response 1.1, General Comments, for information on the Delta Flow Criteria Report and for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
161	3	The Voluntary Agreements Are Destined to Fail *Programs, such as CalFed, that focused almost exclusively on non-flow measures have failed. The VAs would produce more of the same results! *VAs was touted as expediting ecological improvements but have achieved the opposite. They have only served as a delay tactic for incalcitrant water agencies. *The VAs are a give-away of Public Trust water and public funding to water agencies that are legally obligated to keep fish populations in good condition, but have failed to do so. *The VAs is so flawed that the few NGOs that were involved early on in the process dropped out. Not a single conservation, fishing, tribal or environmental justice group supports the VAs. *The VAs does not include an adequate adaptive management plan (back-up plan if they fail). The Bay Delta Plan, on the other hand, could increase or decrease flow requirements based on whether biological goals are being met. The VAs are just a checklist.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project; Common Response 1.2, Water Quality Control Planning Process, for information on public trust; and Common Response 1.3, Revised Proposed Plan Amendments, for information on the VA pathway.

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		*The VAs would not even meet the modest objectives of the proposed Bay Delta Plan, so consideration of them should be terminated immediately!	
161	4	Beneficial Uses and Public Trust Resources *The Plan acknowledges the need for Tribal Beneficial Uses (TBU) but does not include a plan to protect them. California's water rights are inherently racist.	Please see Common Response 11.1, Tribal Engagement and Tribal Beneficial Uses, for responses to comments related to Tribal Beneficial Uses.
161	5	*The Plan fails to protect beneficial uses related to fisheries, including commercial, subsistence, tribal and recreational fishing.	Please see Common Response 1.2, Water Quality Control Planning Process, for discussion of reasonable protection of fish and wildlife and consideration of other beneficial uses.
161	6	*The Plan fails to protect water quality for other forms of recreation, such as swimming and boating.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project. Please also see Common Response 1.2, Water Quality Control Planning Process, for information on the consideration of beneficial uses.
161	7	*The Plan is prejudicial toward agricultural interests at the expense of other beneficial uses. Agriculture uses 80% of California's developed water but only contributes 2% of California's GDP.	Please see Common Response 1.2, Water Quality Control Planning Process, regarding the consideration of beneficial uses.
161	8	*Agricultural exports privatize water—a Public-Trust resource that is supposed to belong to the people of California—making a small group of rich at the expense of our ecosystems and low-income communities.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
161	9	*Agriculture wastes a lot of water and depletes groundwater because irrigation water is often too cheap to incentive innovation. We need to change the playing field to reward efficiency.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
163	1	We, as citizens of the state, have a sorry history of making poor use of our water. For example, the absurd practice of hydraulic mining was allowed to wash away mountainsides for 20 years before a federal judge ended the practice in 1874. Today our water problems are much more complex and so are the solutions. But there is no doubt the call words for this decade are WATER REFORM.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		My concerns are more political than scientific. I worry that Big Ag will use the VAs to give back as little as possible over the longest period of time as possible. Industrial Ag has a long history of flexing its political muscle. Water reform will not be easy. Salmon counts are down, algae bloom is up, and salt water intrusion is ever-present. Yes, some reforms have begun, examples being the passage of SB 389 and state-wide ground water monitoring. But much more is needed. Better data collecting methods have to be built into the system. And water pirates have to be stopped.	
163	2	The big question remains. Is there the political will to make overdue corrections? Uncommon political fortitude will be needed. We have the wherewithal to balance environmental needs with a sustainable agricultural economy. But do we and political leaders have the courage to make changes? I feel you have an obligation to report to administration officials that you discovered in your hearings a groundswell of objections to outdated water usage. The general public is upset with decades of overallocation and abuse of their rivers. They know healthy rivers mean healthy communities. California has a magnificent network of rivers that feed into the Sacramento and San Joaquin, and ultimately into the Delta. Respect must be given.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
164	1	Having been a lifelong Californian, 61 years now, I have seen a tremendous amount of degrading and its impact on our world class delta region. The fresh water flow is vital to the health of the system. I have seen amazing flows of water and trickles. The unpredictable nature of the climatic changes we are witnessing should caution us to be very careful. All life is required to adapt very quickly. No models predicted the amount and quickness of these changes we are witnessing today. I am fearful for the changes yet to occur. With this in mind I implore you to let the delta ecosystem adapt. Do not alter the flows of water unless it is to increase them to historic levels. I often would fish with my grandfather in the delta. We used to get salmon. Now this fish is almost extinct. I'm sure other species share the same dangers. In my 20s we never saw toxic algae	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		blooms. These events are serious and deadly and must be avoided by continued fresh water flows. I like to paddle on the delta waters, and often see birds, otters, and other amazing wildlife struggle to survive when the water flow slows. I know that agreements have been made with agencies,... But I also know that these agreements are rarely upheld. The only way to be certain our delta thrives is to maintain the flow of fresh water 12 months of the year. Please base decisions on what is right for all living things, not just political ideas and money. The ecosystem deserves respect and California can do it. Let's lead the way for correct decision making for all life.	
166	1	SacSewer provides wastewater conveyance, treatment, and reclamation for over 1.6 million customers in the urbanized area of Sacramento County and the City of West Sacramento in Yolo County. SacSewer owns the EchoWater Resource Recovery Facility or "EchoWater Facility" (formerly known as the "Sacramento Regional Wastewater Treatment Plant" or "SRWTP") in Elk Grove and operates the plant in accordance with its National Pollutant Discharge Elimination System (NPDES) permit. SacSewer discharges highly treated effluent to the Sacramento River below the Freeport Bridge, and many of its NPDES permit requirements are tied to conditions in the Lower Sacramento River and the Delta ecosystem. Additionally, SacSewer is developing the Harvest Water Program. Title 22 recycled water suitable for unrestricted agricultural use produced by the EchoWater Facility will be delivered to landowners and habitat in southern Sacramento County. The recycled water will be used for summertime agricultural irrigation to replace the current use of groundwater supplies, and for wintertime application to create or enhance wildlife habitat in the Program area in the vicinity of the Cosumnes River. In 2019, the State Water Resources Control Board (State Water Board) Division of Water Rights issued "In the Matter of Wastewater Petition WW0092 Sacramento Regional County Sanitation District, Order Approving Change in Purpose of Use	The proposed Plan amendments would not directly impact Harvest Water operations because implementation does not rely on discharges of treated wastewater. The Bay-Delta Plan establishes water quality objectives that are met by assigning responsibility to water right holders and water users to mitigate for the effects on the designated beneficial uses of their diversions and use of water. The State Water Board will develop an implementation methodology to determine when water is not available at water right holders' priorities of right. Numeric inflow and outflow requirements will be accomplished by water diversion curtailment of the natural inflow in order of water right priority. Similar to released stored water, discharges of treated wastewater are not assigned responsibility to meet the flow requirements. If less water is available instream because wastewater is treated and not discharged to a water body, the responsibility would fall to the next water right in order of priority. If anything, new flow requirements would relieve pressure on treated wastewater discharges to maintain instream flow conditions because the responsibility to maintain instream flows would be assigned to water diverters. As described in Section 6.6, Other Water Management Actions, and Section 7.1, Introduction, Project Description, and Approach

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		and Place of Use of Treated Wastewater for the Harvest Water Program" (Wastewater Change Petition Order). The Wastewater Change Petition Order authorizes SacSewer to reduce its treated wastewater discharge to the Sacramento River by reclaiming up to 50,000 acre-feet per year (AFY) at a rate of up to 108 cubic feet per second (cfs), subject to terms and conditions during dry and critically dry years, until groundwater recharge threshold criteria are achieved. Accordingly, the proposals in the Draft Staff Report related to Sacramento River flow objectives and in the reach of the Consumnes River may impact the operations of the Harvest Water.	to Environmental Analysis, implementation of the flow scenarios would reduce Sacramento/Delta water supplies at certain times and locations. In response to reduced Sacramento/Delta surface water supplies, water users may choose to modify their water supply portfolios by increasing the use of other sources of water and maximizing the use of existing water supplies, including water recycling. Other water management actions affect the overall analysis in two ways. First, environmental impacts and economic effects from reduced Sacramento/Delta surface water supplies likely would be less given these efforts. Second, other water management actions may result in their own environmental impacts that must be disclosed and analyzed. Potential impacts of increased use of recycled water are evaluated in Section 7.3, Aesthetics, through Section 7.20, Utilities and Service Systems, and mitigation measures identified. Thus, the Staff Report adequately addresses recycled water, and the revised proposed Plan amendments reiterate the State Water Board's policy to encourage water recycling projects wherever feasible to extend the State's limited water supplies.
166	2	The Draft Staff Report Contains Outdated Information on SacSewer and the EchoWater Facility As of January 1, 2024, two former districts, Sacramento Area Sewer District and Sacramento County Regional Sanitation District, have merged into one district, the new Sacramento Area Sewer District (known as "SacSewer"). The wastewater treatment plant, located in Elk Grove, CA, was known as the Sacramento Regional Wastewater Treatment Plant or "SRWTP". As of May 19, 2023, the treatment plant is known as the EchoWater Resource Recovery Facility or "EchoWater Facility". The services provided by SacSewer vary based on the location within the service area. - SacSewer provides sewage collection throughout unincorporated Sacramento County; the cities of Citrus Heights, Elk Grove, and Rancho Cordova; and the communities of Courtland, Locke, and Walnut Grove. - SacSewer provides sewage treatment and resource recovery throughout unincorporated Sacramento County; the cities of	In the final Staff Report, Section 7.23, Cumulative Impact Analysis, Growth-Inducing Impacts, and Significant Irreversible Environmental Changes, Table 7.23-1, Section 7.20.2.1 Wastewater Collection and Treatment, and Section 4.3.1.4 Ammonia/Ammonium, have been updated to acknowledge the completion, current operations, and effluent quality information related to the EchoWater Facility. These revisions do not change the impact conclusions in Section 7.23.1.3, Cumulative Impacts. Please also see the response to comment 166-16 regarding other requested edits. Please also see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		Citrus Heights, Elk Grove, Folsom, Rancho Cordova, Sacramento, and West Sacramento; and the communities of Courtland, Locke, and Walnut Grove. In addition, the construction of the EchoWater Project was completed in spring 2023. This \$1.7 billion upgrade and expansion now offers a safe and reliable supply of highly treated water that is discharged to the Sacramento River and used for recycled water. The centerpiece of the treatment upgrade was construction of the Biological Nutrient Removal (BNR) project. As of April 2021, the BNR facilities were treating all dry weather flows, and the final BNR basins for wet weather capacity were completed later in 2021. BNR removes over 80 percent of total nitrogen, addressing concerns about possible impacts downstream. Ammonia concentrations in the effluent are now regularly below the analytical method detection limit of 0.19 mg/L. The upgrades to the treatment plant also include the construction of the EchoWater Tertiary Treatment Facilities (TTF). As of March 2023, the EchoWater Facility is treating all flows through the filtration and disinfection treatment processes. As of the date of this letter, all treatment processes of the TTF required to reliably produce Title 22 equivalent wastewater are completed and operational (i.e., filter influent pumping station, coagulant systems, filtration, disinfection with sodium hypochlorite, and required monitoring equipment). The Central Valley Water Board, in Order R5-2022-0064, amended the NPDES EliPermit to include the production of recycled water by the EchoWater Facility. The Draft Staff Report includes references to the EchoWater Facility on pages 7.2-4 and 7.23-30. There is also a discussion of the former SRWTP on pages 4-14 and 4-15 in the context of ammonia concentrations in the Delta. SacSewer requests that all references and discussion of the EchoWater Facility and operations be updated to reflect the most current operations and effluent quality. More specific edits for Chapter 4 are discussed below.	

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166	3	Current Information on SacSewer's Harvest Water Project Harvest Water is California's largest agricultural water recycling project. The project will provide reliable, high-quality recycled water to agricultural lands and existing habitats in southern Sacramento County. When complete, Harvest Water will supply up to 50,000 AFY of drought-resistant recycled water to 16,000 acres and bring other lasting benefits to the region. Harvest Water will promote natural groundwater recovery, boost sustainable agriculture, and strengthen existing local habitats in southern Sacramento County, where declining groundwater levels are impacting water sustainability and ecosystem health. The project is a certainty and has completed key milestones. SacSewer has completed the feasibility study, secured water rights under the Wastewater Change Petition Order, completed environmental documents in compliance with the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA), obtained all necessary environmental permits, annexed the program area into SacSewer's service area for recycled water delivery, received Letters of Intent from growers representing 100 percent of the demand, and executed agreements with the California Department of Fish and Wildlife (CDFW) and the State Water Board as discussed more below. With respect to construction, SacSewer has completed the majority of the project designs, completed construction bidding for several project elements, and is in the process of obtaining the remaining construction bids. As of December 15, 2023, mobilization for the first construction phase of the Harvest Water Project has commenced, with recycled water delivery anticipated in late 2026. Harvest Water is the first project funded by the California Water Commission under Proposition 1 and is the highest ranked project for ecological benefits under the Water Storage Investment Program (WSIP). It is the second-highest ranked for water quality benefits. In total, SacSewer has received final funding awards in the amounts of \$291.8 million in state funding and \$30 million in federal funding, in addition to up to \$300 million in SacSewer ratepayer capital funds and approximately \$5 million per year of ratepayer funds for operation and	Please see the response to comment 166-1.

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		maintenance of the system. To secure the state funding, SacSewer has executed agreements with CDFW and the State Water Board to achieve the ecological and water quality benefits of the project. One of the goals of the Harvest Water project is to raise groundwater elevations within 10 feet below ground surface to help support and improve groundwater-dependent ecosystems. These ecosystems are very sensitive to groundwater depth. The Harvest Water project will create an additional 3,500 acres of Sandhill crane habitat and an additional 353 acres of vernal pool habitat, provide for a longer migration window for fall-run Chinook salmon due to increased streamflow in the Consumnes River, improve the groundwater conditions for wetlands and riparian forests, and reduce salinity load to Sacramento and Delta waterways. These commitments were included as part of the public funding. The public benefits and investment in Harvest Water are significant, and SacSewer has worked with CDFW, the State Water Board, and other state agencies along the way to secure the necessary approvals. The Draft Staff Report includes limited, cursory information on the Harvest Water project on page 7.23-32 as one of the "Water Quality Projects" in the Cumulative Impact Analysis. The Draft Staff Report does not at all address the impact of the UIF proposals on the Harvest Water project. Below, SacSewer summarizes the water rights that the State Water Board approved for the Harvest Water project and explains the lack of analysis of the relationship between the UIF alternatives and the impact on Harvest Water.	
166	4	The State Water Board Has Already Authorized a Reduced Wastewater Discharge for the Harvest Water Project The State Water Board issued the Wastewater Change Petition Order in 2019. That Order authorizes SacSewer to reduce its discharge of treated effluent by 50,000 AFY, at a rate of up to 108 cfs, calculated across a seven-day running-average period. The SacSewer discharge is less than one percent of the flows in the Sacramento River. Nonetheless, as a means of resolving protests during the petition process, the Order places conditions on the reduction in discharge during certain year types. Specifically,	Please refer to the response to comment 166-1. While the proposed unimpaired flow objectives do not apply to treated wastewater discharges or return flows and are unlikely to affect Harvest Water, the proposed update to the Bay-Delta Plan does not absolve SacSewer from the terms and conditions of its permits.

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		Condition 7 includes the restrictions during the irrigation season during Shasta Critical water years (as defined in the Sacramento River Settlement Contracts), and during dry or critically dry water years (as defined in the Sacramento Valley 40-30-30 Index, but not Shasta Critical years), until the groundwater recharge threshold criteria are exceeded. During all other water year types, there will be no irrigation season restrictions to recycled water deliveries under the Program. Additionally, Condition 7 includes the restrictions on total annual recycled water deliveries during Shasta Critical years and dry and critically dry water years, until the groundwater recharge threshold criteria are exceeded. The groundwater recharge threshold criteria are based on "net groundwater recharge", which is defined as the "cumulative amount of recycled water delivered by the Program, minus the water extracted through formal banking agreements with Regional San." Upon exceedance of 400,000 acre-feet of net groundwater recharge, SacSewer will run a groundwater model to validate the increase in groundwater elevations to confirm that at least 50 percent, volumetrically, of annual recycled water deliveries is estimated to return to the surface water. Once the 50 percent point is reached and validated according to the terms in the Order, the restrictions on recycled water deliveries are discontinued. Other conditions include required coordination with the U.S. Bureau of Reclamation, water agencies, the California Department of Water Resources (DWR), and other resource agencies on operational changes and timing of discharge reductions when storage in Shasta Lake is at specified levels. With these conditions in the Wastewater Change Petition Order, SacSewer has mitigated any potential impacts of Harvest Water on Sacramento River flows. Now, with the proposed Bay-Delta Plan updates, SacSewer expects that any proposed establishment and implementation of UIF requirements for the Sacramento River or other proposed flow requirements as part of an update to the Bay-Delta Plan (or Voluntary Agreement approach) will not adversely impact the future operation of Harvest Water. The State Water Board reserved jurisdiction to modify the terms and conditions of the Order to implement new Bay-Delta inflow and	

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		outflow objectives after notice and opportunity for a hearing as required by statute, regulation, or constitutional due process. Wastewater Change Petition Order at p. 23 (Condition Nos. 14 and 15). That process, with the required notice and hearing, is not part of these proposed Bay-Delta Plan updates. Further, and as explained below, the Draft Staff Report does not contain the necessary information to allow SacSewer to evaluate the effects of the proposed alternatives on SacSewer's ability to implement the Harvest Water project or the potential adverse effects on the Harvest Water groundwater and ecosystem benefits.	
166	5	SacSewer Is Unable to Determine the Methodology Used to Model SacSewer Discharge Rates for the Draft Staff Report and Whether It Accounts for Harvest Water Operations The information on the Harvest Water Program in the Draft Staff Report is limited to a cursory generalized paragraph on page 7.23-32. There is no discussion of whether the State Board took into consideration the future operation of Harvest Water. SacSewer's technical consultants from Exponent reviewed the DSM2 model files for the Draft Staff Report. Based on their review and input, SacSewer is unable to determine the methodology from the Draft Staff Report for modeling SacSewer discharge rates from the model files received from the State Water Board and whether the modeled discharge rates account for Harvest Water operations. It is our understanding that State Water Board staff ran their own operations model (SacWAM), focusing on the 16-year period of 1975-1991. SacSewer's consultants focused their evaluation on two DSM2 model runs: the existing condition (no project) model run and the 55 percent UIF model run (proposal). Reviewing these model files, it is unclear how State Water Board staff determined the SacSewer discharge rates for the existing scenario. Discharge flow rates follow similar patterns in different water year types (e.g., Wys 1975 (wet), 1977 (critical), 1978 (above normal), 1979 (below normal), and 1985 (dry)), though the magnitude varies slightly. The line graphs below [Exhibit 1] show the monthly average flow rates for the existing scenario (teal) and 55 percent UIF scenario (orange), together with the water year and year type, as reflected in the Draft Staff Report	DSM2 model inputs for SacSewer discharges are from SacWAM results. SacWAM for the Staff Report does not include SacSewer Harvest Water Operations in any of the scenarios because the environmental analysis and SacWAM runs do not include future actions. SacSewer discharges are about 1% of Sacramento River flow at the discharge location. As indicated by the commenter, SacWAM may slightly overestimate existing discharge rates. This slight overestimate does not affect the conclusions of the environmental analysis.

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		modeling. Flow rates are shown in cfs (for reference, 240 cfs equals 155 million gallons per day). The Wastewater Change Petition Order indicates that as of 2016, the average dry weather flow for the SacSewer discharge was about 184 cfs. As shown below, all existing condition monthly flows assumed in the Draft Staff Report modeling are higher than this flow level, indicating that the State Water Board used existing condition flow rates that are higher than both the current flow rates and higher than future flow rates considering implementation of the Harvest Water project.	
166	6	[Exhibit 1: Multiple graphs titled DSM2 Input Data Sac_Regional_WWTP]	This exhibit was included in the comment letter. The exhibit does not raise a specific environmental impact or economic effect of the project. Please refer to Common Response 1.1, General Comments, for the approach to addressing exhibits.
166	7	It is also unclear how existing scenario discharge rates were adjusted to obtain the 55 percent UIF flow rates. During wet years, there appears to be little difference between scenarios (e.g., WY 1983), while during critical years there are differences in most months (e.g., WY 1977, differences in all months). The lack of a fixed pattern also appears to be the case for other publicly owned treatment works (POTWs) included in the modeling. Some POTWs have significant differences, while others (e.g., Lodi, Manteca) have no differences.	Wastewater treatment plant (WWTP) discharge rates incorporated in the DSM2 modeling are based on SacWAM results. SacWAM estimates reductions in water supply associated with the flow scenarios. If municipal water supply is reduced, then SacWAM estimates an associated reduction in WWTP discharge. This effect varies by month and WWTP.
166	8	Significantly, it is unclear if the State Board considered the changes to SacSewer discharge rates based on the Harvest Water project for both the existing condition and the 55 percent UIF scenarios. The bar graph below [Exhibit 2] shows discharge volumes for the existing condition and 55 percent UIF scenarios, computed from the Draft Staff Report's DSM2 model input files, and the difference between the two. The difference in annual SacSewer discharge volumes between the two scenarios ranges from no difference (WY 1983, a wet year) to a maximum of 18,119 acre-feet (WY 1988, a critical year) - all of these volumes are significantly lower than the projected Harvest Water volume (50,000 AFY).	Please see the responses to comments 166-5 and 166-7.
166	9	[Exhibit 2: Graph titled SacSewer Annual Discharge Comparison Based on DSM2 Model Input Existing vs. 55% UIF]	This exhibit was included in the comment letter. The exhibit does not raise a specific environmental impact or economic effect of the project. Please refer to Common Response 1.1, General Comments, for the approach to addressing exhibits.

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166	10	SacSewer expects that any proposed establishment and implementation of UIF requirements for the Sacramento River or other proposed flow requirements as part of an update to the Bay-Delta Plan (or Voluntary Agreement approach) will not adversely impact the future operation of Harvest Water, but the Draft Staff Report does not provide sufficient information for SacSewer to know if that will be the case.	Please see the response to comment 166-1.
166	11	The Discussion of Water Quality in Chapter 4 Must Be Updated with Accurate and Current Information Section 4.3 in Chapter 4 of the Draft Staff Report includes a discussion of water quality conditions in the Bay-Delta watershed. This section, in particular, needs to be significantly updated to reflect science, research, and management actions that have occurred over the past decade in cooperation and coordination with the Central Valley Water Board and other stakeholders. Examples of outdated references and the need for updates to Section 4.3.1.4 "Ammonia/Ammonium" are provided below. On page 4-14, the Draft Staff Report refers to a 2010 document that compares levels of ammonia against 2013 U.S. EPA ammonia criteria. The Draft Staff Report fails to mention that the Central Valley Water Board and Central Valley Clean Water Association (CVCWA) partnered to perform studies to support the development of a Central Valley-specific recalculation of the U.S. EPA ammonia criteria for the protection of aquatic life [Attachment 6]. The outcome from that effort, documented in Pacific EcoRisk, et al, 2019, was reviewed and supported by U.S. EPA and found that site-specific ammonia criteria for the Central Valley are less stringent than the 2013 U.S. EPA criteria. Comparisons to the 2013 U.S. EPA criteria to assess the impacts of ammonia are therefore inappropriate, not based on substantial evidence, and do not reflect the best available science.	The commenter provides attachments which detail Central Valley-specific criteria for ammonia toxicity on freshwater aquatic species. The Foe et al. 2010 paper referred to by the commenter found that surface water ammonia concentrations in the Delta were lower than values reported to be toxic to freshwater unionid mussels and juvenile salmonids by USEPA criteria. Since the commenter indicates that the recalculated Central Valley-specific ammonia criteria in Pacific EcoRisk et al. 2020 are less stringent than USEPA criteria, then the values found in Foe et al. 2010 would also be below toxic levels found in the Pacific EcoRisk et al. 2020 criteria. Therefore, changes to the final Staff Report are not warranted. Please refer to Common Response 3.1, Fish Protection, for more information regarding the inclusion of best available science within the Staff Report.
166	12	The Draft Staff Report also refers to "recent" studies (performed in 2006, 2007, and 2012) to suggest that ammonia has affected primary productivity in the Delta. The effect of ammonia concentrations on algal primary production and species composition in the Delta is controversial (Dahm et al. 2016; Cloern et al. 2014) [Attachment 2]. Past experiments indicated that elevated NH ₄ ⁺ levels might reduce algal primary production	Section 4.3.1.4, Ammonia/Ammonium, of the final Staff Report has been revised to present results from more recent studies on the effects of ammonia on phytoplankton growth. This revision does not change any conclusions in Section 4.3.1.4.

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		rates in water samples collected from Suisun Bay and the Delta by suppressing nitrate uptake (Wilkerson et al. 2006; Dugdale et al. 2007; Parker et al. 2012), but more recent experimental research determined that phytoplankton growth in the Sacramento River and Delta is unlikely to be impaired by ammonia concentrations (reviewed in Cloern 2021 [Attachment 1] and Kudela et al. 2023 [Attachment 5]). High filtration rates of the invasive overbite clam, <i>Potamocorbula amurensis</i> , and high turbidity levels are additional factors that reduce primary production and standing algal biomass in Suisun Bay.	
166	13	The Draft Staff Report also refers to other studies performed in 2010 and 2011 to suggest that nutrient ratios have been a principal driver of adverse impacts in the Delta. Elevated NH₄⁺ levels have also been hypothesized to contribute to the observed shift in algal species composition from diatoms to bluegreens and greens (Brown 2010) by selecting for species less sensitive to NH₄⁺ (Glibert 2010; Glibert et al. 2011). However, investigations using the Interagency Ecological Program's (IEP) Environmental Monitoring Program (EMP) data (1975-2012) suggest that diatom decreases were more closely aligned with the establishment of the invasive clam <i>P. amurensis</i> than the gradual increase in ammonium concentrations, while cyanobacteria and green algae abundances have not changed significantly (Cloern et al. 2014b [Attachment 2]). The shift in phytoplankton community composition reported in the Glibert papers is also being questioned because of data quality issues with the initial algal cell count data on which they were based (SFEI-ASC 2016). A non-peer-reviewed reanalysis of the cell count data does not support the observation that a shift in algal species composition has occurred (SFEI-ASC 2016). In the above examples, these statements contained in the Draft Staff Report are clearly outdated. Various assessments of these hypotheses (by Ward and Paerl [Attachment 7], 2017, Cloern et al, 2014 [Attachment 4], and others cited above) have tended to contradict the findings in these earlier papers and should be cited in any revised staff report.	The commenter provides attachments which review IEP-EMP data and other studies in relation to the ammonium suppression hypothesis for the Bay-Delta system. Changes in Section 4.3.1.4, Ammonia/Ammonium, of the final Staff Report have been made to reflect more recent assessments of the ammonium suppression hypothesis and the Cloern et al. 2014 citation has been added.
166	14	Due to the lack of direct studies evaluating ammonia impacts on invertebrates in the Delta, SacSewer requests the deletion of the following sentence located on page 4-14 in a revised staff report:	The Teh et al. 2011 citation was a report submitted to the State Water Board and was cited in the peer-reviewed 2017 Scientific Basis Report. The Pacific EcoRisk 2011 citation included by the

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		[begin deleted text] Ammonia concentrations comparable to values measured in the Sacramento River were toxic to <i>Pseudodiaptomus forbesi</i> and <i>Hyalloa azteca</i>, important food resources for native larval fishes, including Delta smelt (Teh et al. 2011; Werner et al. 2010a, 2010b). [end deleted text] The Teh et al. 2011 report investigating <i>Pseudodiaptomus forbesi</i> responses to ammonia was found to contain many reporting errors and was never published in the peer-reviewed literature (Pacific EcoRisk 2011). The Werner et al. 2010a and 2010b studies discuss a negative correlation between increased <i>H. azteca</i> growth and ambient ammonia concentrations in Delta water samples, but there was no significant correlation between ammonia concentrations and 10-d <i>H. azteca</i> survival. Werner et al. 2010a also states that amphipod growth is a challenging test metric. "Amphipod growth relative to controls was not a sensitive indicator of toxicity, partially because of the variable size of the organisms, and - more importantly - the variability in food content of ambient water samples from different sites." Additional studies would be needed to understand the past effects of ammonia on Delta invertebrates, but are unlikely to be undertaken in the future due to the system-wide reduction in ammonia concentrations following operations of the BNR project at the EchoWater Facility.	commenter to refute the Teh et al. 2011 citation was not included in the reference list of the commenter's letter, nor was it included as an attachment. The authors of Pacific EcoRisk 2011 importantly note that their review of Teh et al. 2011 is "not intended to negate Teh et al.'s general observations that ammonia is toxic to naupliar, juvenile, and/or adult <i>P. forbesi</i> at elevated concentrations." Additionally, the Pacific EcoRisk 2011 report was not peer-reviewed. The commenter suggests minor text revisions that would not alter the Staff Report's analysis or conclusions. The commenter's suggested revisions to the 2023 draft Staff Report are not warranted. However, Section 4.3.1.4, Ammonia/Ammonium, of the final Staff Report has been revised to clarify that additional analyses are needed to fully understand the effects of ammonia on Delta invertebrates. This revision does not change any conclusions of Section 4.3.1.4. Please see Common Response 3.1, Fish Protection, for a discussion on the inclusion of best available science in the Staff Report and the use of the 2017 Scientific Basis Report to inform the Staff Report.
166	15	Relatedly, the Draft Staff Report contains outdated statements on the discharge of ammonia by SacSewer. The Draft Staff Report states that the SRWTP currently discharges 90 percent of the annual ammonia loading to the Delta. As explained above, SacSewer completed construction of the BNR project in 2021, and construction of the TTF facilities in 2023. These upgrades, which cost \$1.7 billion, have resulted in a significant (greater than 99 percent) reduction in the discharge of ammonia from the treatment plant to the Sacramento River. Ammonia concentrations in the effluent are now regularly below the analytical method detection limit of 0.19 mg/L.	Section 4.3.1.4, Ammonia/Ammonium, of the final Staff Report has been revised to reflect upgrades to Sacramento Regional Wastewater Treatment Plant facilities and includes information on current ammonia and nitrogen levels in wastewater discharge.
166	16	Based on the information discussed above, SacSewer requests that the Section 4.3.1.4 on pages 4-14 and 4-15 of the Draft Staff Report be revised as follows to provide up-to-date information ¹ [Footnote 1: References included in the revised language are	Please see responses to comments 166-11, 166-12, 166-13, 166-14, and 166-15 regarding suggested revisions to the 2023 draft Staff Report. The commenter provides citations of scientific literature and then raises minor suggestions for additional

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		provided at the end of the letter, and copies of the references are included as attachments to this letter.]: Ammonia is a toxic chemical [begin added text] (and an essential nutrient) [end added text] with the potential [begin deleted text] at elevated concentrations [end deleted text] to reduce [begin added text] aquatic organisms' growth, reproduction, and survival at high concentrations [end added text] [begin deleted text] growth, reproduction, and survival of aquatic organisms [end deleted text] (U.S. EPA 2013). Ammonia exists in two forms in water: un-ionized ammonia (NH₃) and ammonium (NH₄⁺). The equilibrium between NH₃ and NH₄⁺ depends primarily on pH and to a lesser extent on temperature and salinity (U.S. EPA 2013). NH₃ is the more toxic of the two forms. Both NH₃ and NH₄⁺ are present in effluent from POTWs and confined animal facilities. Additional sources of NH₄⁺ to the Delta include agricultural and urban runoff, atmospheric deposition, and internal nutrient cycling (Novick and Senn 2013). [begin deleted text] Toxicity has been observed in bioassays at ammonia concentrations comparable to those measured in the Sacramento River and Delta. [end deleted text] The U.S. EPA criteria summary of ammonia toxicity found that unionid mussels were the most sensitive warm freshwater aquatic organisms evaluated, while juvenile salmonids were the most sensitive cold water fish species tested (U.S. EPA 2013). Surface water monitoring in the Delta determined that ammonia concentrations were lower than values reported to be toxic to freshwater unionid mussels and juvenile salmonids (Foe et al. 2010). Acute 7-day larval Delta smelt bioassay testing was conducted with ambient surface water from the Delta amended with ammonia, though no toxicity was detected (Werner et al. 2010b). [begin added text] Additional studies also determined juvenile Delta Smelt mortality was similar in 7-day trials between control treatments and those amended with ammonium or wastewater effluent (Hasenbein et al 2014). [end added text] However, [begin added text] transcription responses of [end added text] Delta smelt exposed to ammonia at concentrations measured in the Delta [begin deleted text], [end deleted text] [begin added text] and at higher concentrations, [end added text] [begin deleted text] exhibited [end deleted text]	information or revisions to be included in the final Staff Report that are not significant to the final Staff Report analyses or the conclusions regarding impacts. Therefore, additional revisions suggested in this comment which were not discussed in previous comments were not included in the final Staff Report.

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		[begin added text] indicated potential effects on the fish's [end added text] immune and muscular system[begin added text]s[end added text], development[begin deleted text]al[end deleted text], and [begin deleted text] behavioral [end deleted text] [begin added text] behaviors [end added text] [begin deleted text] abnormalities [end deleted text] (Connon et al. 2011; Hasenbein et al. 2014). [begin add text] These potential outcomes of ammonia exposure remain to be quantified in physiological and performance studies. [end added text] [begin deleted text] Ammonia concentrations comparable to values measured in the Sacramento River were toxic to <i>Pseudodiaptomus forbesi</i> and <i>Hyallolella azteca</i>, important food resources for native larval fishes, including Delta smelt (Teh et al. 2011; Werner et al. 2010a, 2010b). [end deleted text] Ammonia concentrations may [begin deleted text] also [end deleted text] negatively affect algal primary production, standing biomass, and species composition in the Delta. The effect of ammonia concentrations on algal primary production and species composition in the Delta is controversial (Dahm et al. 2016; Cloern et al. 2014). [begin deleted text] Some recent work has indicated [end deleted text] [begin added text] Past experiments indicated [end added text] that elevated NH₄⁺ levels [begin added text] might [end added text] reduce algal primary production rates in water samples collected from Suisun Bay and the Delta by suppressing nitrate uptake (Wilkerson et al. 2006; Dugdale et al. 2007; Parker et al. 2012)[begin added text], but more recent experimental research determined that phytoplankton growth in the Sacramento River and Delta is unlikely to be impaired by ammonia concentrations (reviewed in Cloern 2021 [Attachment 1] and Kudela et al. 2023 [Attachment 5]) [end added text]. High filtration rates [begin deleted text] by [end deleted text] [begin added text] of [end added text] the invasive overbite clam, <i>Potamocorbula</i> [begin added text] <i>amurensis</i> [end added text], and high turbidity levels are additional factors [begin deleted text] responsible for [end deleted text] [begin added text] that [end added text] reduc[begin added text]e[end added text][begin deleted text]ing[end deleted text] primary production and standing algal biomass in Suisun Bay. Elevated NH₄⁺ levels have also been hypothesized to contribute to the observed shift in algal species	

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		composition from diatoms to bluegreens and greens (Brown 2010) by selecting for species less sensitive to NH₄⁺ (Glibert 2010; Glibert et al. 2011). [begin added text] However, investigations using the Interagency Ecological Program's (IEP) Environmental Monitoring Program (EMP) data (1975-2012) suggest that diatom decreases were more closely aligned with the establishment of the invasive clam <i>P. amurensis</i> than the gradual increase in ammonium concentrations, while cyanobacteria and green algae abundances have not changed significantly (Cloern et al. 2014b) [Attachment 2]. [end added text] The shift in phytoplankton community composition [begin added text] reported in the Glibert papers [end added text] is [begin added text] also [end added text] being questioned because of data quality issues with the initial algal cell count data [begin deleted text] that the Glibert papers [end deleted text] [begin added text] on which they were based on [end added text] (SFEI-ASC 2016). A non-peer-reviewed reanalysis of the cell count data does not support the observation that a shift in algal species composition has occurred (SFEI-ASC 2016). The [begin added text] EchoWater Resource Recovery Facility (EchoWater Facility) discharges [end added text] [begin deleted text] Sacramento Regional Wastewater Treatment Plant (SRWTP), located [end deleted text] at Freeport on the Sacramento River [begin deleted text], is the largest POTW discharging into the Delta and contributes about 90 percent of the Delta's annual ammonia load (Jassby 2008) [end deleted text]. In 2010, the Central Valley Water Board issued [begin deleted text] the SRWTP [end deleted text] an updated discharge permit (National Pollutant Discharge Elimination System Permit No. CA0077682) that required [begin deleted text] SRWTP to [end deleted text] upgrade[begin added text]s[end added text] to a tertiary treatment system [begin deleted text] to eliminate up to 95 percent of the ammonia load to the Sacramento River and approximately 65 percent of the total nitrogen. The upgrade will also add filtration and enhanced disinfection to inactivate pathogens. The upgrade will substantially reduce nutrient loads to the river system, particularly during the summer and fall. ^Healey et al. (2016) and ^Brown et al. (2016) observed that the upgrade to the SRWTP provides a unique opportunity to evaluate the effect of nutrient reductions, including ammonia, on	

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		algal primary production rates and community composition and the overall health of the Delta ecosystem Low flows in the estuary and Delta accentuate the effects of degraded water quality, such as high NH3 and NH4+ levels. [end deleted text] [begin added text] Construction of the Biological Nutrient Removal (BNR) facilities were completed in 2021, and construction of the Tertiary Treatment Facilities (TTF) were completed in 2023, substantially reducing nutrient loads to the Sacramento River. Ammonia concentrations in the EchoWater Facility effluent are now regularly below the analytical method detection limit of 0.19 mg/L, and the treatment process removes [end added text] over 80% [begin added text] percent of total nitrogen. [end added text] Thus, increased [begin added text] Sacramento River [end added text] flows would dilute [begin deleted text] this contaminant [end deleted text] [begin added text] any remaining nitrogen [end added text] and enhance water quality by flushing the estuary more often. Similarly, enhanced flows may decrease [begin added text] the potential for [end added text] indirect effects of [begin added text] nitrogen loading [end added text] [begin deleted text] NH3 and NH4+[end deleted text], such as blue green algal blooms when excess nutrients are in the water (Brown 2010).	
166	17	With respect to the discussion of nutrients, the U.S. Geological Survey has completed numerous studies and monitoring efforts in the Delta, including many which were funded under the Delta Regional Monitoring Program (DRMP), which are not acknowledged in the Draft Staff Report. These efforts include multiple high-frequency water quality mapping studies performed by Bergamaschi and Kraus which have documented nutrient and phytoplankton concentrations throughout the Delta. This information should be incorporated and addressed as part of the summary of water quality conditions in the Delta. Moreover, the Central Valley Water Board has continued to implement studies to fulfill elements of its 2018 Delta Nutrient Research Program [Attachment 3] to address questions related to Harmful Algal Bloom (HAB) formation, macrophyte blooms, and modeling to assess the effectiveness of nutrient load reductions on these problems, and these studies should also be acknowledged in the Draft Staff Report.	The commenter states that additional information surrounding nutrients originating from work under the Delta Regional Monitoring Program and Delta Nutrient Research Plan should be incorporated and addressed as part of the summary of water quality conditions in the Delta, but does not indicate the conclusions from these studies that would change the resulting information in the final Staff Report. Additionally, the 2023 draft Staff Report references work occurring under the Delta Nutrient Research Plan in Section 4.3.2, Harmful Algal Blooms. Recent research, reports, and special studies may serve to reinforce or complement the scientific knowledge found in the Staff Report, but do not significantly alter the findings or scientific basis in the Staff Report. Please see Common Response 3.1, Fish Protection, for further information regarding the addition of recent scientific literature to the final Staff Report.

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166	18	Lastly, the discussion on page 4-15 omits the information developed in the mercury control studies mandated under Phase 1 of the Delta Methylmercury TMDL [Attachment 4]. The information provided in these studies, which addressed POTWs, municipal stormwater, agriculture, dredging, and water project operations, has created an important understanding of the relative magnitude of different source contributions to the Delta and should be acknowledged in any revised staff report.	The commenter includes an attachment which summarizes the methylmercury and total mercury data collection and evaluation efforts completed for the Central Valley Clean Water Association, but does not indicate how inclusion of this report would change resulting information or impacts in the final Staff Report. Recent research, reports, and special studies may serve to reinforce or complement the scientific knowledge found in the 2023 draft Staff Report, but do not significantly alter the findings or scientific basis in the Staff Report. Please see Common Response 3.1, Fish Protection, for further information regarding the addition of recent reports and other scientific literature to the final Staff Report.
166	19	Conclusion The State Water Board has already approved the reduction in SacSewer's discharge of highly treated effluent to the Sacramento River to enable implementation of Harvest Water and has imposed conditions for dry and critically dry water years to protect other water users until the intended groundwater recharge and water supply benefits of Harvest Water are achieved. There has been considerable public investment in Harvest Water, and the benefits will be significant, as recognized by the high ranking of the project for competitive state funding. The California Water Commission, the State Water Board, and CDFW have contracted with SacSewer to implement this important project and ensure its public benefits. Any decision to update the Bay-Delta Plan - whether to adopt the UIF approach or the voluntary agreement approach [Footnote 2: In the time available for comments, SacSewer focused its review on the 55 percent UIF proposal and modeling in the Draft Staff Report. The same comments on the need for accurate characterization of SacSewer's discharge and Harvest Water operations may be relevant to the modeling of the voluntary agreement approach, and SacSewer is still in the process of engaging in that review.] - must accurately account for the expected changes in SacSewer's discharge due to Harvest Water operations, reflect current and accurate information on the operation of the EchoWater Facility, reflect current and scientifically sound information about Delta water quality, and	EchoWater and Harvest Water Projects are discussed in Section 7.23.1.2, Cumulative Project List, of the 2023 draft Staff Report and potentially significant cumulative impacts are identified in the cumulative impact analysis that follows. Please refer to Common Response 7.23, Cumulative Impact Analysis, for responses to comments related to the consideration and analysis associated with other past, present, and reasonably foreseeable probable future projects. Please see Section 3.11 of the 2023 SacWAM Documentation for more information about how return flows from wastewater treatment plants in general and Sacramento Regional WWTP specifically are handled in the analysis.

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		be based on an adequate analysis that satisfies the informational requirements of CEQA.	
166	20	The Draft Staff Report does not provide the necessary information to allow SacSewer, its ratepayers, or the State Water Board decision makers to evaluate the effects of the proposed UIF objectives or any of the alternative proposals considered in the Draft Staff Report on SacSewer's ability to implement the Harvest Water project or the potential adverse effects on the Harvest Water groundwater and ecosystem benefits. In order to comply with CEQA, and its public trust duties, the State Water Board must adequately consider, and accurately and sufficiently describe, the effects of the UIF proposals on Harvest Water operations and benefits. Consistent with these requirements, SacSewer requests that the Draft Staff Report be revised to explain exactly how Harvest Water has been considered in the modeling associated with the establishment and implementation of the proposed flow requirements, and the specific assumptions regarding Harvest Water operations under all of the proposed Plan alternatives. SacSewer also requests a clear statement in the revised staff report that the impacts of the proposed Bay-Delta Plan modifications on Harvest Water have been recognized and evaluated and that Harvest Water will not be adversely impacted by the proposed revisions to the Bay-Delta Plan, or any of the proposed Plan amendments or subsequent refinements.	Please see the responses to comments 166-5 and 166-7 regarding the discussion of modeling. Additionally, see Common Response 7.1, General CEQA and Approach to the Analysis, for information about the level and scope of analysis. CEQA does not require the State Water Board to evaluate impacts that individual entities may experience. The State Water Board encourages water recycling projects wherever feasible to extend the State's limited water supplies. Water recycling projects like Harvest Water are identified as a mitigation measure to offset changes in water supply. The proposed unimpaired flow objectives do not apply to treated wastewater discharges or return flows and are unlikely to affect Harvest Water. However, SacSewer must comply with all terms and conditions of its permits regardless of the effect UIF objectives may have on the project.
166	21	[Attachment 1: Article titled Use Care When Interpreting Correlations: The Ammonium Example in the San Francisco Estuary]	This attachment was included with the comment letter. The attachment does not raise a specific environmental impact or economic effect of the project. Refer to Common Response 1.1, General Comments, for the approach to addressing attachments to comments.
166	22	[Attachment 2: Articles from IEP Newsletter Volume 27, Number 1, 2014]	This attachment was included with the comment letter. The attachment does not raise a specific environmental impact or economic effect of the project. Refer to Common Response 1.1, General Comments, for the approach to addressing attachments to comments.
166	23	[Attachment 3: Document titled Delta Nutrient Research Plan]	This attachment was included with the comment letter. The attachment does not raise a specific environmental impact or economic effect of the project. Refer to Common Response 1.1, General Comments, for the approach to addressing attachments to comments.

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166	24	[Attachment 4: Document titled Methylmercury Control Study Final Report]	This attachment was included with the comment letter. The attachment does not raise a specific environmental impact or economic effect of the project. Refer to Common Response 1.1, General Comments, for the approach to addressing attachments to comments.
166	25	[Attachment 5: Article titled Status, Trends, and Drivers of Harmful Algal Blooms Along the Freshwater-to-Marine Gradient in the San Francisco Bay-Delta System]	This attachment was included with the comment letter. The attachment does not raise a specific environmental impact or economic effect of the project. Refer to Common Response 1.1, General Comments, for the approach to addressing attachments to comments.
166	26	[Attachment 6: Document titled Phase IIc Freshwater Mussel Collaborative Study for Wastewater Treatment Plants: Ammonia Criteria Recalculation Final Report]	This attachment was included with the comment letter. The attachment does not raise a specific environmental impact or economic effect of the project. Refer to Common Response 1.1, General Comments, for the approach to addressing attachments to comments.
166	27	[Attachment 7: Document titled Delta Nutrients Forms and Ratios Public Workshop: "Role of Nutrients in Shifts in Phytoplankton Abundance and Species Composition in the Sacramento-San Joaquin Delta"]	This attachment was included with the comment letter. The attachment does not raise a specific environmental impact or economic effect of the project. Refer to Common Response 1.1, General Comments, for the approach to addressing attachments to comments.
167	1	This letter is to express California Farm Bureau's support for selection of the "Voluntary Agreements to Support Healthy Rivers and Landscapes" as the alternative to satisfy the State Water Resources Control Board's requirement to update the Bay-Delta Water Quality Control Plan. For more than five years, the communities, farmers, public water agencies, state and federal agencies, and others relying on the Bay-Delta watershed have worked to develop and evaluate the suite of measures and actions in the Healthy Rivers and Landscapes alternative. The comprehensive and holistic nature of the Healthy Rivers and Landscapes alternative is superior to the single-variable unimpaired flows alternative for meeting both the State Water Board's requirements under state and federal laws to update the Bay-Delta Plan and its responsibility to balance all beneficial uses of water. Aside from protecting fish and wildlife and water quality, the State Water Board must ensure adequate water supplies to	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		support water uses for communities and industries such as agriculture that have helped grow California into the nation's top farm-producing state and the world's fifth largest economy, along with access to safe drinking water, recreation, and hydropower. We continue to believe that the Healthy Rivers and Landscapes alternative presents the best opportunity for achieving this goal long term and under a changing climate.	
167	2	Of the alternatives evaluated in the September 2023 Staff Report, it's clear that as compared to the 55% unimpaired flows alternative, the Healthy Rivers and Landscapes alternative achieves the broadest benefits for all water uses without severe negative impacts to any single use or user. California Farm Bureau appreciates the detailed, deliberate, transparent, and thorough process the State Water Board has undertaken to evaluate the Healthy Rivers and Landscapes alternative since the first iteration of the Voluntary Agreements was presented to the board in late 2018. This process has required patience and collaboration on behalf of all parties involved, even as both hydrologic and political instability sometimes threatened to undermine it. We urge the State Water Board to approve the Healthy Rivers and Landscapes alternative as the best option for the Bay-Delta Plan and we look forward to supporting its implementation.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
168	1	The California Environmental Quality Act (CEQA) is to be expansively interpreted in order to provide maximum evaluation and consideration of potential direct and indirect environmental effects of a proposed project. Title 14 California Code of Regulation § 15003(f) [hereinafter CEQA Guidelines]; Friends of Mammoth v. Board of Supervisors (1972) 8 Cal.3d 247, 259. In keeping with this expansive statutory mandate the "EIR requirement is the heart of CEQA." CEQA Guidelines § 15003(a); County of Inyo v. Yorty (1973) 32 Cal.App.3d 795. SEWD has fully participated in the administrative process involving the Project by appearing at every public meeting and hearing and providing written and oral comments about the	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		legal deficiency of the Project and the SED. Unfortunately these comments have largely been substantively ignored.	
168	2	The SED for the Project fails to Adequately Address Hydrologic Impacts on the Calaveras River and the SEWD Water Supplies. There is absolutely no analysis of Impacts to SEWD Water Supply in the Phase II SED. The SED does not analyze or discuss any adverse impacts to SEWD's water supply. What analysis is done is accomplished with a slight of hand not sufficiently explained in the SED. The project evaluated in the SED is described in Section 5 as including: 5.4.2 New Inflow Objective: 55 percent of unimpaired flow. 5.4.3 Cold Water Habitat: Reservoir operators would be required to develop a cold water habitat management strategy within 12 months from adoption of the Plan amendments for approval by the Executive Director. 5.4.4 Delta Outflows 5.4.5 Suisun Marsh Objectives	Please see Common Response 7.1, General CEQA and Approach to the Analysis, for a discussion of the level and scope of the analysis presented in the 2023 draft Staff Report. Contrary to the commenter's assertion, water supply impacts related to the Stockton East Water District (SEWD) are included in the 2023 draft Staff Report's scope of analysis. Chapter 6, Changes in Hydrology and Water Supply, describes the changes in hydrology and water supply that could occur as a result of a range of potential instream flow changes in increments of ten, from 35 percent up to 75 percent unimpaired flow (referred to as scenarios or flow scenarios). These potential changes are described for the regions subject to new flow requirements (the Sacramento River watershed, Delta eastside tributaries, and Delta [Sacramento/Delta]), and regions that receive Sacramento/Delta water supplies that may be reduced as a result of the proposed Plan amendments (the San Francisco Bay Area [Bay Area], San Joaquin Valley, Central Coast, and Southern California). SEWD water supply (e.g., the Calaveras River) is included in the part of the geographic region defined in the 2023 draft Staff Report as the Delta eastside tributaries. Chapter 6 also includes a discussion of changes in groundwater supply for each region and describes other water management actions that may be utilized to offset reductions in Sacramento/Delta supply. For the Delta eastside tributaries region, increased local groundwater pumping is not anticipated to be viable. The region relies heavily on groundwater (on average 78 percent of the total supply according to SacWAM simulations), with several basins already overutilized. SEWD also receives supplies from the tributaries to the Lower San Joaquin River that are subject to reductions under the 2018 LSJR/SD Plan Update that is specifically addressed in the cumulative impact analysis in Section 7.23, Cumulative Impact Analysis, Growth-Inducing Impacts, and Significant Irreversible Environmental Changes. Impacts determined for the Delta eastside tributaries include SEWD water supply impacts even if they are not isolated and

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			reported individually for SEWD. Due to the scope and complexity of Sacramento/Delta water use, the environmental analyses of the 2023 draft Staff Report are necessarily broad. Specific and detailed discussion for every water district or water diverter would not be feasible, nor is it required.
168	3	The SED for the Project fails to Adequately Address Hydrologic Impacts on the Calaveras River and the SEWD Water Supplies. 5.4.6 Interior Delta Flows Most of the impacts to SEWD's water supply to be evaluated result from the New Inflow Objectives. In an attempt to evaluate that impact, the SED analysis includes a several tables reflecting New Hogan storage before and after the preferred 55% alternative – the comparison shows little to no impact to reservoir water storage (See Tables 6.3-6 through 6.3-11). Such a result is nonsensical, and the unlikely result is neither explained nor evaluated in the document. In diving deeper into the modeling, however, this is because there are numerous operational assumptions built into the model that change fundamental operations of New Hogan Reservoir, and avoid adverse impacts by labelling SEWD demand as “unmet demand.” SEWD hired an engineer to estimate the effects of the 55% unimpaired flow criteria on New Hogan storage under present conditions, which revealed serious adverse impacts to SEWD water supply. As shown in Table 1 [See Exhibit 1], relative to historic conditions implementation of the 55% unimpaired flow criteria would result in a reduction in May 1 New Hogan storage in all years with substantial reductions in non-drought years. Additionally, this analysis evaluates each year independently assuming the November 1 storage amount would be the same as the historic November 1 storage each year. Under actual conditions, given that the prior May 1 storage would be less than the historical amount, the amount in storage on the ensuing November 1 would likely be less than the historical amount, resulting in a lower May 1 volume in storage at the end of the diversion season.	As described in Chapter 5, Proposed Changes to the Bay-Delta Plan for the Sacramento/Delta, and Section 7.1, Introduction, Project Description, and Approach to Environmental Analysis, the proposed Plan amendments include a new narrative cold water objective for the Sacramento/Delta tributaries as a complementary measure to the inflow objective to further protect salmonids and other native species in the tributaries and to ensure that there are not redirected impacts on cold water habitat from the new inflow and Delta outflow objectives. For modeling purposes, reservoir operation assumptions regarding deliveries versus carryover storage are incorporated into the model in various ways. Reservoir end-of-September storage was targeted to maintain cold water throughout the year. For reservoirs with documented or clear historical storage-temperature relationships, storage thresholds sufficient to maintain cool release temperatures were incorporated into the modeling. The carryover storage values estimated to provide sufficient cold water for downstream fisheries are described in Appendix A1c, Preliminary Assessment of Effect of Reservoir Storage on Reservoir Release Temperature. Both the inflow requirements and carryover storage assumptions for cold water habitat are reflected in the model results for changes in supply. The water supply impacts to municipal users are presented in Section 7.20, Utilities and Service Systems, and to agriculture in Section 7.4, Agriculture and Forest Resources. Chapter 6, Changes in Hydrology and Water Supply, acknowledges the possibility that cold water habitat could be adequately protected at lower levels than set in the model and that tailored operational management will result in more surface water available, thereby reducing associated impacts. In addition, the project is revised as described in Common Response 1.3, Revised Proposed Plan Amendments. The proposed Plan amendments remain part of the project as the regulatory pathway; however, the regulatory pathway includes

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		As mentioned above, the SED analysis concludes relatively no impact to storage in the reservoir. How can this be explained? It appears that the Water Board has changed the operational requirements of New Hogan Reservoir. The Water Board has incorporated a new reservoir operational scenario into operations without making it part of the proposed project. As stated in Section 6.2.2 (emphasis added): The general approach to using SacWAM to assess the effects of Plan amendments is to simulate new flow requirements as a percentage of unimpaired flow (UF) throughout the model domain and adjust carryover (end-of-September) storage targets to maintain cold water pools for downstream fisheries. Apparently the Water Board has imposed a random carry over target of 100,000 acre feet of water in New Hogan Reservoir annually. Appendix A1 at p. A1c-29. One would normally look at water available in the reservoir to determine adverse impact to SEWD; however, that is not possible in the Water Board model, because carryover storage requirements mask any adverse impact to storage levels in the reservoir. The carryover storage requirements itself will result in tremendous adverse water supply impacts to SEWD. As mentioned, New Hogan provides SEWD's primary source of water supply; with supplies from New Melones available only in wetter year types. In dry years New Hogan is the only water supply available to SEWD, and even if the water year begins at 100,000 in the reservoir, SEWD can still achieve a two year critical supply with those supplies. Making any water below 100,000 af unavailable to the district will effectively cut off all water supply to the district when those supplies are critically needed.	new water supply adjustments at the outset of Plan implementation that lower flow requirements under certain conditions to reduce water supply impacts and allow more water to be stored in reservoirs. The revised proposed Plan amendments also allow reservoir owner/operators, as part of their development of long-term temperature management strategies, to propose carryover storage levels within an appropriate range tailored to each reservoir, with lower requirements during drought years. Please refer to Common Response 7.1, General CEQA and Approach to the Analysis, for responses to comments about the scope of the project. Please see Common Response 6.1, Sacramento Water Allocation Model and Changes in Hydrology and Water Supply regarding carryover storage targets and SacWAM reservoir buffer pools.
168	4	[Exhibit 1: Table titled Table 1. Historical reservoir storage and estimated storage based on the 55% of inflow criteria at the end of the diversion season (May 1) for the period of study (2012-2017)]	This exhibit was included in the comment letter. The exhibit does not raise a specific environmental impact or economic effect of the project. Refer to Common Response 1.1, General Comments, for the approach to addressing exhibits.
168	5	The SED for the Project fails to Adequately Address Hydrologic Impacts on the Calaveras River and the SEWD Water Supplies.	Section 7.23, Cumulative Impact Analysis, Growth-Inducing Impacts, and Significant Irreversible Environmental Changes

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		The SED makes no attempt to evaluate cumulative impacts to SEWD of Phase I and II. The SED also does not identify the cumulative impacts from Phase I and Phase II on SEWD or the Eastern San Joaquin groundwater basin. Adverse impacts to the Calaveras River water supply, combined with significant adverse impacts to SEWD's Stanislaus River water supply from Phase I impacts must be cumulatively discussed. The full comments from Michael J. Preszler, P.E., Partner, Zanjero, are attached hereto and incorporated herein as Attachment 1 [See Attachment 1].	includes Section 7.23.1.2, Cumulate Project List, which is representative of the types of projects that may interact with the proposed Plan amendments including, specifically, the LSJR/SD Update to the Bay-Delta Plan. For the most part, water users that rely on water supplies from the tributaries to the Lower San Joaquin River do not receive supplies from the Sacramento/Delta, but the Staff Report states explicitly that Stockton East Water District is one of the exceptions as it receives water from both New Melones on the Stanislaus River and the Calaveras River. The Staff Report acknowledges that implementation of the 2018 LSJR/SD Update could be a further constraint on supplies for water users that receive water from both the Lower San Joaquin River tributaries and the Delta. Therefore, the impacts of implementing the LSJR/SD Update are potentially cumulatively considerable to the Sacramento/Delta Plan amendments in the resource areas of agricultural and forest resources, air quality, biological resources, cultural resources, energy and GHG emissions, hydrology (which includes both surface water and groundwater), water quality, recreation, and utilities and service systems. The Staff Report concludes that both projects could also result in similar construction-related impacts, which would be potentially cumulatively considerable in the areas of geology and soils, hazards and hazardous materials, noise, and transportation.
168	6	The SED for the Project fails to Adequately Address Potential Impacts to Endangered Steelhead in the Calaveras River. The SED fails to adequately address Project impacts on endangered Steelhead in the Calaveras River. This failure, and others, are set out in the full Technical Memorandum; Comments on the State Water Resources Control Board's Staff Report/Substitute Environmental Document in Support of Potential Updates to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary for the Sacramento River and its Tributaries, Delta Eastside Tributaries, and Delta, from Andrea Fuller, Vice President and Senior Biologist at FISHBIO, which is attached hereto and incorporated herein as Attachment 2 [see Attachment 2].	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project. To the extent that this comment introduces or summarizes other comments, please see the substantive responses to those comments.

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168	7	SEWD Endorses and Incorporates by Reference Comments on the SED submitted by San Luis and Delta Mendota Water Authority (SLDMWA). The SLDMWA has submitted comments on the SED for the Project, SEWD endorses those comments and hereby incorporates those comments as additional comments submitted by SEWD.	Please refer to the responses to Letter 268 to review responses to the comments incorporated by reference.
168	8	The SED for the Project fails to Adequately Address Potential Urban Decay. An Environmental Impact Report (EIR) or in this case the SED must consider both direct and indirect environmental effects (CEQA Guidelines § 15064(e)) including secondary environmental effects resulting from direct economic effects. The expansive interpretation of this rule was presented in <i>Bakersfield Citizens for Local Control v. City of Bakersfield</i> (2004) 124 Cal.App.4th 1184, 1205-1206 (Bakersfield) and illustrates the meaningful relationship between socio-economic direct effects to secondary or indirect environmental effects: Guidelines section 15131, subdivision (a) provides, “An EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes in turn caused by the economic or social changes. The intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of cause and effect. The focus of the analysis shall be on the physical changes.” Case law already has established that in appropriate circumstances CEQA requires urban decay or deterioration to be considered as an indirect environmental effect of a proposed project. The relevant line of authority begins with <i>Citizens Assn. for Sensible Development of Bishop Area v. County of Inyo</i> (1985) 172 Cal.App.3d 151, 217 Cal.Rptr. 893 (Bishop). There, the appellate court held that adoption of multiple negative declarations for different aspects of the same large regional shopping center violated CEQA. (Id. at p. 167, 217 Cal.Rptr. 893.). The court also agreed with appellant that on remand “the lead	The Staff Report appropriately evaluates the environmental impacts of the flow scenarios. Due to the size and complexity of Sacramento/Delta water supply and use, the environmental analyses are necessarily broad to cover the wide range of foreseeable compliance measures and responses that may result from the proposed Plan amendments. A wide range of responses and associated environmental effects could occur as a result of the project due to the degree of flexibility included in the proposed Plan amendments and the scope and complexity of Sacramento/Delta water use. The impact analyses are necessarily broad to cover the wide range of foreseeable compliance measures, responses, and associated efforts that may result from the proposed Plan amendments. To organize the environmental analysis, the evaluation of reasonably foreseeable methods of compliance and response actions that may be taken in response to the project are organized into the following categories: (1) changes in hydrology, (2) changes in water supply, (3) habitat restoration and other ecosystem projects, and (4) new or modified facilities. The evaluation of actions that may be taken in response to changes in water supply includes other water management actions, which include groundwater use and groundwater storage and recovery/conjunctive management efforts, water transfers, water recycling, and conservation measures. See Section 7.1, Introduction, Project Description, and Approach to Environmental Analysis, for additional details on the approach to the environmental analyses. The Staff Report identifies mitigation measures that could avoid or reduce impacts. As discussed in Staff Report Section 7.1, Introduction, Project Description, and Approach to Environmental Analysis, some potentially significant impacts can be mitigated to less-than-significant levels. Many other identified

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		agency must consider whether the proposed shopping center will take business away from the downtown shopping area and thereby cause business closures and eventual physical deterioration of downtown Bishop.” (Id. at p. 169, 217 Cal.Rptr. 893.) Citing Guidelines section 15064, the court found that the lead agency had an affirmative duty to consider whether the new shopping center would start an economic chain reaction that would lead to physical deterioration of the downtown area. (Id. at p. 170, 217 Cal.Rptr. 893.) Therefore, “[o]n remand the lead agency should consider physical deterioration of the downtown area to the extent that potential is demonstrated to be an indirect environmental effect of the proposed shopping center.” (Id. at p. 171, 217 Cal.Rptr. 893.) Accordingly, in Bakersfield the socio-economic impact of store closures required the two EIRs to study in depth the potential this direct non-environmental effect could start a “chain of events” leading to urban decay, a recognized indirect environmental effect. The SED does not adequately discuss or analyze potential indirect effects of the Project on SEWD, its operations or the thousands of people and enterprises that depend upon SEWD for water. The proposed Project would place the water supply for thousands of residents and numerous farming operations in severe jeopardy. The concomitant cascading effects of the Project could include closure of businesses, loss of economic stability in the Stockton region, the further degradation of the already overdrafted local aquifer and even potential saltwater intrusion and land subsidence. This anticipated result is not novel and the resultant reduction in investment and in the safety and quality of life for residents in such a case is both foreseeable and predictable. Bakersfield, for instance, determined that a chilling effect on economic investment caused by a direct physical change in the environment creates a chain of event leading to urban decay and other secondary physical changes to the environment. Yet, the SED fails to address the potential chain of events described above that could lead to the indirect environmental effect of urban decay in the form of the potential	potentially significant environmental impacts could be reduced to less-than-significant levels with mitigation incorporated; however, due to the large scope of the project and wide range of possible response actions, sufficient information is not available to conclude with certainty that the mitigation measures will reduce all impacts to less-than-significant levels in all circumstances. Some mitigation activities are within the State Water Board’s jurisdiction. However, other mitigation measures are largely within the jurisdiction and control of other agencies or depend on how water users respond to the project. Accordingly, the State Water Board cannot guarantee that measures will always be adopted or applied fully to mitigate potentially significant impacts. Therefore, unless and until the mitigation is fully implemented, the impacts remain potentially significant. Please refer to Common Response 7.1, General CEQA and Approach to the Analysis, for further discussion of mitigation measures. Section 7.3, Aesthetics, acknowledges that a reduction in irrigation water could result in some land being permanently taken out of production and converted to other uses. If this land was left undeveloped, it could function visually as open space, and the change would not adversely affect scenic vistas or visual character. In some areas, especially parts of the Sacramento River watershed and San Joaquin Valley regions where agricultural land faces development pressure, land taken out of agricultural production could be developed for nonagricultural uses. The construction of houses, businesses, or other buildings could adversely affect existing scenic vistas and could substantially affect the existing visual character. If a property owner abandons use and maintenance of existing structures on land removed from agricultural production and the property is left to deteriorate, then those features could contribute to rural blight. This impact would be potentially significant. The Staff Report also provides extensive analysis and sufficient consideration of the economic effects that could occur as a result of the proposed Plan amendments. Section 8.4, Agricultural Water Supply Economic Effects, analyzes the potential economic effects on California’s agricultural economy from changes in water supply under the proposed Plan amendments and is

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		disinvestment in the current farming operations and the potential for cascading effects in the associated industries, local government revenue and the physical effects on the local aquifer. A truncated analysis breaks the chain of events and prevents the SED from fulfilling its responsibilities to fully disclose potential environmental effects. Pursuant to Bakersfield, the SED needs to address adequately the Project's potential indirect environmental effects related to the SEWD operation and the potential for urban decay as well as the consequences of converting operating croplands to fallow fields. As stated above, the Water Board has an affirmative duty to consider whether the Project may trigger an economic chain reaction that would lead to physical deterioration or abandonment of the industries supplied with water by SEWD as well as the potential for deterioration of the local aquifer and its concomitant effects on the economic and physical condition of the Stockton region. The Water Board must consider physical deterioration of the businesses and resources dependent upon SEWD to the extent that potential is demonstrated to be an indirect environmental effect of the Project. See, Bakersfield, at 1205-1206. It is not apparent that the SED even considered this issue. This is true notwithstanding the extensive expert testimony from SEWD spelling out in detail how the Project will produce a myriad of significant and economically costly operational and environmental concerns. To this extent the State Board commits the exact legal error committed by the City of Bakersfield in the Bakersfield case: it ignored arguments presented about a chain of events between direct economic impacts leading to indirect physical changes to the environment. The SED failed to consider how these impacts could be mitigated through Project changes or feasible mitigation measures that could reduce project impacts. (CEQA Guidelines §15126.4). The intensity of environmental effects caused by the relationship between the Project and SEWD operations on the Calaveras River could be greatly lessened by imposing straightforward changes.	informed by the SWAP model. SWAP is the best available, peer reviewed model for estimating the effects associated with changes in water supply on agricultural production in the Central Valley. In addition, Section 8.4.3, Regional Economic Effects, contains a regional economic analysis that was conducted to estimate how changes in water supply and resulting changes at the local agricultural economy would affect regional economic activity in the Sacramento/Delta watershed and the state as a whole. In addition, municipal water supply economic effects are evaluated in Staff Report Section 8.5, Municipal Water Supply Economic Effects. As discussed in Section 8.5.1, Approach to Analysis, urban water management plan (UWMP) documents, DWR's aggregated 2020 UWMP database, and other local planning documents, such as Integrated Regional Water Management Plans and water district planning documents, were reviewed to determine the types and availability of other water supplies that municipalities would be likely to implement. Forecasted future water supplies up to the year 2030 were used to represent potential availability of additional other water supplies. Based on this information, the analyses of the flow scenarios, the starting point for the regulatory pathway, and the VA pathway indicate that replacement supplies are likely to be available, considering the cost of acquiring or developing these supplies. Business and residential customers would not likely be subject to reduced water service. Water supply is only one variable among many that influence growth and development in the plan area and in California in general. There are many external factors—individual, local, and global— that affect economic outcomes. Therefore, surface water supply changes would not impose barriers to economic development or cause business closures leading to urban decay. Increasing housing stock and home construction are closely associated with economic growth and development and are also a primary means to addressing urban homelessness. Many strategic planning, financing, infrastructure, and economic drivers factor into community efforts to facilitate and encourage housing development, with adequate water supply being one aspect. Ultimately, urban water providers can and do take action

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		For example, the SED provides no meaningful analysis of the impacts of the Project on the viability of the Calaveras River as a source of drinking and agricultural water as well as the impacts to endangered Steelhead. It is apparent from expert testimony produced by SEWD [See Attachment 1] that the Calaveras River and New Hogan Reservoir cannot be operated in the manner proposed by the Project without devastating effects on the carryover storage in the reservoir and concomitant extreme low water conditions on the Calaveras River. Accordingly, “[t]he only role for [a]... court in reviewing an EIR [SED] is to ensure that the public and responsible officials are adequately informed “of the environmental consequences of their decisions before they are made.” ’ ” Berkeley Keep Jets Over the Bay Com. V. Board of Port Cmrs. (2001) 91 Cal.App.4th 1344, 1356. The role of the EIR [SED] is to be the vehicle through which the public and responsible public officials are so informed. See, Sierra Club v. County of Fresno (2018) 6 Cal. 5th 502, 517. “A failure to comply with CEQA requirements that results in omission of information necessary to informed decision making and public participation constitutes a prejudicial abuse of discretion, regardless whether a different outcome would have resulted if the agency had complied with the disclosure requirements. (Bakersfield Citizens for Local Control v. City of Bakersfield (2004) 124 Cal.App.4th 1184, 1198 [22 Cal. Rptr. 3d 203].)” Central Delta Water Agency v. Department of Water Resources (2021) 69 Cal. App. 5th 170, 193. Failing to analyze the potential for urban decay arising from the Project constitutes a prejudicial abuse of discretion and a failure to proceed in a manner required by law.	through planning for growth and water supply to meet those needs by engaging in water supply portfolio strategies. Over time, there is also opportunity to take advantage of favorable economic conditions, should they be present, to encourage and enhance housing construction, while incorporating long-term strategies for residential conservation that reduce per-capita water use. Through the Urban Water Management Plan Act, municipalities already have the planning mechanism and framework in place to accommodate and address future water needs, and lack of water should not be an impediment to growth.
168	9	Housing Impacts; Urban Decay. By eliminating the surface water supply provided by SEWD devoted for M&I purposes in the Stockton Metropolitan Area (as the SED analysis of Calaveras River flows impliedly does by characterizing it as “unmet demand”), the Project produces a significant secondary impact to the continued production of housing within established and planned growth areas. This	As discussed in the 2023 draft Staff Report, activities that would have an impact on population and housing would be development or infrastructure projects that could induce substantial population growth in an area or activities that could result in displacement of substantial numbers of people or existing housing, necessitating the construction of replacement housing elsewhere. Changes in hydrology and changes in water supply would not result in activities that would affect population

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		impact will force more housing to instead be built (if at all) in other areas that have not properly planned for it and will cause economic ripple effects in the Stockton Metropolitan Area that will lead to the secondary effects of blight and urban decay. These impacts are not identified or analyzed in the SED. "As to what constitutes a "significant impact" on the environment, the Guidelines offer some help. An agency "shall consider both primary or direct and secondary or indirect consequences. . . . Secondary consequences . . . May be several steps removed from the project in a chain of cause and effect." (Guidelines, § 15064, subd. (d).) "Indirect or secondary effects may include growth-inducing effects and other effects related to induced changes in the pattern of land use, population density, or growth rate, and related effects on air and water and other natural systems, including eco-systems." (Guidelines, § 15358, subd. (a)(2).)" City of Carmel-by-the-Sea v. Board of Supervisors (6th Dist. 1986)183 Cal. App. 3d 229, 245. [Underlining added]. The City of Stockton and County of San Joaquin are obligated under state law to produce housing necessary to accommodate predicted growth. This obligation is expressed in the Regional Housing Needs Assessment (RHNA), approved by the San Joaquin Council of Governments in Resolution R-23-23. In the RHNA the Stockton area has an obligation to facilitate the production of approximately 15,000 new housing units in the cycle running from 2023 to 2031. An integral part of any region's ability to produce housing is the availability of drinking water to serve the planned housing. As was discussed above, SEWD produces a substantial portion of the drinking water consumed in the Stockton region from its source on the Calaveras River. In the SED, that source is functionally eliminated as it is characterized as "unmet demand". State law requires that prior to approving the development of housing, the approving jurisdiction must account for the drinking water needs of that future growth. [See, Water Code §10910, et seq.; Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova (2007) 40 Cal. 4th 412].	and housing. Changes in water supply include reduced Sacramento/Delta water supply for some agricultural and municipal uses. As discussed in Section 7.20, Utilities and Service Systems, some communities may be vulnerable, particularly in dry years, if they lack sufficient water supplies to meet demand. This would be true for municipal users that rely primarily on one water source that could be reduced and that do not have access or funding to develop or utilize alternate supplies. A variety of factors may influence new development or population growth, including (1) economic conditions such as job growth within California and outside of California, income growth, changing demographics, mortgage interest rates, and available housing stock and developable land; and (2) factors affecting demand for housing, including location environmental attributes, affordability, proximity to job centers, adopted land use plans and growth management policies, and the availability of adequate infrastructure. While the 2023 draft Staff Report states that economic conditions are generally the primary factor, water supply is an important public service that supports urban development and affects the growth potential of a community. Lack of a reliable water supply could constrain future development. Conversely, improving reliability of water supplies serving an area could make that area more likely to develop in the future. Most municipalities have or are developing alternate water supplies to supplement reduced Sacramento/Delta supplies and ensure adequate water for their communities. Changes in water supply include replacement groundwater pumping, as well as use of other water management actions such as groundwater storage and recovery, water transfers, increased use of recycled water, and water conservation. The 2023 Staff Report acknowledges that in some locations, replacement supply may be difficult. For SEWD, increased local groundwater pumping is not anticipated to be a viable option as the region relies heavily on groundwater (on average 78 percent of the total supply according to SacWAM simulations), with several groundwater basins already overutilized. SEWD also receives supplies from

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		By effectively removing approximately one-half of the Stockton regions available water supply, the Project would (if implemented consistent with the parameters set out in the SED analysis) effectively place the Stockton region in an insurmountable water deficit that would curtail future growth and even jeopardize the sustainability of current communities that are almost entirely dependent upon SEWD for their drinking water. As was discussed in detail above, removing the SEWD Calaveras drinking water supply (as the SED assumes will be done) will result in potentially catastrophic physical changes to the environment in the Stockton region, including the potential closure of farming and business operations, the overdrafting of the local aquifer and the potential for saltwater intrusion in that aquifer and subsidence of lands overlying that aquifer. None of these consequences are considered in detail. Failing to analyze the potential for urban decay arising from the Project constitutes a prejudicial abuse of discretion and a failure to proceed in a manner required by law.	the tributaries to the lower San Joaquin River that are subject to reductions under the LSJR/SD amendments to the Bay-Delta Plan that is specifically addressed in the Cumulative Impact Analyses. It's important to note that the Plan amendments do not “eliminate” the surface water supplies of SEWD. Further, it is not clear if SEWD intends to utilize any of the flexibilities provided in the program of implementation, which results in overstating the actual changes in supply that would result from plan implementation. Utilizing these flexibilities can help minimize water supply impacts. In addition, the revised proposed Plan amendments include water supply adjustments for existing water right holders at the outset of plan implementation to reduce water supply impacts and allow more water to be stored in reservoirs. Finally, plan provisions will allow the State Water Board to develop and implement qualified exceptions to curtailments associated with Bay-Delta Plan implementation for human health and safety needs. For these reasons, a finding of urban decay as a result of the Plan amendments would be speculative and is not required under CEQA. The 2023 draft Staff Report discloses and evaluates impacts to agriculture in Section 7.4, Agriculture and Forest Resources. Section 7.20, Utilities and Service Systems, considers municipal supply, including whether and how communities that rely in whole or in part on Sacramento/Delta supply would be able to meet municipal demand using other water management actions in response to changes in supply. Section 7.3, Aesthetics, discusses how the visual quality of the urban environment may be affected by reduced municipal water supply, which could result in dry lawns or reduced park irrigation. Chapter 8, Economic Analysis and Other Considerations, includes details on population projections, socioeconomic profiles, and municipal water supply costs. Please see Common Response 1.2, Water Quality Control Planning Process, for a discussion on the factors to be considered in establishing water quality objectives, including the need for developing housing.

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168	10	The SED did not Correlate the Project's Adverse Air Quality Impacts to Resultant Adverse Health Effects. Failing to correlate the Project's adverse air quality impacts to increased incidents of health ailments constitutes a prejudicial abuse of discretion. Health problems caused by a project must be addressed in a SED, including incidental health effects caused by increases in air pollution. Bakersfield at 1220. Specifically, CEQA requires a SED to discuss "health and safety problems caused by the physical changes" implemented by the proposal. CEQA Guidelines section 15126.2(a). In order to meet CEQA's disclosure requirement, a SED must "correlate the identified adverse air quality impacts to resultant adverse health effects." Bakersfield at 1219 (<i>italics and underlining added</i>). The analysis presented in Bakersfield was functionally endorsed by a subsequent Supreme Court opinion. "Correlate" is defined as: "to bring (a thing) into mutual relation (with another thing); calculate or show the reciprocal relation between; specif., to bring (one or two related or interdependent quantities, sets of statistics, etc.) into contrast (with the other)." Webster's New World Dictionary 319 (2d College ed. 1985) (<i>italics in original; bold added</i>). It is not a defense to the SED's failing to perform the required analysis because previous studies and existing criteria were unreliable. According to one recent study presented in the European Heart Journal [see ATT 4], a publication of the European Society of Cardiology: "the health impacts attributable to ambient air pollution in Europe are substantially higher than previously assumed". https://academic.oup.com/eurheartj/article/40/20/1590/5372326. Similarly, a study from The Journal of the American Medical Association [see ATT 3] concludes that a study can calculate and quantify the correlation: "Each 10-µg/m³ elevation in fine particulate air pollution was associated with approximately a 4%, 6%, and 8% increased risk of all-cause, cardiopulmonary, and lung cancer mortality, respectively." Yet this SED contains a dearth of information explaining the	The comment assertion that environmental documents must correlate, as defined by the commenter, project generated regional criteria pollutant emissions to specific health outcomes is not consistent with CEQA case law. Evaluation of health effects from regional criteria pollutants has been considered in several CEQA cases. Notably, and as cited by the commenter, at the appellate level, the Fifth District Court of Appeals held an EIR's analysis of air quality impacts were inadequate because it did not connect particulate matter emissions to their potential adverse effects on human health (Bakersfield Citizens for Local Control v. City of Bakersfield (2004) 124 Cal.App.4th 1184, 1197 [Bakersfield]). The court noted that the EIR did not include "acknowledgement or analysis of the well-known connection between reduction in air quality and increases in specific respiratory conditions and illnesses" (Id. at p. 1220). In 2018, the California Supreme Court more comprehensively addressed the issue of air quality and health effects analysis in CEQA documents (Sierra Club v. County of Fresno (6 Cal.5th 502) [Friant Ranch]). The Friant Ranch case considered a challenge to the long-term, regional air quality analysis in an EIR for the proposed Friant Ranch development. The Friant Ranch project is a 942-acre master-plan development in unincorporated Fresno County within the San Joaquin Valley Air Basin. The Court concluded that the air quality analysis was inadequate because it failed to provide enough detail "for the public to translate the bare [criteria pollutant emissions] numbers provided into adverse health impacts or to understand why such a translation is not possible at this time" (Id. at p. 521). While the Court did not provide specific guidance on how to conduct such an analysis, it recognized that an "EIR may still be sufficient if it adequately explains why it is not scientifically feasible" to provide a detailed health assessment (Id. at p. 527). Thus, contrary to the comment assertion that environmental analyses must correlate project regional criteria pollutant emissions to specific health outcomes "in order to meet CEQA's disclosure requirement," the Court's decision clarifies that environmental documents may explain why it is not technically feasible to perform such an analysis.

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		omission of information correlating increases in air pollution to anticipated increases in cardiovascular disease. [“The EIR does not explain in even minimum detail the basis for the omission and provides no reasoned analysis clarifying why complete reliance on the AQNP is justified when this major omission exists.” Citizens to Preserve the Ojai v. County of Ventura (1985) 176 Cal. App. 3rd 421, 430.] Indeed, Ojai teaches us that this SED is deficient unless it expressed reasons for omitting a study correlating the adverse air quality impacts to resultant adverse health effects. In the final analysis, there is no justification for omitting these relevant studies or otherwise engaging in a more granular analysis. The SED must explain with substantial evidence why studies performed by the European Society of Cardiology and the American Medical Association are deficient, or otherwise engage in the necessary analysis. In order to foster this critical review, we append as Attachment 3 [Attachments 3 and 4] copies of the qualified medical journal studies demonstrating the scientific and technical capabilities of studying the causal link between increased tonnages of air pollution caused by projects and increased incidents of air pollution caused illnesses. The evidence in the multiple scientific studies we introduce here, illustrate that presenting the requisite correlation of effect and harm is both feasible and practical.	Section 7.5, Air Quality, Section 7.5.2.2, Pollutants of Concern and Air Quality Regulations, of the Staff Report states that the California and federal ambient air quality standards have been enacted to protect human health and prevent environmental and property damage. The section has been expanded to further describe the principal characteristics and possible health and environmental effects from exposure to the primary criteria pollutants generated by the proposed Plan amendments. Section 7.5.3, Impact Analysis, under Impact AQ-a-b-c has also been revised to explain the technical limitations of existing models to correlate project-level regional emissions to specific health consequences, including and specifically, those generated by implementation of the proposed Plan amendments. This added discussion is consistent with the Court’s recommendation in Friant Ranch to disclose the reasons precluding quantitative correlation of project generated emissions to individual health effects. The journal articles cited by the commenter recognize the causal link between air pollution and human health, which is likewise recognized in Section 7.5 of the Staff Report and further expanded upon in the text added to Section 7.5.2.2. These articles correlate ambient air pollution to burdens of disease based on population-wide exposure to global and regional ambient air pollutants. Thus, the study methods are neither applicable nor translatable to the analysis of criteria pollutants generated by an individual project.
168	11	The SED Ignores the Upper San Joaquin River and its Tributaries Thus Providing an Incomplete Project Description and Improperly Piecemeals the Environmental Analysis of the Project. The SED ignores the contributions to low flow, pollution and other stressors originating from the Upper San Joaquin River and its tributaries. By truncating the analysis in this manner the Project improperly ignores both a substantial portion of the potential flow available and the source of much of the pollution pouring into the Delta. The result of this lapse is a project that unfairly burdens water rights holders on the Lower San Joaquin,	The comment appears to label the Plan amendment’s flow and other requirements as “mitigation measures.” These requirements are, rather, the project under review in the Staff Report. The revised proposed Plan amendments are actions within the plan area, as defined and explained in Common Response 7.1, General CEQA and Approach to the Analysis, intended to improve habitat and other conditions in the Delta. The mitigation measures identified in the Staff Report are intended to reduce or avoid the adverse environmental impacts of those actions. Please refer to Common Response 7.1, General CEQA and Approach to the Analysis, regarding the scope of the project and the adequacy of the project description.

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		the Lower San Joaquin Tributaries and the Calaveras River and grossly distorts the environmental and hydrology analysis presented in the SED. When considering the operation of the Delta, one must consider the entire Delta and all water sources flowing into the Delta system. Instead, the SED inexplicably leaves out the Upper San Joaquin River and its tributaries. This presents at least two fundamental CEQA problems: 1) it amounts to an incomplete project description because while the SED does not address it, the flows and pollution from the Upper San Joaquin River do find their way into the Delta and therefore must be addressed directly and not opaquely, as the SED currently does; and 2) leaving the analysis of regime changes in the Upper San Joaquin River to later study and analysis amounts to improper piecemealing of the required CEQA analysis (addressed below in Paragraph VIII). Inadequate Project Description and Illegal Imposition of Mitigation Measures: For CEQA purposes, a "'Project" means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and that is any of the following: ... An activity involving the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies." CEQA Guidelines section 15378(a) [Underlining added]. "The CEQA Guidelines flesh out the "project" concept by referring to it as "the whole of an action, which has a potential for resulting in a physical change in the environment, directly or ultimately ..." County of Inyo v. City of Los Angeles (1977) 71 Cal. App. 3d 185, 192 [Emphasis added]. Essentially, unless a project description is sufficiently inclusive there is the risk a CEQA document hides the full impacts of the Project and presents the public and decision makers a distorted image of the Project, its impacts and the full scope of potential mitigation available. Here, the Water Board analysis of the Project included within	This comment additionally refers to flow requirements for the Lower San Joaquin River. The Lower San Joaquin was the subject of an earlier update to the Bay-Delta Plan. Please see Common Response 1.2, Water Quality Control Planning Process, regarding the relationship to the 2018 LSJR/SD update to the Bay-Delta Plan. The State Water Board's decision to exercise its discretion by evaluating different amendments to the 2006 Bay-Delta Plan in separate proceedings reflects the independent and segregable nature of the planning activities. The watershed-based planning strategy accounts for the unique and distinct characteristics of the various watersheds and reaches that contribute to the health of the ecosystem of the Delta itself and of each of the individual ecosystems within the larger watersheds. It is appropriate for the State Water Board to define the scope of each independent update and consider amendments to the objectives separately. The environmental conditions in the Sacramento/Delta are different from those in the Upper San Joaquin River. The Sacramento River is the largest source of fresh water for the Delta and contributes significantly more than the Upper San Joaquin River and its tributaries (Staff Report Section 2.8, Existing Water Supply). In pursuing the current updates to the Bay-Delta Plan, focused on the Sacramento/Delta, the State Water Board is making an appropriate choice to require increased flows for the Sacramento/Delta Plan area to achieve two related goals, which are elaborated in Section 7.1, Introduction, Project Description, and Approach to Environmental Analysis, to support established fish populations throughout their migratory range and to have those flows contribute to Delta outflow. Such increased outflow supports Sacramento and San Joaquin migratory fish and Delta resident/estuarine migratory fish populations. At the time the scope of the Plan amendments was determined, the Upper San Joaquin River did not support salmon runs. Including the Upper San Joaquin would therefore not advance the goal of supporting established fish populations in their range. The Plan amendments therefore reasonably do not impose flow

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		that description only a portion of the Delta watershed while excluding the Upper San Joaquin River and its tributaries. The reasons for this omission are not explained, even though it is readily apparent that the analysis includes within it the flows and the pollution that end up in the Delta from these sources. By providing this under inclusive project description the SED avoids imposing mitigation measures for the lack of flow and pollution coming from the Upper San Joaquin River and its tributaries on water users responsible both for the lack of flow and the pollution. Instead, the SED artificially limits the options presented for mitigation to only those left when one excludes contributions that could be made from the Upper San Joaquin and its tributaries. The use of this under inclusive project description is an abuse of discretion, because it is a failure to proceed as required by law. This presents an acute problem, in that the SED addresses pollution discharged into the Delta coming from the Upper San Joaquin River and its tributaries by proposing mitigation measures imposed only on other water users; most specifically those on the Calaveras River and the Lower San Joaquin River and its tributaries. In short the SED shifts the burden to clean up water pollution from the polluter to unrelated third parties, a solution legally unavailable and wrong in so many ways from a policy and equity basis. This illegal and improper shift in the burden to cure water pollution discharges from the polluter to unrelated third parties amounts to an abuse of discretion, a violation of basic fairness and is beyond the power of the state to impose. CEQA is a procedural statute and does not grant state agencies substantive powers to mitigate ecological impacts. San Franciscans for Reasonable Growth v. City and County of San Francisco (1st Dist. 1989) 209 Cal. App. 3d 1502, 1525. Here, the shifting of the burden through proposed mitigation measures on unrelated third parties does conflict to the fundamental and constitutionally derived principal that there must be a reasonable nexus between the intensity of the environmental	requirements on the Upper San Joaquin. An independent effort, the San Joaquin River Restoration Program (SJRRP), continues to manage Upper San Joaquin River flows and Friant Dam operations (along with other actions) under a court approved litigation settlement agreement which included a goal to re-establish an experimental spring-run Chinook salmon population. As noted in the 2018 Plan update, “[t]he State Water Board may consider water quality objectives for the stream system above the San Joaquin River’s confluence with the Merced River in future updates to this Plan.” This is something that will be considered during the periodic review process described in the revised proposed Plan amendments. Not including the Upper San Joaquin River in Delta outflow requirements in the Plan amendments will not change the obligation of other parties to contribute to Delta outflows since the inflow-based Delta outflow requirement is based on inflow requirements. Upon establishing inflow requirements for the Upper San Joaquin River, those flows would then become part of required Delta outflows. See Common Response 1.3, Revised Proposed Plan Amendments, for information on the Delta outflow requirements of the regulatory pathway and annual and periodic reviews.

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		impact and the extent of the condition or mitigation measure. CEQA Guidelines, section 15126.4(a)(4); Nollan v. Cal. Coastal Commission (1987) 483 US 825; Dolan v. City of Tigard (1994) 512 US 374. Calaveras River or Lower San Joaquin River and its tributaries water users are not responsible for pollution discharged from the Upper San Joaquin River and its tributaries and therefore cannot be compelled to surrender their rights to attain mitigation of the environmental effects created by others. See, International Paper Co. v. United States (1931) 282 U.S. 399; Casitas Mun. Water Dist. V. United States (Fed. Cir. 2008) 543 F. 3rd 1276. Akin to Casitas, in the SED the Water Board proposes to require as part of the Project approval that holders of water rights in the Calaveras River and the Lower San Joaquin River and its tributaries leave untouched in the river substantial portions of water presently put to beneficial use and instead abandon their rights for fish and other environmental purposes. Alternatively, they can negatively alter their respective operations to commit for public use far more water they are currently entitled to use for consumptive purposes. If the SED contained a proper project description, meaning the project description was properly expanded to include the Upper San Joaquin River and its tributaries, a far more thorough and accurate assessment could be conducted of both the sources of pollution and lack of flow being experienced in the Delta and the array of remedies available to address these issues. To proceed with the current project description and truncated range of mitigation measures is an abuse of discretion, based on a failure to proceed as required by law. Further, the imposition of the flow standards as presently proposed would result in a taking of property without just compensation.	
168	12	The EIR Ignores the Analytical work on the Proposed Flow Regime for the Phase I of the Bay Delta Plan Excludes the Upper San Joaquin River and its Tributaries and Therefore Fails to Provide an Adequate Project Description and the SED Amounts to an Improper Piecemeal Analysis, Ignoring and Failing to	See Common Response 1.2, Water Quality Control Planning Process, regarding State Water Board authorities related to the water quality control planning process, the Porter-Cologne Water Quality Control Act, and the relationship to the Lower San Joaquin River/Southern Delta (LSJR/SD) Update to the Bay-Delta

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		Properly Analyze the Overall Effects of the Project. As was discussed above, for CEQA purposes, a "Project" means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and that is any of the following: ... An activity involving the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies." CEQA Guidelines section 15378(a) [Underlining added]. "The CEQA Guidelines flesh out the "project" concept by referring to it as "the whole of an action, which has a potential for resulting in a physical change in the environment, directly or ultimately . . ." County of Inyo v. City of Los Angeles (1977) 71 Cal. App. 3d 185,192 . Essentially, unless a project description is sufficiently inclusive there is the risk that the SED will understate or ignore full project impacts and the range of available mitigation. In this case, the Water Board has analyzed the Project and approved the Substitute Environmental Document in Support of Potential Changes to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary: San Joaquin River Flows and Southern Delta Water Quality (San Joaquin Tributaries Plan Amendment) sequentially and dispensed with any discussion of the Upper San Joaquin River and its tributaries. There is simply no reason why the SED cannot analyze them all together so that it will reveal and address the full impacts of the decisions before the Water Board. As was discussed above, the Water Board has already engaged in a separate SED process for Phase I of the Bay Delta Plan, so detailed consideration of that set of decisions in this SED is feasible. In addition, the Water Board expects both Phase I and II of the Bay Delta Plan to be implemented. To proceed with two separate and segregated CEQA processes downplays the overall effects of these interrelated decisions and results in underreporting significant environmental effects.	Plan. See also Common Response 7.23, Cumulative Impact Analysis, regarding the consideration of the LSJR/SD updates in cumulative impacts analysis.

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		"[It] ... is the mandate of CEQA that environmental considerations do not become submerged by chopping a large project into many little ones – each with a minimal potential impact on the environment -- which cumulatively may have disastrous consequences." <i>Bozung v. Local Agency Formation Com.</i> (1975) 13 Cal. 3d 263, 283-284 [Underlining added]. As was discussed above, the Water Board has prepared a SED for Phase I of the Bay Delta Plan Amendment. Therefore, providing the public and decision makers a combined analysis of both projects in this SED is both possible and potentially very beneficial towards the overall revelation of the scope of the potential impacts that will result. "Obviously, it is desirable that the precise information concerning environmental consequences which an EIR affords be furnished and considered at the earliest possible stage. The Guidelines express this principle in a variety of ways. Thus, "EIR's should be prepared as early in the planning process as possible to enable environmental considerations to influence project, program or design. (Cal. Admin. Code, tit. 14, § 15013.)." <i>Bozung</i>, supra at 282. What the Water Board has done is to take two related projects, each of which is dependent on the other, and artificially cut them apart for CEQA analysis in a manner that has the effect of distorting and understating the combined impacts of these related projects. This sort of piecemeal approach results in a project description that is not reflective of the true scope of the Project. Courts have consistently rejected such an approach. "A curtailed or distorted project description may stultify the objectives of the reporting process. Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal's benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal (i.e., the "no project" alternative) and weigh other alternatives in the balance. An accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR." <i>County of Inyo</i>, supra at 192-193 [Underlining added].	

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		The City of Lodi took an approach that is similar to what the state is doing here during its proposed annexation of the Johnson and Tandy Ranches in 1980. Lodi made several technical mistakes during the CEQA process. The most egregious mistakes included the decision to analyze only the development of the Johnson Ranch (ignoring the fact that the project proponents also intended to subsequently develop the Tandy Ranch) and to defer the analysis of the necessary annexation, while continuing to consider entitlements (general plan amendment, pre-zoning and maps) for both ranches. The Court ruled that the City needed to include the annexation decisions and the potential for development of both ranches in the EIR prior to approving any of the requested entitlements. "The City's argument erroneously assumes that the annexation and the Johnson-Tandy development are entirely unrelated projects. They are clearly interconnected, as the proposed development will be annexed to the city, and to adopt the City's position would defeat CEQA's mandate "that environmental considerations do not become submerged by chopping a large project into many little ones -- each with a minimal potential impact on the environment -- which cumulatively may have disastrous consequences." (Bozung v. Local Agency Formation Com. (1975) 13 Cal.3d 263, 283-284 [118 Cal. Rptr. 249, 529 P.2d 1017].).... Responsibility for a project cannot be avoided merely by limiting the title or description of the project. "An accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR." (County of Inyo v. City of Los Angeles (1977) 71 Cal.App.3d 185, 193 [139 Cal.Rptr. 396].)". Rural Landowners Ass'n v. City Council (1983) 143 Cal. App. 3d 1013, 1024-1025 (Rural Landowners). In Rural Landowners, the city considered a proposal that included the annexation and potential development of two ranches (which were to be developed separately and on separate schedules) and only included in the EIR an analysis of the development of the ranch scheduled to develop first. The city also ignored the required annexation, deferring that analysis to the local LAFCo. The result of this piecemeal approach was to minimize the scope of the disclosure and analysis to the extent	

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		that it failed to fulfill the city's disclosure obligations under CEQA. Rural Landowners, 1024-1025. Here, the Water Board has taken a large interrelated set of actions and broken them into two parts. The Water Board is processing these two parts sequentially yet separately, which is performing a disservice to the public and decision makers by truncating the discussion in the SED in a manner that fails to disclose the true impacts of the Project as a whole. In Laurel Heights, the California Supreme Court addressed an analogous situation where the Regents purchased a commercial building partially occupied by leasehold tenants. The Regents planned to initially relocate a portion of the UCSF pharmacy school to that facility and planned to relocate additional operations there later when tenant leases expired and more space became available. In the EIR for the project, the Regents only studied the effects of the initial move, but put off the analysis of the rest of the relocation to some future date even though internal discussions among the Regents staff made clear that the subsequent move would occur and what uses the Regents would make of the additional space. Essentially, the Regents addressed the first portion of the overall project, but failed to address a future project expansion that was both presently quantifiable and foreseeable. The resulting analysis failed to satisfy the Regents' disclosure and mitigation obligations under CEQA. The Court instructed, "[a] detailed environmental analysis of every precise use that may conceivably occur is not necessary at this stage.... The fact that precision may not be possible, however, does not mean that no analysis is required. "Drafting an EIR . . . Involves some degree of forecasting. While foreseeing the unforeseeable is not possible, an agency must use its best efforts to find out and disclose all that it reasonably can." (Guidelines, § 15144.). Laurel Heights Improvement Ass'n v. Regents of the University of California (1988) 47 Cal. 3rd 376 , 398-399. "We hold that an EIR must include an analysis of the environmental effects of future expansion or other action if: (1) it is a reasonably foreseeable consequence of the initial project; and (2) the future expansion or action will be significant in that	

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		it will likely change the scope or nature of the initial project or its environmental effects." Laurel Heights, 396 [Underlining added]. Similarly, the failure to consider two related projects, as is presented here, results in an underreporting of cumulative impacts and the failure to evaluate and apply mitigation measures to reduce such cumulative impacts. In Bakersfield the agency contemporaneously processed large retail shopping centers as nearby freeway interchanges. Yet neither EIR for the separate projects took into account the other project when evaluating cumulative impacts. This approach amounted to a failure to proceed in a manner required by law. See, Bakersfield, supra. In this case the state is currently processing both Phase I and II of the Bay Delta Plan updates. Phase I is clearly a foreseeable consequence/part of the Project because the state is sequentially processing it and its approval and subsequent implementation is dependent on the Project's approval and implementation. As we saw in Laurel Heights, there are two related actions proposed, and the state sufficiently understands them such that the analysis of them together is both possible and helpful to the decision-making process. Failing to consider both projects when conducting a cumulative impact analysis is a fatal flaw for CEQA purposes. As per Laurel Heights, the state must analyze both phases of the Bay Delta Plan amendments in one SED, and the failure to do so constitutes an abuse of discretion by failing to proceed in a manner required by law.	
168	13	The EIR Largely Ignores the Analytical work on the Proposed Flow Regime for the San Joaquin Tributaries and Therefore Fails to Analyze Adequately the Potential Cumulative Effects of the Project. While evaluating potential cumulative impacts of the Project, the Water Board is required to analyze whether "[t]he project has possible environmental effects that are individually limited but cumulatively considerable." Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of	The 2018 LSJR/SD Plan Update to the Bay-Delta Plan is discussed in Section 7.23.1.2, Cumulative Project List, of the 2023 draft Staff Report and potentially significant cumulative impacts are identified in the cumulative impact analysis that follows. Please refer to Common Response 7.23, Cumulative Impact Analysis, for responses to comments related to the consideration and analysis of cumulative impacts associated with the 2018 LSJR/SD Plan Update. In addition, as discussed in Section 7.23, Cumulative Impact Analysis, Growth-Inducing Impacts, and Significant Irreversible Environmental Changes, due to the size and complexity of

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		probable future projects.” (CEQA Guidelines §15065(a) (1)) [Underlining added] Nowhere in the analysis of the potential cumulative effects of the Project is there a detailed and comprehensive discussion of the Phase I Amendments. While the Phase I actions are discussed at a general level in the SED cumulative impacts analysis, the discussion lacks the depth needed to properly disclose the interrelated impacts of these two related actions. It is important to note that this Project is a an integral part of the overall strategy for the reoperation of the entire Delta watershed, but it is only a part of a much larger suite of proposed actions that are all codependent and must be viewed together in order to understand the true impacts that are likely to result. What this means is that this Project does not stand alone. Rather, the Project is a part of a larger process that foreseeably would result in changes to the hydrology and operations of the entire Delta watershed. The SED has essentially piecemealed the analysis in order to minimize the disclosure of impacts at this time. “The Guidelines require the Agency to consider “past, present, and probable future projects producing related or cumulative impacts” (Guidelines, § 15130, subd. (b)(1)(A).) The Agency must interpret this requirement in such a way as to “afford the fullest possible protection of the environment.” (Citizens Assn. for Sensible Development of Bishop Area v. County of Inyo (1985) 172 Cal. App. 3d 151, 168 [217 Cal. Rptr. 893]; see also Friends of Mammoth v. Board of Supervisors (1972) 8 Cal.3d 247, 259 [104 Cal. Rptr. 761, 502 P.2d 1049]; San Franciscans for Reasonable Growth, supra, 151 Cal. App. 3d 61, 74.)” Friends of the Eel River v. Sonoma County Water Agency (2003) 108 Cal. App.4th 859, 868. [Underliing added] (Eel River). In Laurel Heights, at page 396, the California Supreme Court teaches us: “We hold that an EIR must include an analysis of the environmental effects of future expansion or other action if: (1) it is a reasonably foreseeable consequence of the initial project;	Sacramento/Delta water supply and use, the environmental analyses are necessarily broad to cover the wide range of foreseeable compliance measures and responses that may result from the proposed Plan amendments. A wide range of responses and associated environmental effects could occur as a result of the project due to the degree of flexibility included in the proposed Plan amendments and the scope and complexity of Sacramento/Delta water use. Because California water resource management involves a myriad of individual and collective decisions, the study area represents a large portion of the state. The range of foreseeable compliance actions and potential responses to the project is already wide reaching and inherently cumulative in many regards. Section 7.23, Cumulative Impact Analysis, Growth-Inducing Impacts, and Significant Irreversible Environmental Changes, discloses that the LSJR/SD Plan Updates could reduce water supply annually between 149 thousand acre-feet and 465 thousand acre-feet on average at 30 percent unimpaired flow and 50 percent unimpaired flow, respectively. This corresponds to a 7-percent to 23-percent reduction in water supply (SWRCB 2018a). This would affect water users that rely on supplies from the lower San Joaquin River tributaries, such as agricultural lands on the east side of the San Joaquin Valley and municipal supplies to Stockton East Water District (SEWD) and the City and County of San Francisco. Cumulative impacts from changes in water supply are adequately disclosed in Section 7.23 under Agriculture and Forest Resources and Utilities. Additional quantification is not required as the LSJR tributaries are outside of the SacWAM domain and the supply reductions occur independent of the Sac/Delta update with the exception of SEWD and the City and County of San Francisco. SEWD and City and County of San Francisco water supply are also discussed in the main environmental analyses in Section 7.3, Aesthetics, through Section 7.20, Utilities and Service Systems, as appropriate. Contributions to Delta outflow from the LSJR/SD Plan Updates have been evaluated in Chapter 9, Proposed Voluntary Agreements, and Chapter 13, Revised Proposed Plan Amendments. Please also see Common Response 1.2, Water Quality Control

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		and (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects.” [Underlining added] In this case, it is not only foreseeable that the Phase I Plan Amendment will be forthcoming... the Amendments have already been approved and are being implemented. The fact that these two projects may have different nominal geographic scopes should not mean that the public be deprived of the benefit of seeing the whole picture. Namely, that the Project is another step down a planned path that will greatly affect the Delta environment and the economic prospects of an entire region and in so doing will create significant impacts that will cause a degradation of water supply, harm air quality, create extensive new impacts on limited groundwater resources and harm housing production and agricultural operations statewide. The Court in Eel River held that failing to include a related project in the discussion of the proposed project was a failure to proceed as required by law because the discussion of that related project was both reasonable and practical to include. Eel River, supra. “In Kings County Farm Bureau v. City of Hanford (1990) 221 Cal. App. 3d 692, 723 [270 Cal. Rptr. 650] (Kings County Farm Bureau), the court held that, in considering whether an EIR must include related projects, “[t]he primary determination is whether it was reasonable and practical to include the projects and whether, without their inclusion, the severity and significance of the cumulative impacts were reflected adequately.” Eel River, 868-869. The Project analysis cannot exist in a vacuum; the Water Board must instead consider it along with the other projects it is implementing. The Water Board largely ignores the Phase I Plan Amendments, even though the Water Board is implementing that project and this Project is a necessary and related element thereof. It is both reasonable and practical to include a discussion of this other project, because the Water Board is processing both simultaneously. Obfuscating this real impact behind a generalized discussion of cumulative impacts is	Planning Process, for a discussion of the Board’s consideration of the proposed Plan amendments in relation to the 2018 LSJR/SD Update to the Bay-Delta Plan.

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		insufficient to relate to the public not only the actual impacts these combined projects would generate, but also how soon they are likely to occur. The Court in Eel River relied on the fact that the related project at issue was already the subject of a pending environmental study at the time the subject EIR was certified. “For example, in <i>San Franciscans for Reasonable Growth</i>, supra, 151 Cal. App. 3d 61, 75, the court held that high-rise building projects that had progressed far enough to be under environmental review must be considered in a cumulative impacts analysis because “experience and common sense indicate that projects which are under review are ‘reasonabl[y] foreseeable probable future projects.’” Eel River, 870. [Underlining added]. “When conducting a cumulative impacts analysis, an agency must include closely related projects that are currently under environmental review. This is because once review is begun, a significant investment of time, money, and planning has probably occurred. Thus, once an EIR is initiated, the project is probable rather than merely possible. (Eel River, supra, 108 Cal.App.4th at p. 870.)” <i>Golden Door Properties, LLC v. County of San Diego</i> (2020) 50 Cal. App.5th 467, 528. (Golden Door) [Underlining added]. The case law is clear. The Water Board needs to do more than merely discuss these related actions in a general discussion of cumulative impacts. “Because projects under environmental review ... could easily have been ascertained by the [agency] from its own records, there was no practical or reasonable barrier to their disclosure and inclusion in the analyses. ... The only reason we can infer for the [agency’s] failure to consider and analyze this group of projects was that it was more expedient to ignore them.’... ‘Second, we find it illogical that an EIR should carefully evaluate the direct impacts of one project which is ‘under environmental review,’ but completely ignore the cumulative impacts of that project’s siblings in the same category. Nothing makes the EIR’s subject project more ‘probable’ or ‘foreseeable’ than any of the other projects under review, just as nothing makes them less so.” <i>Golden Door</i>, 528-529, quoting <i>San Franciscans for Reasonable Growth v. City &</i>	

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		County of San Francisco (1984) 151 Cal.App.3d 61, 67-68, 75. In deciding that the related project should have been discussed in detail in the EIR, Eel River also relied on the fact that the agency actively participated in that project. Here, the Water Board certainly meets the standard in that it is the lead agency processing both Phase I and II plan amendments. Eel River, 870-871. The absence of this required information and analysis (particularly as to urban decay, hydrology, housing, endangered species, utility, air quality and agricultural impacts) makes the SED inadequate as an informational document. See, Eel River, 872. The SED must analyze in detail the combined impacts of the Project and the San Joaquin Tributaries Plan Amendment because each is a “reasonably foreseeable consequence” of the other that when thoroughly analyzed together will change the scope of the Projects direct and indirect environmental impacts. See, Laurel Heights, supra. Since the two actions are being simultaneously processed by the state, it stands to reason that the effects of both actions should be analyzed as a single project and not merely in a cursory discussion of cumulative effects.	
168	14	The Calaveras River is Not Part of the Sacramento River. Assuming that the Water Board could legally divide Phase I and Phase II of the Bay-Delta Plan Amendment into two separate CEQA evaluations, the Calaveras River is not part of the Sacramento River, and should not be lumped into the San Joaquin River for project evaluation or determinations of environmental impact analysis. As the Water Board acknowledges, “The Calaveras, Mokelumne, and Cosumnes Rivers all converge in tidewater as tributaries to the San Joaquin River when it is within the Legal Delta (see Wat. Code, § 12220)” SED Section 2.1.2 at p. 2-5. Nevertheless, the Water Board rationalizes their inclusion in the phase II SED:	The waters of the Calaveras River drain into the Legal Delta and thus the Calaveras River basin is a part of the larger Sacramento/Delta system as defined in the draft Staff Report. For consistency within the draft Staff Report, all streams were evaluated in a like manner in terms of the assumed percent of unimpaired flow to contribute the same proportional amount into and out of the Delta. In Section 5.6.2, General Measures to Assist with Implementation of the Bay-Delta Plan, the draft Staff Report also acknowledges that not all tributaries have the same hydrology, fisheries, and water supply needs; therefore, “Implementation mechanisms in the proposed Plan amendments are intended to be flexible to encourage innovative solutions by various parties and to accommodate a variety of different watershed circumstances and needs.”

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		The Delta eastside tributaries drain directly to the eastern side of the Delta. Three rivers with very different hydrological responses comprise this grouping: the Mokelumne, Calaveras, and Cosumnes Rivers. The Mokelumne and Calaveras Rivers are within the San Joaquin fluvial fan system and join the San Joaquin River north of Vernalis, which marks the southernmost boundary of the Legal Delta on the San Joaquin River. The Cosumnes River occupies a small geological and hydrological gap between that system and the northern Sierra Nevada tributaries. Because the Delta eastside tributaries drain into the Delta, they are part of the Sacramento/Delta and therefore are covered in this Staff Report. SED Section 2.2.7. The Water Board acknowledges that the two river systems are “distinct” and that each of the two systems “can vary significantly in terms of precipitation, topography, and at-risk native fish and wildlife”. See https://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/ (accessed January 17, 2024). Nowhere does the Water Board include an explanation of why the Calaveras River is treated as a Sacramento River tributary for purposes of adoption of the 55% unimpaired flow, as opposed to the 40% unimpaired flow imposed upon all other San Joaquin River tributaries.	Additionally in response to public comment, the revised project includes both watershed-wide adjustments and tributary-specific adjustments. The watershed-wide adjustments would require flows of 55 percent of unimpaired flow during wetter conditions, with required flows at 45 percent of unimpaired flows during intermediate conditions and flows of 35 percent of unimpaired flow under the driest conditions. The tributary-specific water supply adjustments would allow for additional adjustments on rainfall-dominated and municipal supply-dominated tributaries, including Putah Creek and the Mokelumne and Calaveras Rivers, that would allow for more frequent reductions in the required flow levels within this range, as well as no new flow requirements during the driest conditions. These refinements to the regulatory pathway for the revised proposed Plan amendments were designed to reduce water supply impacts and allow more water to be stored in reservoirs on initial implementation. These refinements include the possibility of moving up in the range of unimpaired flow under certain conditions and the potential for modifying the water supply adjustments in the future.
168	15	The EIR Fails to Discuss Any Inconsistencies Between the Project and the Calaveras River HCP (Published 9-14-2020). CEQA Guidelines section 15125(d) requires an EIR to discuss any inconsistencies between the Project and any applicable regional plans. The SED discusses several relevant Habitat Conservation Plans, but inexplicably fails to note the Calaveras River HCP that is applicable to protect Steelhead and Salmon in the Calaveras River. The Calaveras River HCP was published in September 2020. This HCP, developed by SEWD and implemented with the approval of the applicable state and federal fisheries agencies seeks to establish and maintain “operational criteria to support the	The 2023 draft Staff Report lists the regional habitat conservation plans (HCPs) and the natural community conservation plans (NCCPs) and their covered species in Section 7.6.1, Terrestrial Biological Resources, and Section 7.6.2, Aquatic Biological Resources. The 2023 draft Staff Report acknowledges that approximately 200 HCPs and NCCPs have been developed in California and the full list of HCPs and NCCPs can be found on the USFWS and CDFW websites. In addition, information about the Calaveras River HCP was added to Table 7.6.2-3 in Section 7.6.2, of the final Staff Report. This revision does not change the impact conclusions made in Section 7.6.2. The proposed Plan amendments would support the intent of the Calaveras HCP by providing flow conditions in the

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		biological goals of maintaining a viable population of rainbow trout and Central Valley steelhead (<i>Oncorhynchus mykiss</i>) within the CHCP boundaries, as well as maintaining adequate habitat condition upstream of Bellota for fall-, late fall-, spring- or winter-run Chinook salmon (<i>Oncorhynchus tshawytscha</i>) that may opportunistically migrate into the conservation area." [Footnote 1: Calaveras River HCP, Executive Summary, at page 2.] According to CEQA, a SED "shall discuss any inconsistencies between the proposed project and applicable general plans, specific plans and regional plans. Such regional plans include, but are not limited to ...habitat conservation plans...." (CEQA Guidelines § 15125(d). The SED must consider Project effects on endangered species, including Steelhead addressed in the Calaveras River HCP. "In general, an EIR must take "the regional setting" of a project into account, placing "[s]pecial emphasis ... on environmental resources that are rare or unique to that region and would be affected" (Guidelines, § 15125, subd. (c).) "[T]he significant effects of the project [must] be considered in the full environmental context." (Ibid.)." <i>Banning Ranch Conservancy v. City of Newport Beach</i> (2017) 2 Cal. 5th 918, 937. Instead, the SED ignores the Calaveras River HCP and specifically includes a flow regime in the preferred Project and each of the alternatives (other than the No Project alternative) that would inexorably damage the Steelhead population in the Calaveras River (by letting the Calaveras River run dry) and thereby undermine in its entirety the endangered species protections put in place in that HCP regime. The failure to consider the Calaveras River HCP in the SED represents an abuse of discretion caused by a failure to proceed as required by law.	Sacramento/Delta regions to support successful spawning, rearing, migration, and other life history stages of native fish and wildlife—including the magnitude, frequency, timing, duration, and rate of change of flow conditions to which native species are adapted. Please see Common Response 7.6.2, Aquatic Biological Resources and Cold Water Habitat, for a discussion about the integration of inflows and cold water habitat requirements with existing temperature-related requirements, including the ESA.
168	16	The EIR Fails to Present Substantial Evidence that the Proposed Mitigation for Impacts to Agricultural Operations Will be Effective. In the SED, the Water Board must impose feasible measures that reduce or avoid significant environmental effects of the Project.	Section 7.4.4, Mitigation Measures, of the 2023 draft Staff Report, provides a range of options that various entities can adopt or utilize to mitigate the potential negative effects of the proposed Plan amendments, including agricultural conservation and efficiencies. The draft Staff Report acknowledges that mitigation measures may not be applicable to every affected location or

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		[Pub. Res. Code sections 21002, 21002.1 and 21081(a); Sierra Club v. County of Fresno (2018) 6 Cal. 5th 502, 524- 525]. Approving a project without adopting feasible mitigation measures is an abuse of discretion. Sierra Club at 526. Here, the SED simply provides that impacts to agricultural operations occasioned by the complete loss of the SEWD Calaveras supply (called “Unmet demand” in the SED) will be mitigated by using other water sources, such as additional groundwater pumping. However, the SED does not take into account in sufficient detail the practical limitations of those actions. The aquifer underlying SEWD is already overdrafted, and further exploitation of that aquifer over the current level of drawdown is infeasible. Simply put, there is going to be no more water pulled from that aquifer for agricultural uses than what is at present being used. In fact, the current level of drawdown may not even be sustainable. This circumstance is well known, and has been thoroughly documented in the analysis behind the Groundwater Sustainability Plan for the Eastern San Joaquin Groundwater Sustainability Authority, adopted in 2023. Thus, the SED effectively whipsaws Stockton East. The SED takes away Calaveras surface water to attain water demands while the GSA prohibits pumping ground water to meet these existing demands. Either or both situations constitute an ecological and economic disaster for the region. Nothing in the SED indicates the above mitigation measure will have any effect on the devastating impacts to San Joaquin County agriculture that will be caused by the Project, since it is clear that there is no way to replace the supply provided by SEWD from the Calaveras River. While normally a court affords deference to an agency’s determination regarding the effectiveness of a proposed mitigation measure, a court need not do so when it is not clear that the mitigation measure will be effective and there is no evidence on the record that would support a conclusion that it would be effective. King & Gardiner Farms, LLC v. County of Kern (2020) 45 Cal. App. 5th 814, 866.	agency. Some mitigation measures are largely within the jurisdiction and control of other agencies; accordingly, the State Water Board cannot guarantee that measures will always be adopted or applied to fully mitigate all potential impacts. For this reason, the agricultural impacts remain potentially significant. Please also see Common Response 7.1, General CEQA and Approach to the Analysis, for further discussion of the mitigation measures and the State Water Board’s obligations under CEQA. The commenter’s proposed mitigation, “altering the flow requirements on the Calaveras River to be consistent with maintaining existing SEWD operations” is essentially a request that SEWD be excluded from the requirements of the regulatory pathway of the proposed Plan amendments. While such an approach is inconsistent with the purposes and goals of the Bay-Delta Plan update, the program of implementation does include flexibilities that can help minimize water supply impacts. In addition, the project has been revised as described in Staff Report Chapter 13 and Common Response 1.3, each titled Revised Proposed Plan Amendments. As discussed in Chapter 13 and Common Response 1.3, the regulatory pathway under the revised proposed Plan amendments includes new water supply adjustments that reduce water supply impacts and allow more water to be stored in reservoirs at the outset of Plan implementation. In addition to watershed-wide adjustments that apply to the entire watershed, the regulatory pathway includes tributary-specific adjustments that apply to rainfall-dominated tributaries and tributaries that primarily supply municipalities, including the Calaveras River.

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		The Water Board has presented nothing in the SED that indicates there are any alternative sources of water to effectively mitigate the Project's impacts to agricultural operations. The fact the SED presents a "menu" of mitigation measures is irrelevant: These infeasible steps do not satisfy the mitigation obligations of the Project and therefore these measure present no effective mitigation at all. ""To facilitate CEQA's informational role, the EIR must contain facts and analysis, not just the agency's bare conclusions or opinions." Here, the EIR included no facts or analysis to support the inference that the mitigation measures will have a quantifiable "substantial" impact on reducing the adverse effects." Sierra Club v. County of Fresno (2018) 6 Cal. 5th 502, 522. To approve the Project the Water Board must adopt feasible mitigation measures to reduce the environmental effects of the Project to the point of insignificance. If the Water Board cannot do so, it may still approve the Project by adopting a statement of overriding considerations. King & Gardiner Farms, LLC at 852. However, adopting a statement of overriding considerations does not excuse the Water Board's obligation to impose all feasible mitigation measures. [A]dopting a statement of overriding considerations does not negate the statutory obligation to implement feasible mitigation measures. "Even when a project's benefits outweigh its unmitigated effects, agencies are still required to implement all mitigation measures unless those measures are truly infeasible." (Sierra Club v. County of Fresno, supra, 6 Cal.5th at pp. 524–525.) Stated another way, "if the County were to approve a project that did not include a feasible mitigation measure, such approval would amount to an abuse of discretion." King & Gardiner Farms, LLC, supra. The SED mitigation measures proposed for loss of SEWD's Calaveras River supply are not mitigation at all, since it is not feasible to replace this supply using any of the methods identified by the SED. This illusory mitigation measure does not comply with CEQA and results in dispensing with feasible mitigation that the SED could impose to lessen the Project's significant effects on the environment.	

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		Partial effectiveness is necessary for the measure to be labeled a “mitigation measure.” While the extent of the mitigation may be uncertain, there must be some reductions or offsets for the label “mitigation measure” to be accurate. The partial effectiveness requirement is derived from the mandatory language in our Supreme Court’s statement that “[m]itigation measures need not include precise quantitative performance standards, but they must be at least partially effective, even if they cannot mitigate significant impacts to less than significant levels.” (Sierra Club v. County of Fresno, supra, 6 Cal.5th at p. 523, italics added.) King & Gardiner Farms, LLC at 865 [Underlining added]. The only record evidence for the Project regarding the efficacy of various forms of mitigation for the loss of SEWD’s Calaveras River supply was presented by SEWD, and it certainly provides no support for the illusory “mitigation” found in the SED. Approving the Project without imposing more robust and feasible mitigation (such as altering the flow requirements on the Calaveras River to be consistent with maintaining existing SEWD operations) dispenses with imposing feasible mitigation for Project impacts on agricultural operations, which would constitute an abuse of discretion by failing to proceed in a matter required by law.	
168	17	The SED Failed to Evaluate a Reasonable Range of Alternative because it Failed to Identify and Discuss any Alternative that would be Other than its Preferred Flow-based Operational Regime. In the SED the Water Board was obligated to present and analyze a reasonable range of alternatives to the Project. [CEQA Guidelines section 15126(a); Laurel Heights, 403; Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal. 3rd 553, 566]. The alternatives analyzed must meet most of the Project’s objectives, but reduce or avoid the Project’s significant impacts. Watsonville Pilot’s Ass’n v. City of Watsonville (2010) 183 Cal. App. 4th 1059, 1089. Alternatives need not be environmentally superior in all respects. Sierra Club v. City of Orange (2008) 163 Cal. App. 4th 523, 547. In order to crystalize the policy tradeoffs	Please see Section 7.2, Description of Alternatives, of the Staff Report for further information on alternatives with no change in flow, smaller changes in flow, or voluntary contributions of flow, i.e., the No Project Alternative (Alternative 1), the Low Flow Alternative (Alternative 2), and the Proposed Voluntary Agreements (Alternative 6), respectively. Also see Common Response 1.2, Water Quality Control Planning Process, regarding the consideration of beneficial uses, and Common Response 7.24, Alternatives Analysis, on consideration of alternatives.

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		the Water Board is considering, the SED should also discuss alternatives that present certain different or enhanced public benefits over the Project, even if such an alternative may present different or certain somewhat greater impacts. See, <i>Mira Mar Mobile Community v. City of Oceanside</i> (2004) 119 Cal. App. 4th 477, 489; <i>Tracy First v. City of Tracy</i> (2009) 177 Cal. App. 4th 912; <i>Village Laguna of Laguna Beach, Inc. v. Board of Supervisors</i> (1982) 134 Cal. App. 3rd 1022, 1029. “The action approved need not be a blanket approval of the entire project initially described in the EIR. If that were the case, the informational value of the document would be sacrificed. Decision makers should have the flexibility to implement that portion of a project which satisfies their environmental concerns.” <i>South of Market Community Action Network v. City and County of San Francisco</i> (2019) 33 Cal. App. 5th 321, 335-336. [Underlining added and internal citations omitted]. An example of how to apply this flexibility is found in the Court’s analysis of the propriety of a range of alternatives considered for an open space master plan for the City of Santa Cruz. There an EIR evaluated a range of alternatives, including alternatives meeting some, but not all project objectives. The Court concluded the range of alternatives should not be limited to only alternatives achieving all project objectives. Rather, an EIR must consider those meeting some of the project objectives, and it was up to the city council to determine the relative importance of the various stated objectives and to determine what project objectives were or were not essential in terms of the appropriate range of project alternatives to consider. <i>California Native Plant Soc’y v. City of Santa Cruz</i> (2009) 177 Cal. App. 4th 957, 991-992. “It is virtually a given that the alternatives to a project will not attain all of the project’s objectives.” <i>Watsonville Pilots Ass’n</i>, 1087. Here, the SED artificially restricted the range of alternatives by only considering alternatives involving enhanced flows on all tributaries to meet Project objectives. However, the SED also needs to consider one or more additional alternatives that meet most Project objectives but do not exclusively rely on enhanced flows in all rivers and tributaries. To put a finer point on it, the	

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		SED cannot dispense with feasible alternatives merely because an alternative does not depend upon enhanced flows.	
168	18	To address the significant environmental impact to agricultural resources and the endangered Steelhead in the Calaveras River the SED must consider an alternative that retains the Calaveras River flows necessary to preserve SEWD's operations including the SEWD Calaveras River HCP obligation. The Board is within its rights to approve this Project with lower enhanced flows on one or more tributaries. "We reject the City's claim that the FEIR could omit consideration of a reduced development alternative simply because such an alternative would not fully satisfy each and every one of the City's objectives." Watsonville Pilots Ass'n, 1088. While the alternative called for here may not meet all Project objectives, it could satisfy most of those objectives and the relative importance of the multiple Project objectives is for the Water Board to determine. California Native Plant Soc'y, 992. "This is sufficient because alternatives need not satisfy all project objectives, they must merely meet "most" of them. (CEQA Guidelines, § 15126.6, subd. (a).)" Mira Mar, 489. This alternative would meet the objective of providing additional flow, while at the same time avoiding many of the environmental impacts of the Project. "An alternatives analysis in an EIR is intended to facilitate consideration of whether an environmentally superior alternative could meet most project objectives; therefore, "the key to the selection of the range of alternatives is to identify alternatives that meet most of the project's objectives but have a reduced level of environmental impacts." (Watsonville Pilots Assn. v. City of Watsonville (2010) 183 Cal.App.4th 1059, 1089)." Bay Area Citizens v. Association of Bay Area Governments (2016) 248 Cal. App. 4th 966, 1014. [Underlining added]. For instance, an alternative altering the flow requirement on the Calaveras River to one that is sustainable for SEWD operations	Please see the response to comment 168-17. The lead agency has broad discretion to define the reasonable range of alternatives to a proposed project. The suggestion by the commenter to impose constraints already imposed under existing conditions is already considered through the analysis of the No Project Alternative. In addition, the project is revised as described in Common Response 1.3, Revised Proposed Plan Amendments. The proposed Plan amendments remain part of the project as the regulatory pathway; however, the regulatory pathway includes new water supply adjustments at the outset of Plan implementation that lower flow requirements under certain conditions to reduce water supply impacts and allow more water to be stored in reservoirs. The tributary-specific water supply adjustments would allow for additional adjustments on rainfall-dominated and municipal supply-dominated tributaries, including Putah Creek and the Mokelumne and Calaveras Rivers, that would allow for more frequent reductions in the required flow levels within this range, as well as no new flow requirements during the driest conditions. These refinements to the regulatory pathway for the revised proposed Plan amendments were designed to reduce water supply impacts and allow more water to be stored in reservoirs on initial implementation. These refinements include the possibility of moving up in the range of unimpaired flow under certain conditions and the potential for modifying the water supply adjustments in the future. See Section 7.1.3, Purpose and Goals of the Sacramento/Delta Update to the Bay-Delta Plan, of the Staff Report for the purpose and goals of the Sacramento/Delta update to the Bay-Delta Plan; Common Response 1.2, Water Quality Control Planning Process, regarding the consideration of beneficial uses; and Common Response 7.24, Alternatives Analysis, on the range of alternatives.

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		may completely avoid significant impacts to SEWD agricultural operations, Stockton area housing and endangered Steelhead in the Calaveras River. But a truncated alternatives analysis ignores this reasonable and feasible alternative. The SED places the enhancement of flows as the Project's "primary objective", but the SED may not misuse agency objectives to artificially exclude considering feasible alternatives. <i>North Coast Rivers Alliance v. Kawamura</i> (2015) 243 Cal. App. 4th 647, 669. However, the Water Board may choose to place the importance of its other policy prerogatives above that stated "primary objective" as formulated by the unelected staff. Instead, the Water Board may choose to approve a project more in keeping with its responsibility to the public as stated above. To wit, a project that provides much needed flows in a manner that preserves the existing agricultural operations and housing opportunities within the SEWD operational area and does not contribute to the destruction of endangered Steelhead in the Calaveras River. The above-described alternative should be included in the SED because it would reduce several of the Projects environmental impacts, while still achieving most of the Project's objectives. <i>Habitat & Watershed Caretakers v. City of Santa Cruz</i> (2013) 213 Cal. App. 4th 1277, 1304. Failing to include this alternative represents an abuse of discretion and a failure to proceed as required by law.	
168	19	The EIR Fails to Provide an Adequate Range of Reasonable Alternatives Because it Fails to Discuss any Alternatives that are not Based on Increased Flow. As was discussed above, in the SED the Water Board was obligated to present and analyze a reasonable range of alternatives to the Project. [CEQA Guidelines section 15126(a); <i>Laurel Heights</i>, 403; <i>Citizens of Goleta Valley</i>, 566]. The alternatives analyzed must meet most of the Project's objectives, but reduce or avoid the Project's significant impacts. <i>Watsonville Pilot's Ass'n</i>, 1089. Alternatives need not be environmentally superior in all respects. <i>Sierra Club</i>, 547. In order to crystalize the policy tradeoffs the Water Board is considering, it should	Please see response to comment 168-17. All of the alternatives considered in the Staff Report, other than the No Project Alternative, would require changes in operation of the State and federal water projects. Regarding habitat restoration and predator suppression, as described in Chapter 5, Proposed Changes to the Bay-Delta Plan for the Sacramento/Delta, of the 2023 draft Staff Report, implementation includes recommendations for physical habitat restoration and other complementary ecosystem measures, which could include predator suppression, as well as voluntary implementation plans (now referred to as local cooperative solutions) that could include habitat restoration. Please see Chapter 4, Other Aquatic Ecosystem Stressors, for information on the effectiveness of

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		also discuss in the SED alternatives that present certain different or enhanced public benefits over the Project, even if such an alternative may present different or certain somewhat greater impacts. See, <i>Mira Mar Mobile Community</i>, 489; <i>Tracy First v. City of Tracy</i>, supra; <i>Village Laguna of Laguna Beach, Inc.</i>, 1029. However, the only SED alternatives given serious consideration involve significant increases in flow. The SED ignores other potential ways most of the Project objectives could be achieved, such as changes in the operation of the State and Federal water projects, changes in the operation of the Friant Unit and further efforts at habitat restoration, and predator suppression that have been documented in our prior comments on the Phase I SED (hereby incorporated by this reference).	predator suppression methods. See also Common Response 1.3, Revised Proposed Plan Amendments, for more information on habitat restoration activities included in the revised proposed Plan amendments. Regarding Friant Unit operations, the San Joaquin River is outside of the plan area. See Section 7.1.5.1, Sacramento/Delta, Plan Area, and Study Area, of the 2023 draft Staff Report for information on the plan area.
168	20	The SED Failed to Satisfy APPENDIX F of the CEQA Guidelines. The SED's disclosures do not match Appendix F's more expansive disclosure and mitigation requirements. A SED must show that it has evaluated, disclosed, and mitigated energy impacts and failing "to include a detailed statement setting forth mitigation measures proposed to reduce wasteful energy consumption as required by Pub. Res. C. §21100 (b)(3) may render a SED legally inadequate." Kostka & Zischke 2 Prac. Under the Calif. Environmental Quality Act (2019) §14.14 at 711. "In order to assure that energy implications are considered in project decisions, the California Environmental Quality Act requires that EIRs include a discussion of the potential energy impacts of proposed projects, with particular emphasis on avoiding or reducing inefficient, wasteful and unnecessary consumption of energy." Guidelines Appendix F(I); see §15126.4. To disclose energy impacts Appendix F.II.A-I requires addressing 22 items. Appendix F mandates: "[p]otentially significant energy implications of a project should be considered in an EIR [SED]," and describes 22 energy-related issues to be evaluated such as energy efficiency, effects to energy supplies, effects on peak and base period demands, compliance with existing energy standards, and transportation energy consumption. Appendix F	As stated in Section 7.8, Energy, Appendix F of the CEQA guidelines was used as guidance in developing project-specific environmental checklist questions for Section 7.8 and Section 9.7.8, Energy. These checklist questions target energy effects that might be expected with changes in hydrology and water supply that may be associated with the Plan amendments and include effects on energy resources, effects on peak and base period demands, effects on local and regional energy supplies, compliance with existing energy standards, energy for potential responses to reduction in water supply, and transportation energy consumption. The Plan amendments and its alternatives are regulatory; therefore, no energy-consuming equipment is required that would cause inefficient, wasteful, or unnecessary consumption of energy. Depending on the type of response actions taken, energy could be expended to replace reductions in water supply. Energy potentially expended associated with replacement supplies is discussed in Section 7.8, Energy, under Impact EN-e, energy requirements and energy use efficiencies by amount and fuel type for each stage of the project. Mitigation measures for changes in energy use are provided in Section 7.8. Reasonably foreseeable response actions to the Plan amendments could include construction of new or modified facilities or ecosystem projects. These projects are evaluated in

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		at (II)(c). To produce a legally sufficient analysis, Appendix F requires a SED's project description to include a discussion of: energy consuming equipment to be used by the project (Id. At II.A.1.); energy requirements of the project by fuel type (Id. At II.A.2.); energy conservation equipment (Id. At II.A.3.); energy costs (Id. At II.A.4.); and, energy consumption per vehicle trip (Id. At II.A.5). The SED did not comply with Appendix F elements. It omits items required in the "Project Description". The environmental setting fails to disclose Delta or the surrounding region's energy supply and use patterns. Most of the 22 elements were ignored. The State Board did not proceed in a manner required by law.	Section 7.21, Habitat Restoration and Other Ecosystem Projects, and Section 7.22, New or Modified Facilities. These two sections explicitly consider whether actions could result in inefficient, wasteful, and unnecessary energy consumption. The total energy required would depend on the size, scale, and duration of the project. More project-specific detail would be provided as part of project-specific environmental documentation. Regional and local energy effects are considered in Section 7.8, Energy, for Impact EN-c, the effects of the project on local and regional energy supplies and requirements for additional capacity, which focuses on those regions most likely to experience reductions in hydropower generation. To consider whether reductions in hydropower generation could negatively affect electricity delivery anywhere in the state, a grid reliability analysis was performed. Regional differences were also evaluated for impact EN-e, which considered regional differences in energy required to provide water supply.
168	21	The SED fails in numerous respects to comply with CEQA, and as a result, we would ask the Water Board not to approve the Project in light of the outstanding environmental concerns.	See Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project. To the extent that this comment summarizes or introduces other comments, please see the substantive responses to those comments.
168	22	[ATT 1:] Subject: Comments on the Draft SED Bay Delta Water Quality Control Plan Update (SCH #2012012053) Dear Jeanne: The State Water Board holds the responsibility for adopting and periodically updating the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Plan). This Plan is designed to safeguard the beneficial uses of water within the San Francisco Bay/Sacramento-San Joaquin Delta watershed, with a particular focus on water diversions and operations. The State Water Board issued its DRAFT Staff Report/Substitute Environmental Document in Support of Potential Updates to the Water Quality Control Plan for the San Francisco Bay/Sacramento- San Joaquin Delta Estuary for the Sacramento River and its Tributaries, Delta Eastside Tributaries, and Delta in September 2023 (draft SED). The draft SED proports to provide adequate scientific	See Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project. To the extent that this comment summarizes or introduces other comments, please see the substantive responses to those comments.

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		information to support possible updates and information on the potential benefits and environmental, economic, and other impacts and associated mitigation measures for possible alternatives for updating the Plan. I have examined the draft SED including its technical appendices, modeling, and reference documents. My comments and concerns are articulated with a focus on the assessment of hydrology and water modeling, specifically examining their implications. Noteworthy attention has been directed towards the overarching methodologies employed, with a particular emphasis on those directly pertinent to the Stockton East Water District (District). Following this comprehensive review, it is evident that the draft SED falls short as an informational document under the California Environmental Quality Act (CEQA). Moreover, there is a lack of substantial evidence supporting the draft SED's conclusions regarding the mitigation of the Plan's significant impacts to the greatest extent feasible.	
168	23	[ATT 1:] My analysis has uncovered substantial evidence indicating that the potential environmental impacts of the Plan are more extensive than disclosed in the draft SED. Additionally, mitigation measures outlined in the draft SED may not effectively mitigate impacts to the extent claimed. Comments on the draft SED: 1) The draft SED analysis fully relies on the utilization of water models, specifically the Sacramento Water Allocation Model (SacWAM). SacWAM's outputs are instrumental in ascertaining current and unimpaired hydrological conditions within the Sacramento River watershed, encompassing its tributaries. However, the reliance on the historical study period spanning water year 1922 through 2015 as a surrogate for future conditions is inadequate for the evaluation. The Draft SED adopts an assumption that future hydrological conditions will entirely align with the historical variability, a perspective at odds with the reality of frequently encountered real-time hydrological deviations beyond recorded historical instances. This predisposition leads to an inadequate assessment of Project	State Water Board staff conducted modeling to the best of their abilities to provide an evaluation of the unimpaired flow scenarios. The modeling is an estimation of changes in hydrology and water supply that are likely to occur under each unimpaired flow scenario. Because it is simulating hypothetical conditions, SacWAM is not intended to be used in a real-time predictive manner. SacWAM results are intended to be used in a comparative manner, which allows for assessing the changes in system operations and resulting incremental effects between modeled flow scenarios. For further information about the approach to climate change, please refer to Common Response 4.2, Drought and Climate Change. SacWAM simulated water management of the Sacramento Valley and Delta using the historical hydrology from October 1921 through September 2015 to represent the range of possible hydrologic conditions and the relative frequency of wet and dry years. While this period captures a wide range of conditions, including periods of severe drought, all unimpaired inflows, historical stream gauge data, historical reservoir storage data, and climate inputs were extended through water year 2021 as

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		impacts. Notably, the selected water year range fails to capture the evolving hydrograph peak shift from spring to winter in snowmelt-driven basins in recent decades, a phenomenon ongoing and unaccounted for in the Draft SED. Furthermore, the reliance on a study period concluding in 2015 proves insufficient, given the exclusion of hydrological data from years subsequent to 2015. The occurrence of both drought and wet years post-2015 constitutes crucial contemporary hydrological information absent from the Draft SED, resulting in an incomplete evaluation.	part of the December 2025 partially recirculated draft Staff Report. Please see Chapter 13, Revised Proposed Plan Amendments, of the draft Staff Report and Appendix H1a, Sacramento Water Allocation Model Methods, for more information on SacWAM updates.
168	24	2) The draft SED relies on a monthly time-step analysis to assess and quantify project impacts. Utilizing a monthly time-step for operational analysis is insufficient for a comprehensive review of the Plans impacts. This approach, relying on monthly hydrological information and water project operations, obscures impacts, particularly concerning resources highly sensitive to shorter-term hydrology and flow dynamics. These include, but are not limited to, water project operations, water right conditions, Division of Safety of Dam requirements, environmental water flows, water temperature control, flood control operations, Delta operations, recreation impacts, hydropower impacts, pulse flow conditions, among others. The monthly evaluation method fails to unveil the full extent of environmental impacts and proves inadequate.	Please refer to Common Response 6.1, Sacramento Water Allocation Model and Changes in Hydrology and Water Supply, for responses to comments that raise issues about the monthly timestep in SacWAM. In addition, please refer to Common Response 7.1, General CEQA and Approach to the Analysis, for responses to comments about the adequacy of mitigation measures.
168	25	3) The draft SED presupposes the operational aspects of water projects resulting from the imposition of Unimpaired Flow and Voluntary Agreement (VA) Scenarios. Subsequently, the analysis within the draft SED identifies and quantifies impacts stemming from these projected operations. However, there is a notable discrepancy in the assumed local project operations in response to unimpaired flow and VA scenarios, providing inaccuracies in the underlying assumptions. The individual responses of project operations are anticipated to deviate from those projected by the SacWAM model, leading to an underestimation of the resultant impacts. An illustrative instance of this discrepancy is evident in how the draft SED addresses "unmet demands" (Demad Unit U_60S_NU1 represents the City of Stockton). The SacWAM model is used to	Please refer to the response to comment 168-3. The water supply impacts to municipal users are presented in Section 7.20, Utilities and Service Systems, and to agriculture in Section 7.4, Agriculture and Forest Resources. Model results are presented with additional qualitative discussion to properly characterize the range of potential impacts. Generally, the impact conclusions overestimate impacts given the flexibilities provided for Plan implementation that can be utilized to minimize supply impacts while still protecting fish. Please refer to Common Response 6.1, Sacramento Water Allocation Model and Changes in Hydrology and Water Supply, for responses to comments that raise issues about the modeling assumptions and model representation of project alternatives.

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		estimate unmet water demands that cannot be met under the given operation scenario. The computation of unmet water demands is based on an operational framework that is impractical. Project operators are expected to adhere to all regulatory conditions while meeting Unimpaired Flow and VA Requirements, striving to optimize the balance of local beneficial uses. Regrettably, the modeling conducted by the SacWAM model does not align with this operational reality. SacWAM results indicate that under the 75% Unimpaired Flow scenario, the most onerous consumptive water supply scenario considered, New Hogan Reservoir storage can be greater than baseline in critically dry years. This is simply incorrect and wildly misleading. Another pertinent example pertains to the evaluation within the draft SED, which determines how water demand shortages are allocated among beneficial uses. The analysis relies on assumptions regarding the allocation of demand shortages, consequently influencing the determination of impacts. Notably, the allocation of demand shortages results in an underestimation of associated impacts. The hydrologic and project operational foundations underpinning the evaluation outlined in the draft SED give rise to inaccurate and incomplete conclusions regarding the Unimpaired Flow and VA Scenarios and the ensuing impacts.	
168	26	4) The Draft SED makes assumptions about water project operations under the imposition of Unimpaired Flow and VA Scenarios, using this as a basis to identify and quantify resulting impacts. However, the analysis relies on assumptions regarding local project operations that respond to unimpaired flow scenarios, and these assumptions are inaccurate. Individual project operational responses differ from what the SacWAM modeling indicates, resulting in an underestimation of impacts. An illustrative example pertains to how the Draft SED addresses "unmet demands." The calculation of these unmet water	Please refer to the response to comment 168-25. See also, Common Response 6.1, Sacramento Water Allocation Model and Changes in Hydrology and Water Supply, for responses to comments that raise issues about the scale of the analysis and the representation of individual water districts in the model.

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		demands is based on an operational scenario that appears unrealistic. Project operators are expected to adhere to all regulatory conditions while meeting Unimpaired Flow and VA Requirements to optimize the balancing of local beneficial uses. However, the modeling by the SacWAM model does not account for this. Similarly, the evaluation in the Draft SED determines how water demand shortages are allocated among beneficial uses, making assumptions that form the basis for determining impacts. These assumptions regarding the allocation of demand shortages appear to underestimate the resulting impacts. The hydrologic and project operational foundations of the evaluation outlined in the Draft SED contribute to incorrect and incomplete conclusions regarding the Unimpaired Flow and VA Scenarios and their associated impacts. The allocation of water supply demand shortages among beneficial uses is undertaken without consultation with Stockton East Water District. Specifically, municipal and agricultural demand shortages are determined independently, thereby influencing the identification and assessment of potential significant impacts. Stockton East Water District makes any decision on how water shortages are shared between beneficial uses. This leads to incorrect and incomplete conclusions regarding Unimpaired Flow and VA Scenarios and their associated impacts.	
168	27	5) The draft SED lacks an assessment of the ramifications arising from climate change. Notably, there is an absence of developed quantitative climate change scenarios within the SacWAM model. Furthermore, neither adaptive management measures nor corresponding model code has been established to investigate mitigating the potential effects of climate change. It is imperative that the draft SED includes comprehensive information regarding the operational aspects of water supply systems considering climate change conditions and reveals the anticipated impacts of the proposed project in relation to climate change.	Please refer to Common Response 4.2, Drought and Climate Change, for responses to comments that raise issues about the consideration of climate change in the Staff Report, including climate change in Staff Report modeling.

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168	28	6) The findings of the draft SED are presented on a regional basis. Notably, a portion of the water supply from the Stockton East Water District is commingled within the "Eastside Tributaries Region." This blending of data obscures specific impacts relevant to the Stockton East Water District, consequently resulting in erroneous and incomplete conclusions.	Agencies whose water supplies stretch across boundaries defined in the staff report may need to consider factors in multiple areas to fully understand impacts relevant to their interests. Background information relating to the Delta Eastside Tributaries as defined in the Staff Report can be found in Section 2.8.2, Delta Eastside Tributaries. Other impacts relating to the Agricultural Impacts and Economic Analysis for the Delta Eastside Tributaries can be found in Sections 7.4.2.7, Delta Eastside Tributaries, and 8.5.3, Delta Eastside Tributaries, respectively. Please see Common Response 6.1, Sacramento Water Allocation Model and Changes in Hydrology and Water Supply, for more information regarding the level of detail of the analysis.
168	29	[ATT 1:] In conclusion, and for the reasons specified above, the draft SED does not adequately address the full scope of environmental consequences which arise out of the operation of the Plan. Should you have any questions or comments, please contact me.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project. Also see Common Response 7.1, General CEQA and Approach to the Analysis, regarding the scope of the environmental analysis.
168	30	[ATT 2:] Introduction The comments herein were developed for Stockton East Water District (SEWD) with regard to the Calaveras River. The Phase II process began during a series of Bay-Delta Plan Workshops held in 2012. However, specific information on the Calaveras River was absent in all documents submitted as part of the 2012 workshops as well as in report summarizing the workshops. A Draft Scientific Basis Report was released in October 2016 to provide research and scientific justification for proposed Phase II changes to the Bay-Delta Plan, including: (1) new inflow requirements for the Sacramento River, its tributaries, and Delta eastside tributaries; (2) new and modified Delta outflow requirements; (3) new requirements for cold water habitat; (4) new and modified interior Delta flow requirements; (5) recommendations for complementary ecosystem protection actions that others should take; (6) and adaptive management, monitoring, evaluation, special study, and reporting provisions. Comments on the Draft Report were submitted to the SWRCB on	As described in Staff Report Chapter 5, Proposed Changes to the Bay-Delta Plan for the Sacramento/Delta, the inflow requirements would include flow shaping provisions that would allow for the seasonal shaping of the flow requirement to benefit fish and wildlife. This flexibility is retained in the regulatory pathway of the revised proposed Plan amendments described in Chapter 13, Revised Proposed Plan Amendments. Chapter 3, Scientific Knowledge to Inform Fish and Wildlife Flow Recommendations, of the Staff Report describes the benefits of a more natural flow regime both for tributaries and for their contributions to Delta outflows and the resultant benefits to fish and wildlife in the Sacramento/Delta. Please see Common Response 1.3, Revised Proposed Plan Amendments, on the purpose for the regulatory pathway requirements and for more information on the regulatory pathway inflow requirements. Also see Common Response 3.1, Fish Protection, on the use of best available science and the 2017 Scientific Basis Report.

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		behalf of SEWD that detailed how an unimpaired flow hydrograph is would be inappropriate and result in harmful impact to the biological resources of the Calaveras River. However, only one of the issues raised by SEWD was fully addressed and the Final Report continued to reflect a fundamental lack of understanding of the unique hydrology and features of the Calaveras River. While the SWRCB did not solicit further comments on the Scientific Basis Report, a memorandum re-iterating the concern identified was submitted. Many of the issues raised remain unaddressed and are of critical importance and concern. At the forefront of these concerns is the continued insistence that an unimpaired flow regime is key to restoring ecosystem function. However, in the Calaveras River the disconnect between the altered flow regime is beneficial, creating perennial flows in a system where unimpaired flows are at or near zero during the summer and fall. Storing water during the winter has provided for flows to meet agricultural and municipal water supply needs while creating and supporting a robust <i>O. mykiss</i> population. Protecting and conserving the water and biological resources of the Calaveras River led SEWD to pursue, in collaboration with NOAA Fisheries, development of a Habitat Conservation Plan beginning in 2003. Completed in 2020 and informed by more than a decade of research, monitoring, and analysis of hydrology, water supply, and biological resources, this written agreement between SEWD and NOAA Fisheries provides legal authorization for take of ESA listed species and details operational criteria for the preservation of these species within the conservation area. The HCP requires SEWD to continue to minimize the impacts of its operations on ESA listed species to protect and manage fishery resources, particularly <i>O. mykiss</i>, while maintaining reliable water delivery. Unfortunately, this remarkable effort was not considered or mentioned in the Phase II SED. Not only is the SWRCB's regional unimpaired flow approach not appropriate for the Calaveras River, but it is also entirely unnecessary as this has already been accomplished through development and implementation of the HCP, which includes flow and nonflow conservation measures, monitoring to track both compliance and outcomes, reporting requirements, and a defined adaptive	

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		management framework. In this memorandum we provide an overview of the unique setting of the Calaveras River and identify some areas of the Phase II SED which may not adequately reflect the resources of the Calaveras River. Most importantly we discuss elements of the HCP that were developed to protect the water supply and operations and the O. mykiss population these operations created and support.	
168	31	[ATT 2:] Setting of the Calaveras River When considering flow requirements, it is important to understand that the Calaveras River is different from most all tributaries to the Bay-Delta. The Calaveras River watershed is low elevation with no snowpack, making it a completely rain-fed system. Elevations in the basin range from near sea level at the confluence to 500 feet at New Hogan Dam, and only about 5% of the basin is above 4,000 feet in elevation. Due to the low elevation of the upper watershed, snowpack does not exist in any measurable amount. Average annual runoff in the basin is 157,000 acre feet. The unimpaired contributions from the Calaveras River are estimated at only 0.4 percent of total Delta outflow. While the SED now notes that the Calaveras River is a rain-fed flashy system, that appears to be where consideration ends. The unique nature of the stream s hydrology, biological resources that depend on the now altered hydrology, and altered habitat do not appear to be adequately captured or considered in analyses (see chapter comments). Due to its relatively small drainage area and limited snowpack, the hydrology of the Calaveras River is indicative of many North Coast California streams and rain-driven systems in California. These systems characteristically have unimpaired flows that range from low to non-existent during the dry season (late spring, summer, and early fall) to moderately high with sporadic peaks during the wet season (late fall through spring). The Calaveras River would frequently dry up during the late spring and summer, meaning that April-June flows were often non-existent.	The hydrology of the Calaveras River is described in Chapter 2, Hydrology and Water Supply, Section 2.2.7.3, Calaveras River. Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project. See also the response to comment 168-30.

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		Now, water stored in New Hogan Reservoir during the wet season is released year-round providing approximately 18 miles of quality aquatic habitat. It is because of this development providing cool, year-round flows that the Calaveras River is now home to threatened Central Valley Steelhead (O. mykiss). The healthy population of ESA listed Central Valley Steelhead (O. mykiss) in the Calaveras River would be severely impacted by the proposed unimpaired flow requirement. Under pre-dam conditions, flows in the Calaveras River were generally decreasing in April and May and were nearly non-existent July through September. To manage the Calaveras River based on its unimpaired hydrograph would allow for the river to dry to pools and eliminate the existing 18 miles of quality aquatic habitat between New Hogan Dam and the Bellota Diversion.	
168	32	[ATT 2:] The Calaveras River Habitat Conservation Plan Protection of ESA listed O. mykiss in the 18 miles of quality aquatic habitat between New Hogan Dam and the Bellota Diversion on the Calaveras River while maintaining water supply reliability is the subject of a Habitat Conservation Plan completed in 2020. The HCP is written agreement between SEWD and NOAA Fisheries that authorizes take of ESA listed O. mykiss and provides operational guidelines for a period of 50 years. The goals of the HCP are to maintain reliable water delivery to stakeholders by providing greater water security over a 50-year period, currently through 2070; comply with ESA laws and obtain an annual, predictable take allotment, and protect and manage fishery resources, particularly rainbow and steelhead trout. The conservation strategies of the HCP were developed through a long and thorough process. SEWD and their biologists, worked closely with NOAA Fisheries, and also engaged with other resource agencies and stakeholders while finalizing the written plan. The HCP is a comprehensive plan based on Calaveras River specific hydrology, water supply, habitat, and biological resources which includes flow and non-flow conservation measures, monitoring to track both compliance and outcomes, reporting requirements, and a defined adaptive management framework.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project. A species can be “listed” under the Federal Endangered Species Act (ESA) as “endangered” if it is “in danger of extinction throughout all or a significant portion of its range.” It can be listed under ESA as “threatened” if “likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.” ESA prohibits any activity that would “take” (i.e., kill, harm, etc.) listed species unless authorized. Section 10 of ESA permits a non-federal party to comply with ESA, a federal law, by developing a Habitat Conservation Plan (HCP). An HCP is a planning document designed to accommodate economic development to the extent possible by authorizing the limited and unintentional take of federally listed species when it occurs incidental to otherwise lawful activities. Specifically, the Calaveras River Habitat Conservation Plan is an agreement between Stockton East Water District (SEWD) as ESA coverage for SEWD’s activities in the Calaveras River. The State Water Board is not a party to the federal agreement between SEWD and NOAA Fisheries and therefore is not bound

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		HCP Flow Measures Flow measures include flow releases from New Hogan Dam to the conservation area year-round ranging approximately 75-250 cfs from April-October and 20-86 cfs from October-May to provide M&I and irrigation water supplies to constituents. During the irrigation season, reservoir releases average about 150 cfs and provide relatively high, stable flows between New Hogan Dam and Bellota for diversions at the Bellota Diversion Facility, Old Calaveras River Headworks Facility, and Bellota Weir slide gates. Since 1978, SEWD has typically provided year-round flows between New Hogan Dam and Bellota, which has provided instream habitat in areas that would have historically gone dry during the summer months. Year-round flow releases provide instream habitat conditions that support adult spawning, adult holding, and juvenile salmonid rearing upstream of Bellota. This is particularly beneficial to steelhead utilizing the area since they may stay in the river for two-three years before migrating to the ocean. Due to the potential risk of successive drought years that can quickly drain the reservoir to minimum storage levels, SEWD conservatively manages the reservoir between October 15 and April 15 by releasing only those flow amounts necessary for M&I purposes. Managed passage flows are infeasible not only because water supply deliveries could be negatively affected but instream rearing conditions for fisheries in following years could also be adversely affected as a result of reservoir storage reductions. Due to the extreme flashiness of the rain-driven system, the USACE maintains a relatively large flood encroachment space throughout much of the flood control season, and as a consequence, precipitation events during December through March often trigger the need for flood control releases. These flood control releases along with freshet events provide sufficient magnitude and duration of flows for steelhead migration to occur during normal to above normal precipitation years. Migration and rearing opportunities have been enhanced by water and flow related conservation strategies that have been	by it. Moreover, an HCP is not a Water Quality Control Plan. It is an agreement for a different scope and purpose under a different legal standard. The Board's legal obligation is to provide for the reasonable protection of fish and wildlife pursuant to the Porter-Cologne Water Quality Control Act and Clean Water Act, including after considering various factors under Water Code section 13241. Please see Common Response 1.2, Water Quality Control Planning Process, for additional information regarding Porter-Cologne, the Clean Water Act, and the factors the Board considers.

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		ongoing since 2005. These measures include the following flow related strategies to maintain adequate water supply and water quality conditions for Central Valley steelhead in the Calaveras River. • Minimum instream flow commitment: Guaranteed minimum, continuous instream flows maintained at Shelton Road (20 cfs) to protect important salmonid spawning, incubation, and rearing habitats above Bellota. • Non-dedicated fall storage flow management strategy: In years when suitable water storage is available on October 15 (i.e., >152,000 AF), implement a flow release schedule designed to optimize salmonid migration opportunities into/out of the 18-mile spawning and rearing reach between Bellota and New Hogan Dam for the period between October 15 and November 30. Under high, end of irrigation-season storage conditions (i.e., when storage is >152,000 AF on October 15), flood control releases must be undertaken by December 1 to achieve a storage level of 152,000 AF by December 1. Therefore, coordinate, as needed, with the USACE to manage flood control releases during the October 15-November 30 period that will optimize migration opportunities into/out of the 18-mile spawning and rearing reach between Bellota and New Hogan Dam. This water release pattern would consider the proposed release patterns for the San Joaquin River tributaries and the Mokelumne River to optimize the anadromous fish attraction flow into the San Joaquin River basin. Deviations from the scheduled water release pattern are highly unlikely; however, if substantial precipitation were to occur in October/November, there is a possibility that higher than scheduled releases could become necessary to maintain an adequate flood control reservoir level. These elevated releases would be the result of a naturally occurring weather event, which native fishes would likely be well-adapted for and possibly benefit from. • Flood control release coordination with, and advisory support to, the U.S. Army Corps of Engineers: During flood control season periods, coordinate flood control releases with USACE to optimize salmonid migration opportunities into/out of the 18-mile spawning and rearing reach between Bellota and New	

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		Hogan Dam, and to optimize salmonid spawning and rearing habitat. Non-flow Measures of the HCP In addition to the flow measures of the HCP, the plan also provides for non-flow habitat restoration actions to improve fish passage. Several of the identified projects have been completed or are in progress with four of the most limiting structures improved and one more in planning. Multiple improvements are planned at the Bellota Weir to improve fish passage including creation of a roughened channel fishway and a permanent fish ladder. Once passage improvements are implemented in the lower river, this conservation strategy is expected to result in an increased number of salmonids able to access the Conservation Area under current flow objectives. Calaveras River Monitoring Program Development of a fisheries monitoring program began in 2001 and this is a key compliance activity of the HCP providing information to assess population responses to the conservation measures. Multiple activities to inform the entirety of Calaveras O. mykiss life history including rotary screw trapping (juvenile), fish ladder monitoring (adults), spawning surveys and over summer abundance snorkel surveys (rearing). The suite of monitoring activities also includes benthic macroinvertebrate sampling, water quality, and temperature monitoring as environmental metrics. Adaptive Management Framework The CHCP's Adaptive Management Plan (AMP) provides guidance regarding the manner in which the monitoring information collected by SEWD, as well as information collected by others (e.g., USFWS and CDFW), will be used to continually evaluate and, if necessary, modify the CHCP implementation and long-term management of environmental resources. Based on the best scientific information currently available, SEWD believes that the CHCP conservation strategies will effectively achieve the CHCP biological goals, objectives, and associated	

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		targets. The adaptive management response process that will be used in the CHCP follows a standard cyclical series of steps, illustrated in the flow chart in Figure 19. Based on the British Columbia Forest Services' adaptive management framework (BCFS 1999), the steps associated with the flowchart are as follows: Step 1. Assess problem. Define the problem (e.g., passage barrier), synthesize existing knowledge about the system, and explore alternative management actions to determine which actions are most likely to meet biological goals and objectives. Predict outcomes of management actions in order to assess which actions are most likely to meet management objectives. Also, identify key gaps in understanding of the system (i.e., uncertainties that limit the ability to predict outcomes). Step 2. Design. Design an action that will solve the problem (e.g., structural improvement) and enhance the existing effectiveness monitoring program (including the development of new monitoring measures) that will provide reliable feedback about the effectiveness of the chosen action. Step 3. Implement. Implement the chosen action. Step 4. Monitor. Implement the monitoring program to determine how effective actions are in meeting biological goals and objectives, and to test the hypothesized relationships that formed the basis for the predicted outcomes. Step 5. Evaluate. Compare actual outcomes to predicted outcomes and interpret the reasons underlying any differences. Step 6. Adjust. Adjustment to actions, objectives, and any models used to make predictions may be necessary based on new understanding obtained through monitoring. New understanding may lead to reassessment of the problem, new questions, and new options to try in a continual cycle of improvement. Notably, the AMP is organized to be administered and implemented by SEWD and NOAA Fisheries (collectively known	

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		as the Governing Board). However, the SEWD recognizes the importance of public participation and contributions of outside scientists to the AMP; thus, the CHCP's AMP will also provide the opportunity for scientific review of the effectiveness of existing or proposed conservation strategies and monitoring protocols by interested stakeholders. Individual stakeholders may provide suggestions and information related to Steps 1, 2, and 5 during meetings of a Calaveras River Technical Review Group as well as through direct submittals to SEWD; however, the Governing Board will retain final authority to make changes to the CHCP (i.e., Step 6, Adjust). Furthermore, NOAA Fisheries will continue to have final control over approval or denial of changes in the proposed operations that could affect Covered Species. All of the CHCP conservation strategies contain an element of uncertainty regarding the expected outcomes of their implementation relative to achieving the CHCP biological goals and objectives. For instance, conservation strategies that have uncertainty associated with their outcomes, such as fishery flows and coordination with the USACE, will be adaptively managed based on results of effectiveness monitoring, new information uncovered by others (e.g., USFWS, CDFW), or other factors. New or expanded conservation strategies, if adopted in response to adaptive management, must continue to incorporate the impact avoidance and minimization elements of this CHCP to minimize their adverse effects on Covered Species, and, based on the "No Surprises" policy (USFWS and NMFS 1996), must not result in changes to the total amounts of the District's water right supplies or allocations. Section 10 regulations [50 CFR 17.22 (b)(2)(iii)] require that an HCP specify the procedures that will be used for dealing with any unforeseen circumstances that may arise during the implementation of the HCP. In addition, the Habitat Conservation Plan Assurances ("No Surprises") Rule [50 CFR 17.21(b)(5)-(6) and 17.22(b)(5)-(6); 63 F.R. 8859] defines "unforeseen circumstances" and "changed circumstances" and describes the obligations of the HCP Permittee (i.e., SEWD) and NOAA Fisheries. The purpose of the "No Surprises" Rule is to provide assurances to nonfederal landowners participating in an HCP process that,	

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		in the event of unforeseen circumstances, no additional land, water, or financial compensation or additional restrictions on the use of land, water, or other natural resources will be requested beyond the level otherwise agreed to in an HCP without the consent of the Permittees. Assurances regarding changed and unforeseen circumstances are described below. Changed circumstances under the No Surprises Rule are defined as changes in circumstances affecting a species or geographic area covered by the HCP that can reasonably be anticipated by plan developers and NOAA Fisheries and that can be planned for (e.g., the listing of a new species, or fire or other natural catastrophic events in areas prone to such events). The No Surprises Rule requires that potential changed circumstances be identified in the CHCP along with measures that would be taken by the Permittee to respond to those changes. If a changed circumstance occurs within the CHCP boundaries, the Permittee will notify NOAA Fisheries of this changed circumstance within 60 days unless there is a substantial threat of imminent, significant adverse impacts to a Covered Species. NOAA Fisheries will then evaluate the circumstances and may determine additional conservation strategies are necessary. Pursuant to the No Surprises Rule if such measures have been addressed in the CHCP, their implementation is required. If such measures are absent from the CHCP, NOAA Fisheries will not require any additional conservation or mitigation without the consent of the Permittee, as long as the CHCP is found to be properly implemented. "Properly implemented" means that the commitments and provisions of the CHCP and ITP have been, or are being, fully implemented. Changed circumstances that could arise in the permit area have been identified as: the listing status of covered species; the listing status of non-covered species and designation of critical habitat within the conservation area; de-listing of covered species; floods; drought; invasive species impacts; climate change; and "unforeseen circumstances." Unforeseen circumstances under the No Surprises Rule are defined as changes in circumstances that affect a species or geographic area covered by the HCP that could not reasonably be	

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		anticipated by plan developers and NOAA Fisheries at the time of the plan's negotiation and development and that result in a substantial and adverse change in status of the covered species. Chapter Specific Comments These comments are provided to identify some of the concerns regarding lack of understanding of the Calaveras River and the adequacy or interpretation of the justification provided in the SED. However, are not recommending that the SWRCB make any efforts to address these deficiencies through further modeling. Given the existence of the comprehensive analysis of water supply and habitat and biological resources in the HCP we recommend that the SWRCB review and reference the HCP as providing the most robust, scientifically appropriate analysis which in turn supports the conservation measures of the HCP as the most beneficial management strategy for the Calaveras River.	
168	33	[ATT 2:] Chapter 3 While the management priority for the Calaveras River as noted in the Calaveras River Habitat Conservation Plan and the SED identifies the Calaveras as a steelhead stream, the SED discussion is focused on fall-run Chinook salmon. It is unclear if the steelhead life history needs and timing are reflected in the modeling or if fall-run information was used. Of critical note, it does not appear that the essential need for over-summering flows for steelhead, which are not needed for fall-run Chinook salmon were considered.	Fall-run Chinook salmon is the most studied anadromous salmonid in the Delta but is not the sole focus of the Sacramento/Delta Update to the Bay-Delta Plan. The proposed Plan amendments described in Chapter 5, Proposed Changes to the Bay-Delta Plan for the Sacramento/Delta, and the revised proposed Plan amendments described in Chapter 13, Revised Proposed Plan Amendments, of the Staff Report are intended to benefit native fish and wildlife species, including steelhead. Scientific information about steelhead and the effects of flow and habitat on steelhead is presented in Chapter 3, Scientific Knowledge to Inform Fish and Wildlife Flow Recommendations. As described in Chapter 3, the emigration period through the Delta overlaps between Central Valley steelhead and fall-run Chinook salmon. Because peak outmigration occurs in the spring for both races, Chinook salmon and steelhead have similar needs regarding the timing and magnitude of outmigration flows. The modeling for the ecological benefits analysis in the Staff Report was performed to evaluate the frequency of exceeding ecological flow thresholds that are important for protecting salmonids. Because more information is available regarding ecological flow thresholds for Chinook salmon, those thresholds are also used as appropriate to identify flows needed to support steelhead. Please see Common Response 3.1, Fish Protection, for a discussion of

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			the use of best available science in the Staff Report and modeling to support the benefits analysis.
168	34	[ATT 2:] Further, the SED notes that modeling results for spawning habitat show that available rearing habitat is at its lowest in the Calaveras under baseline conditions and highest under the 75% scenario but makes no mention of where this “improved” spawning habitat occurs, the relative quality of the habitat, or most importantly, whether spawning habitat is in any way limiting. If ample spawning habitat to support viability already exists, increasing habitat is inconsequential.	Please see Common Response 3.1, Fish Protection, for a discussion of the habitat benefit analyses in the Staff Report. The methods for the habitat analysis are described in Appendix A8, Salmonid Tributary Habitat Analysis, to the Staff Report, including methods used to model habitat on the Calaveras River.
168	35	[ATT 2:] Similarly, the SED notes that modeling results for rearing habitat show that available rearing habitat is at its lowest in the Calaveras under baseline conditions and highest under the 75% scenario but makes no mention of where this “improved” rearing habitat occurs, when it occurs, or whether rearing habitat is a limiting factor in the Calaveras River. Table 3.14-9 shows marginal gains in rearing habitat between 35% (12% gain) and 75% (19% gain) unimpaired flow scenarios. As modeled scenarios ranging from baseline to 75% of UIF result in flows at or near zero during the summer months that are most critical for steelhead rearing, we strongly suspect that information life history information for fall-run Chinook salmon was inappropriately used and does not reflect the need of steelhead.	Please see the response to comment 168-34. As described in Appendix A8, Salmonid Tributary Habitat Analysis, instream spawning and rearing habitat for steelhead is used as a proxy for Chinook salmon because there is no habitat modeling available for the fall-run Chinook salmon in the Calaveras River.
168	36	[ATT 2:] The SED also concedes that there will be no improvement of meaningful floodplain inundation in the Calaveras under any unimpaired flow scenario. This seems counterintuitive to the improvements expected in rearing habitat. Creation of floodplain habitats would be anticipated to be the most significant improvement in creating additional viable rearing habitat for juvenile O. mykiss in the Calaveras.	The Chapter 3, Scientific Knowledge to Inform Fish and Wildlife Flow Recommendations, benefits analysis assumes that the flow scenarios would inundate existing floodplain habitat only. Please see Appendix A8, Salmonid Tributary Habitat Analysis, Section A8.1.3, Meaningful Floodplain Event, which describes that the Meaningful Floodplain Event analysis was not conducted for the Calaveras River because the available maximum floodplain habitat is less than 1 acre. Expected increases in suitable rearing habitat on the Calaveras River, under the regulatory pathway, are for instream habitat.
168	37	[ATT 2:] Chapter 5 Chapter 5 cites to expectations of benefits to Calaveras River steelhead from increased flows as conclude by NMFS 2009 BiOp [Biological Opinion]. First, we note that this is not the most	The National Marine Fisheries Service 2009 Biological Opinion is cited because it concluded that increased Import:Export interior Delta flow limits would be beneficial to Calaveras River steelhead. As described in Common Response 1.3, Revised Proposed Plan Amendments, adaptive implementation

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		recent BiOp as the 2009 BiOp was superseded in 2019. But of greater relevance is the fact that Calaveras River flows contribute negligibly to Delta inflow and of greater importance is the influence of Calaveras flows within the Calaveras River. As noted previously, operating to an unimpaired flow-based regime would not provide for oversummering flows critical to the viability of the <i>O. mykiss</i> population of the Calaveras River. If there are no steelhead produced in the Calaveras River, survival through the Delta is a moot point.	provisions would allow for the seasonal shaping of flows to improve benefits to fishes, which could, for example, be used to provide for oversummering flows for Calaveras River <i>Oncorhynchus mykiss</i> .
168	38	[ATT 2:] Chapter 6 The statement that Calaveras River water is supplemented with diversions from the Stanislaus River on page 6-18 should be revised for clarity. SEWD does receive water from the Stanislaus River for M&I purposes, but this water does not enter the Calaveras River. We also request that the SWRCB confirm that supplementation of water received from the Stanislaus is not represented in the hydrological modeling as contributing to Calaveras River flow.	In SacWAM, water from the Stanislaus River does not contribute to flow in the Calaveras River with the exception of a small amount of potential agricultural return flow from Stockton East Water District sourced from the Stanislaus River. The text in Chapter 6, Changes in Hydrology and Water Supply, that stated that the Calaveras River is supplemented with diversions from the Stanislaus River has been removed.
168	39	[ATT 2:] Figure 6-3-10 shows changes in modeled hydrology across scenarios for the Calaveras River. This figure is both misleading and interpreted without context of significance. First, the figure is interpreted as showing that “streamflows on the Calaveras River above the Delta increase most dramatically in January through April between the baseline and the 35 scenario and then continue to increase in these months with the higher flow scenarios.” The increase is anything but dramatic and the amount of increase is not considered. Rather the view is a simplistic higher is better. The total amount of increase January through June is stated to range from 11 TAF to 33 TAF which equates to a range of only about 30-90 cfs. Minimum flows releases from New Hogan Dam are 25 cfs as designated in the HCP and strike a balance of providing suitable spawning and rearing conditions for steelhead while conserving storage to provide for preservation of coldwater storage and SEWD’s summer flow releases for irrigation and M&I which support steelhead rearing over the summer.	Section 5.4.2.3, Proposed Inflow Objective, describes the inflow objective for protection of fish and wildlife beneficial uses on the tributaries and also flows needed to contribute to Delta outflow to protect estuarine species. The narrative objective could also be achieved with lower flows in certain circumstances. As discussed in Chapter 5, Proposed Changes to the Bay-Delta Plan for the Sacramento/Delta, the proposed program of implementation provides for adaptive management within the proposed flow range. Flows may be lower in the range in cases where: (1) there are successful voluntary implementation plans that demonstrate that they can achieve the narrative objective using a combination of flow and other measures; or (2) if the State Water Board determines that lower flows are needed to meet the narrative objective, including to preserve reservoir storage supplies to maintain water quality and temperature conditions later in the same year or in the following year for the protection of native fish species.
168	40	[ATT 2:] This figure claims to show small increases in streamflow during June to October. However, the SED fails to recognize that the flows in these months are at or near zero across the range of	The draft Staff Report summarizes the impaired condition of the Calaveras River and the comparison from baseline to the flow in the unimpaired flow analysis in Chapter 2, Hydrology and Water

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		baseline through 75% of unimpaired flow because unimpaired flows are essentially zero. Prior to New Hogan Dam and SEWD's operations, the lower Calaveras River would routinely run dry in places, much like what occurs on the Cosumnes River. As a result of flow regulation by New Hogan Dam and SEWD's operations, perennial flows now occur in the fish Conservation Area established and protected by the HCP. The Conservation Area represents the 18-mile spawning and rearing reach of the river above Bellota, with Mormon Slough providing a migratory corridor downstream of Bellota connecting to the San Joaquin River. Flows to the confluence via Mormon Slough are inconsequential for steelhead in the Calaveras River during this time as steelhead are not migrating through the corridor downstream of Bellota. The figure fails to capture a critical benefit of flow regulation by New Hogan Dam and SEWD which has created a robust steelhead population in the Calaveras River – perennial flows, summer flows which greatly exceed what would occur under unimpaired conditions, and cooler summer water temperatures due to releases of cold water stored behind New Hogan Dam.	Supply, and Chapter 6, Changes in Hydrology and Water Supply, respectively. Specifically, Chapter 2 Section 2.2.7.3 Calaveras River and Chapter 6 Section 6.4.4 Sacramento/Delta Supply to the Delta Eastside Tributaries. The flow conditions during the June to October period are acknowledged appropriately in the cumulative distribution of current conditions Table 2.2-17 of Chapter 2. Please refer to Common Response 2.1, Presentation of Data and Results in the Staff Report and Responses to Comments, for information on how to interpret results presented in the draft Staff Report.
168	41	[ATT 2:] Perennial flows provided by SEWD now support steelhead in a system that historically ran dry. As previously discussed, the headwaters of the Calaveras River originate at a relatively low elevation, with only five percent of the basin occurring at an elevation above 4,000 ft. This means that most of its water does not come from melting snow, but instead is fed by rainfall. Prior to construction of Hogan Dam, it could dry up completely in some places during the summer. Notably, operations at New Hogan Dam have changed the year-round flow regime of the river by maintaining persistent year-round discharge, supporting cold-water fishes, such as steelhead, where historically they would be found only sporadically. As per the Calaveras River Habitat Conservation Plan (SEWD and FISHBIO 2020), SEWD has committed to ensuring a minimum of 20 cfs, as measured at the Shelton Road Bridge. Based on WUA/PHI curves, a minimum flow commitment of 20 cfs at Shelton Road (equivalent to about 25 cfs released from New Hogan) ensures that suitable habitat is available in the important	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		spawning and rearing area during the non-irrigation season from late fall through early spring, which encompasses the steelhead spawning season (December through March) as well as year-round rearing (SEWD and FISHBIO 2020). Since 2002, SEWD biologists have been monitoring juvenile O. mykiss outmigration via a rotary screw trap stationed at the Shelton Rd bridge crossing (RM 26) situated immediately downstream of the majority of the spawning reach. Importantly, juvenile O. mykiss have been observed in all monitoring seasons, indicating some degree of spawning success and survival to the smolt/emigrating life stage. Estimated abundance has varied greatly from year to year (ranging from 199 to 13,670), due to factors like critically dry, low outflow years or extreme water years which prevented the trap from operating for the full season, however, have generally remained consistent, averaging an estimated abundance of 4,970 individuals. Generally, all young of the year juveniles migrate past the trap from March to June, whereas Age 1+ fish are present for the duration of the sampling season. Age 1+ were the most numerous juveniles captured during WY 2023 and made up as large of a percentage as was observed in WYs 2004 (88%), 2005 (72%), 2011 (77%), and 2015 (92%). In other years, (WYs 2002, 2003, 2006, 2007, 2008, 2009, 2010, 2012, and 2013), YOY juveniles were the dominant catch. Both parr and silvery parr made a large contribution to the catch of Age 1+ juveniles. Notably, all age classes have been observed during each year of sampling since 2002. The presence of all life stages of O. mykiss across all years indicates instream conditions supportive of spawning, incubation, and rearing. As part of this sampling, length (fork, total, and standard length; mm) and weight (g) measurements are taken from a subset of individuals to determine Fulton's K Factor. Fish identified as having a Fulton's K Factor of 1.25 or greater are generally considered to be in good condition for salmonids (Barnham and Baxter 1998; Baxter et al. 1991). Importantly, the historical average K factors from O. mykiss measured in the Calaveras RST during 2002-2015 ranged from 1.19 to 1.64 (n = 2,641). More recently, analysis performed on 612 individuals sampled during	

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		the 2023 water year indicate that the average condition factor (K) of juvenile O. mykiss in 2023 was 1.33 and ranged from 0.43 to 1.85. Increased flows support over-summer steelhead rearing. Currently, flows provided during the irrigation season (e.g., late spring through early fall) are higher than those that would optimize WUA/PHI for fry and juvenile rearing in the reaches of the Calaveras between New Hogan Dam (RM 42) and Jenny Lind (RM 34.6) but provide water temperatures that are typically within EPA recommended water temperatures for “core” steelhead rearing (<16°C, 61°F). These assumptions have been verified by water temperature monitoring conducted by SEWD biologists as recently as the 2023 water year which showed that 7DADM water temperatures in reaches from New Hogan to Bellota were generally under 16°C during the late spring through summer and would have met the criteria for ‘core rearing’ for O. mykiss throughout the majority of the 2023 water year. Further, water temperatures during the spawning and incubation periods of O. mykiss were typically less than 12°C 7DADM between December 2022 and April 2023 (FISHBIO 2024). While 2023 was a wet water year, this pattern holds through all water year types other than those compounded dry water years, when reservoir storage may be low and the coldwater pool is limited. SEWD biologists have conducted over summer snorkel surveys since 2011, with exception of 2014 and 2015, to establish an estimate of abundance of O. mykiss in the core rearing reaches between Dog Ranch Rd. (~RM 24) and New Hogan Dam (RM 42). During the drought in 2014 and 2015, the estimated abundance declined substantially to merely 638 individuals by 2016. By the following year (2017), the population had begun to rebound slightly and was estimated at 1,177 individuals. The estimated overall abundance of O. mykiss (all life stages combined) in the Calaveras River in 2018 was 23,089 fish, the highest abundance on record. By 2019, the latesummer population abundance had decreased to 7,391 individuals, slightly exceeding pre-drought abundance levels. In 2020, population abundance was estimated	

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		to have increased to 13,551 individuals, with a further increase to 16,260 in 2021 and 17,393 in 2022 (excluding the Dam reach). While the overall abundance of <i>O. mykiss</i> in 2023 declined to 13,137, importantly, the population has been, and remains at, a level exceeding the pre-drought abundance and the long-term average population size (FISHBIO 2024). This demonstrates that even in the most critically dry of water years, the current water operations established on the Calaveras is more than capable of sustaining a healthy population of <i>O. mykiss</i>. Storage provides for reduced summer water temperatures. New Hogan Reservoir, while having a relatively small total storage capacity of 317 TAF at gross pool, is capable of providing an insulating effect on downstream water temperatures even during consistently high air temperatures observed during the Central Valley summers. Importantly, while the gross pool is capable of ~317 TAF, due to flood control operations as mandated by the US Army Corps of Engineers, New Hogan Reservoir is required to reduce total storage to less than 152 TAF by December 1, annually. In years with excess storage, this water is utilized to provide a flow release designed to optimize salmonid migration opportunities into/out of the 18-mile spawning and rearing reach between Bellota and New Hogan Dam for the period between October 15 and November 30. An analysis of long-term storage and water temperature data (2001-2022) [see Exhibit 1], shows a complex relationship between reservoir storage levels and water temperatures between the core rearing period of <i>O. mykiss</i> of August and October. The relationship was clearly nonlinear and standard linear regression would not be appropriate to model the data. Instead, a piecewise linear regression was used that can estimate multiple slopes and the break point at which the slopes change. The impact of low reservoir storage in each month was striking, with relatively small reductions in storage below identified thresholds resulting in sharply increasing water temperatures during the months critical for oversummer rearing. This underscores the importance of water management on the	

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		Calaveras River due to the limited resources available and the conditions under which the reservoir must be managed.	
168	42	[ATT 2:] [Exhibit 1: Graph titled Figure 1. Relationship between monthly storage in New Hogan Reservoir (thousand acre-feet [TAF]) and monthly water temperature in the Calaveras River between October 1, 2001, and October 31, 2022]	This exhibit was included in the comment letter. The exhibit does not raise a specific environmental impact or economic effect of the project. Refer to Common Response 1.1, General Comments, for the approach to addressing exhibits.
168	43	[ATT 3: Article titled Lung Cancer, Cardiopulmonary Mortality, and Long-term Exposure to Fine Particulate Air Pollution]	This attachment was included with the comment letter. The attachment does not raise a specific environmental impact or economic effect of the project. Refer to Common Response 1.1, General Comments, for the approach to addressing attachments to comments.
168	44	[ATT 4: Article titled Cardiovascular disease burden from ambient air pollution in Europe reassessed using novel hazard ratio functions]	This attachment was included with the comment letter. The attachment does not raise a specific environmental impact or economic effect of the project. Refer to Common Response 1.1, General Comments, for the approach to addressing attachments to comments.
169	1	I am deeply disappointed to hear about the Water Board's decision to continue moving forward with the tunnel project and the Bay Delta plan despite scientific evidence showing the detrimental effects of such a massive project and the pleadings of multiple communities to protect the Delta.	Please see Common Response 1.1, General Comments, regarding comments on other projects.
169	2	The Water Board has a mandate to protect the multiple uses of the Delta, including ecological benefits, but unfortunately the Board has chosen to side with Southern California farmers and cities that are not doing their fair share of adapting to the harsh realities of climate change and resulting water scarcity. Instead, communities in Northern California, including those in the northern part of the San Joaquin Valley and the Sacramento Valley are being asked to sacrifice an essential resource as well as local habitat. The reality is that California has always had to deal with water scarcity. The poor planning of past generations and decisions to build large cities and massive farms in arid regions must be corrected and this proposal from the Water Board perpetuates those bad decisions and poor planning of the past.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		I urge you to do what you are legally mandated to do and protect the Delta and this essential resource from being squandered. Reject the tunnel project, voluntary agreements, and Bay Delta Plan and let's work on a better solution that works for all Californians and our ecosystems.	
170	1	I am retired and "comfortable" in Palo Alto but the future is not as comfortable for my family and young granddaughters who live in Sonora near Sierra beautiful river systems. And the future is not so certain for my 19 year-old Palo Alto grandson who loves California river fishing. Please promote conservation of our natural resources for future generations.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
171	1	For more than 30 years our Center has been actively engaged in the debate over how to manage the Sacramento River, the San Joaquin River, the Delta, and all the associated resources affected by river management. As we have respectfully but firmly pointed out at past hearings and during comment periods, it is tragic for the residents of California and for precious aquatic resources that the State has consistently buckled under political pressure and has allowed consumptive water users to preempt the pivotal needs of fish, water quality, and the overall aquatic ecosystem of the Sacramento River (and the San Joaquin River) due to State legislative and Water Board decisions.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project. Please see also Common Response 1.2, Water Quality Control Planning Process, for a discussion of the State Water Board's consideration of beneficial uses and public trust resources throughout the water quality control planning process.
171	2	Our Center is highly aware that Governor Newsom (similar to his predecessors) is understandably attempting to minimize polarization over high profile natural resource issues such as river/Delta management. We recognize that there will usually end up being political trade-offs whenever difficult environmental issues result in outcry from powerful interests such as the Ag industry. The political push back can threaten the viability of other actions by the Water Board, leading to the risk of negative consequences for other conservation matters of importance. In the big picture, however, the State Water Board has a clear obligation and responsibility to move past political considerations and to instead act in the best interests of present and future generations by complying with its mission: "To	Please see Common Response 1.2, Water Quality Control Planning Process, regarding the State Water Board's consideration of beneficial uses and public trust resources throughout the water quality control planning process. Please see Common Response 3.1, Fish Protection, for a discussion of the State Water Board's use of best available science and the State Water Board's approach to analyzing the effects of flow on species abundance and life cycle models. The 2023 draft Staff Report Chapter 5, Proposed Changes to the Bay-Delta Plan for the Sacramento/Delta, Section 5.4.2, Inflows, contains a discussion of existing inflow requirements and the basis for a new inflow objective to be proposed as part of the Sacramento/Delta update to the Bay-Delta Plan.

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		protect, enhance, and restore the quality of California's water resources and drinking water for the protection of the environment, public health, and all beneficial resources..." That mission is NOT to give in to political lobbying by agricultural interests, their associated rural county politicians or city representatives, all their lobbyists, and the onslaught of legal challenges they threaten to further throw in front of the State if it requires adequate river flows to be mandated in the Sacramento River system for fish and the health of the Delta. The State Water Board for many, many years has fully acknowledged that the percentage of the unimpaired river flows left in the Sacramento River and its tributaries after diversions is insufficient to meet the needs of salmon and steelhead, to meet objectives for water quality/water temperature, to protect at risk aquatic species, and to meet other ecological needs.	
171	3	Key comment: The 2010 Flow Criteria Report and the Scientific Basis Report released in 2017 both affirm that far higher levels of the unimpaired flows need to stay in the Sacramento River and its tributaries. Yet the Water Board has still not acted in a manner that leads to progress toward that science-based objective. The Water Board has not acted in a manner consistent with the clear science that has been produced as result of scientific analysis by the Water Board and other associated state resource agencies. This is inexcusable.	Please see Common Response 1.1, General Comments, for information on the Delta Flow Criteria Report and for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
171	4	The complex aquatic ecosystem of the Delta has already been allowed to be significantly degraded by being transformed into agricultural croplands and other commercial ventures that all are based upon vast subsidized investments of huge sums of state taxpayers' dollars to prevent dikes from failing, to fund decades of pumping water, and by the state simply ignoring the huge environmental value of the natural Delta ecosystem. While levels of salinity are certainly a matter that must be carefully considered, sufficient natural flows left in the river and across the Delta would produce far more benefits for the vast majority of Californians who are supposed to be represented by the Water Board. The bottom line is that the Voluntary Agreements give the appearance of the Governor, the Water Board, and State agencies	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		looking to find a balanced solution. In fact, the Voluntary Agreements simply favor the status quo, profit-based interests that hold such strong political sway. Voluntary agreements mean years of delays before the State can reasonably measure whether or not salmonid species and other at-risk values are sufficiently benefiting from the habitat enhancement or gravel deposits or whatever non-flow measures that - while positive - will be far, far less certain to meaningfully benefit fish and other resources than doing what the science supports - returning far higher flows to the river system, especially during dry and critical dry water years.	
171	5	Key comment: Our Center strongly opposes delaying the immediate implementation of following the best available science by significantly raising minimum flows to be left in the river. We oppose the State allowing the Voluntary Agreements to be an excuse for continuing to give Ag interests unreasonably high levels of river water. We disagree that there should be any initial term for implementing the Voluntary Agreements and then possible extensions that would be tied to NOT fully mandating the science-based recommended minimum flow mandates. Our Center and many other interests who we network with all collectively agree that non-flow measures can be positive, but their benefits will be nowhere as valuable and meaningful as leaving significantly higher percentages of unimpaired flows in the Sacramento River system to meet objectives for temperature and water quality, to help flush algae blooms, and to increase floodplain inundation.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
171	6	Key Comment: As now proposed, Phase 2 of the Bay Delta Water Quality Control Plan would fail to meet the key need to protect listed species including all the fish species that are directly tied to the Delta and the Sacramento River and its tributaries. Adequate amounts of cool, clean water (as would occur by implementing the 55% minimum flow level based upon unimpaired flows) is the single most important factor in enabling at-risk aquatic species to recover to sustainable levels. Managing for threatened and endangered species is a legal mandate that should trump any objectives to further enable the	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project and Common Response 1.2, Water Quality Control Planning Process, for information on the consideration of beneficial uses.

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		continuation of delivering water to boost the profits of agricultural interests that only make up a small slice of Californians. It is unreasonable and unfair for the State Water Board to be repeatedly allowing the overwhelming majority of water available in California to be diverted for the narrow interests of large agricultural operations, especially during dry and critical dry (drought) years. This unfair and unbalanced favoritism of big agriculture directly harms many other affected water-related interests such as the fishing industry, recreational sportfishing, and other river-related recreation – as well as the precious ecological web of life along the Sacramento River system and in the Delta.	
171	7	Key Comment: Our Center urges the State Water Board to NOT move to adopt the proposed strategy of Voluntary Agreements rather than insisting upon the implementation of the 55% of unimpaired minimum flow requirement. Instead, we urge the Water Board to finally recognize that plummeting salmon populations and unhealthy water quality, warm summer season temperatures, and other crisis problems must be addressed by (a) basing actions on true science, not skewed, slanted science substitutes submitted by water agencies and their biased science consultants; (b) that the Water Board has a legal mandate to restore the Bay-Delta ecosystem and must act accordingly; and (c) that it is unacceptable to take a political position of further delaying implementation of the 55% of unimpaired flows minimum requirement. Any further delay in taking firm, aggressive, meaningful action will only continue to be a failed strategy that will push salmon, steelhead, and other aquatic species to the brink of extinction.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
171	8	Whenever the State Water Board takes a major action there may be interests that will be winners and losers. Rather than only inching slightly towards management that is needed for the recovery of the Bay/Delta ecosystem and the recovery of at-risk fish and other aquatic species, this is the time for the State Water	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		Board to make up for decades of failed actions and political favoritism of agricultural water interests.	
171	9	Key Comment: Our Center urges that IF the Voluntary Agreements are deemed to be worth testing, that first the State mandate the immediate compliance with the implementation of the 55% of unimpaired flows as the bottom line for river management. And then, through monitoring and assessment, IF non-flow measures and other actions tied to the Voluntary Agreements can be shown to be effective over a 8-10 year period, THEN would be the time for the Water Board to plan to evaluate whether to adjust the 55% of unimpaired minimum flow requirement as deemed to be appropriate based upon evidence analyzed through evaluation of benefits (or minimal value) of non-flow measures.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project. Please see Common Response 1.3, Revised Proposed Plan Amendments, for comments that raise concerns about the VA pathway and for a description of the program of implementation.
171	10	Those who follow the Water Board on a wide range of matters related to conservation have very low expectations that the Water Board will live up to its mission and will take strong, meaningful action to fulfill its obligation on behalf of Californians and the dwindling remnant populations of at-risk fish and other negatively affected aquatic species that have suffered so much from one-sided river and Delta management. Surprise us by doing what is legally correct and ethically right.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
172	1	In our comments we use "Unimpaired Flow Alternative" in reference to the Plan Amendments and to all flow alternatives including the Low Flow Alternative (Alternative 2), the High Flow Alternative (Alternative 3), and modular alternatives (Alternatives 4a, 4b, 4c, 5a, 5b). Although we recognize that the severity of impact for each alternative varies, the impacts to agricultural and water resources analyzed in the modeling and described in the document for all of these alternatives are concerning and would cause significant, unmitigable, long-term effects to not only the Friant Division but the San Joaquin Valley as a whole. In addition, where possible, we comment specifically on impacts to the Friant Division, however because the model output uses long-term averages and does not specifically separate Friant Division contractor land or water use, it is very difficult to interpret the results on a local level, and so if a Friant Division specific impact is not described, we default to impacts to the San Joaquin Valley as whole. For this same reason we have	The Staff Report fully evaluated potential impacts of reduced Sacramento/Delta supply to the Friant Division. SacWAM quantified the estimates average and dry year Millerton Lake surface water supply that could be redirected to the San Joaquin exchange contractors for each flow scenario, assuming the exchange contractors would rely solely on upper San Joaquin River and Millerton Lake supplies to replace the reductions in Sacramento/Delta supply. These water supply assumptions are implemented in the CVP water supply inputs to the SWAP model for the applicable SWAP-modeled regions, including the San Joaquin Valley region. Additional analysis was provided using county data from recent droughts. Effects on Friant growers are also described in detail qualitatively in Section 7.4, Agriculture and Forest Resources. See Common Response 7.1, General CEQA and Approach to the Analysis, for information on the level and scope of the analysis.

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		serious concerns that impacts described are grossly underestimated as acute impacts for bookend years and consecutive year operational impacts are not fully evaluated.	
172	2	FWA is concerned that the Unimpaired Flow Alternative will increase the calls on Friant. The modeling conducted to quantify the impacts of the Unimpaired Flow Alternative does not accurately represent water right and contract priorities making it difficult to interpret the information provided and the impacts at a local level.	As described in Section 6.4.8, Sacramento/Delta Supply to the San Joaquin Valley, of the 2023 draft Staff Report, more frequent “calls on Friant” may occur by exchange contractors if the CVP supply from the Delta is reduced. Please see Section A1.1.6, Model Limitations, of the Staff Report for a description of the incorporation of water right priorities in the modeling. Also see Common Response 6.1, Sacramento Water Allocation Model and Changes in Hydrology and Water Supply, regarding the model assumptions.
172	3	As mentioned above, the Friant Division’s water supply was made possible by purchase and exchange agreements between Reclamation and the Exchange Contractors. Part of those agreements allow for the Exchange Contractors to call on their reserved rights to the San Joaquin River when there are insufficient supplies from the Delta, a “call on Friant”. Based on the information in the Draft Staff Report, it appears likely the Unimpaired Flows Alternative will increase the calls on Friant, which in turn will have significant impacts on our water supply.	This comment is consistent with the impact analysis. Section 7.4, Agriculture and Forest Resources, discusses the effect of the proposed project on agricultural uses including those in the Friant Division. The SWAP model results presented in Section 7.4 estimate that 6.4 TAF/yr of Millerton Supply to Friant Contractors would be reduced in an average year due to increased calls by Exchange Contractors. For more discussion on effects to Friant Contractors and calls on Millerton supply by Exchange Contractors see Section 7.4.
172	4	Despite its intent, the Sacramento Water Allocation Model (SacWAM) does not correctly implement Reclamation’s policies and contract obligations. A failure to accurately model these obligations results in modeled water supply impacts and associated reservoir operations that are inconsistent with actual system operations. For example, there are instances in the modeling when the Sacramento River Settlement Contractors and the Exchange Contractors have reduced deliveries while other water contractors with more junior water rights contracts north and south of the Delta receive water as shown in Figures 1 [See Exhibit 1] and 2 [See Exhibit 2] below.	Please refer to Common Response 6.1, Sacramento Water Allocation Model and Changes in Hydrology and Water Supply, for responses to comments that raise issues about CVP allocations and obligations.
172	5	[Exhibit 1: Graph titled Figure 1. SacWAM Reductions in CVP Exchange Contract Diversions Due to 55% UIF Requirement and CVP SOD Water Service Contract Delivery in 55% UIF Scenario]	This exhibit was included in the comment letter. The exhibit does not raise a specific environmental impact or economic effect of the project. Refer to Common Response 1.1, General Comments, for the approach to addressing exhibits.
172	6	[Exhibit 2: Graph titled SacWAM Reductions in SRSC Diversions Due to 55% UIF Requirement and CVP NOD Water Service Contract Delivery in 55% UIF Scenario]	This exhibit was included in the comment letter. The exhibit does not raise a specific environmental impact or economic effect of

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			the project. Refer to Common Response 1.1, General Comments, for the approach to addressing exhibits.
172	7	Despite this, the analysis in the Draft Staff Report shows that the chance of a call on Friant is up to six times more frequent under the 65% unimpaired flows scenario, or 75% of the time (as shown in Figure 7.4-20). Impacts to the Friant Division due to changes in water supply and an increased frequency of calls on Friant are estimated using regional data to reflect impacts observed from the 2014 and 2015 calls on Friant, but these impacts are speculative regarding potential land use changes and subsequent economic impacts. Figure 7.4-25 in the Draft Staff Report shows a significant change in land use in 2014, with approximately 500,000 crop acres taken out of production. Although the same graph shows a rebound of crop acres in following years when water supply conditions improved it would be expected that 19, 2024 increased frequency and/or consecutive calls on Friant, resulting in a reduction or zeroing of the Friant Division CVP allocation, in combination with Sustainable Groundwater Management Act (SGMA) requirements and the limited ability to use groundwater to make up for lost supply will result in long-term changes to land use and crop production causing significant and unavoidable impacts not only to agricultural water users but to the disadvantaged communities in the region that economically depend on farming or farming adjacent industries.	The revised proposed Plan amendments were developed to improve flow and water quality conditions over a large geographic area, and particularly for fish and wildlife beneficial uses in the Sacramento River watershed, Delta eastside tributaries, and Delta regions (Sacramento/Delta). Implementation of the revised proposed Plan amendments is expected to improve watershed functions and to provide associated benefits to the aquatic ecosystem and biological resources within the tributaries, the Delta, and the Bay. Providing instream flows for the environment necessarily results in less water available for other uses. Providing balanced protection of all beneficial uses of water is incredibly important and requires careful consideration. For this reason, water supply, including supplies from the Sacramento/Delta watershed is evaluated extensively throughout the Staff Report. For example, Table 6.4-1 details total annual average water supply to each region in the study area by type of use (agriculture, urban, and refuge). The following sections in Chapter 6, Changes in Hydrology and Water Supply, provide further detail on each of the regions and uses. It is important that reductions in Sacramento/Delta supply be viewed in the context of total supply in the region. Table 6.4-1 shows that on average, total water supply to the San Joaquin region is over 18 MAF, with the majority of water for agricultural use. Average Sacramento/Delta supply provides 2.8 MAF of that total amount, and reductions under a 55 scenario represent a decrease of 13 percent of Sacramento/Delta supply and only 2 percent of the total supply in the region. While that reduction is small overall, the Staff Report acknowledges that reduction may impact users differently depending on the priority of water right at issue. The Staff Report acknowledges that changes in Sacramento/Delta supply could result in potentially significant impacts to agriculture, including within the CVP Friant Division service area. The 2023 draft Staff Report presents a focused analysis on the Friant Division (pp. 7.4-66 through 7.4-73) that highlights many of the recent observed changes in crop acreage and revenues, with recognition that uncertainty and individual

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			decisions involved, in combination with SGMA and preexisting groundwater limitations, it would be highly speculative to predict a level of land conversion. The Staff Report acknowledges potential cumulative impacts of reduced Sacramento/Delta supply and SGMA implementation. Please refer to Common Response 7.12.2, Groundwater and Sustainable Groundwater Management Act, regarding the impact of the flow scenarios on groundwater and the overlap with SGMA. The environmental setting and impact analyses contained in Chapter 7, Environmental Analysis, discuss several issues of concern relevant for economically disadvantaged communities (DACs), and the Staff Report acknowledges that changes in Sacramento/Delta supply could affect DACs. In particular, Section 7.12.2, Groundwater, explains that communities that rely on groundwater for drinking water face challenges from declining groundwater levels, with dry wells potentially occurring in some areas during prolonged drought periods. Section 7.12.2 discusses mitigation measures that may address some of the supply issues faced by DACs impacted by lowered groundwater levels. The State Water Board will also continue its commitment to the human right to water through financial assistance, technical assistance, consolidations, SGMA oversight, and other means, including for communities that may be affected by reduced groundwater supplies or groundwater quality concerns. In addition, Section 7.20, Utilities and Service Systems, discusses that DACs that rely solely on groundwater often disproportionately experience impacts on their drinking water supplies. Section 7.20 identifies relevant mitigation measures and that the State Water Board will continue its commitment to the human right to water through financial assistance, technical assistance, consolidations, and other means, including for communities that may be affected by reduced groundwater supplies or groundwater quality concerns. Chapter 8, Economic Analysis and Other Considerations, discusses economic effects of the flow scenarios, including economic effects relevant to DACs. This chapter also summarizes

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			potential sources of funding for municipal water supply and conservation. A variety of programs are available to provide funding for increased water conservation by both agricultural and urban users in California. Municipal water providers are often eligible to secure funding from public and private sources for water conservation initiatives and measures. These sources include grants; single-purpose appropriations from federal, state, and/or local legislative bodies; municipal bond indebtedness; and low-interest loans from government institutions.
172	8	The Draft Staff Report acknowledges the significant impacts to agricultural resources and conversion of farmland to nonagricultural use and suggests a number of mitigation measures to reduce expected impacts. However, we are very concerned with the mitigation measures outlined, as most seem prohibitive under the Unimpaired Flow Alternative.	The Staff Report acknowledges that changes in Sacramento/Delta supply could result in potentially significant impacts on agriculture. Some potentially significant impacts can be mitigated to less-than-significant levels. Because the State Water Board has authority to ensure that mitigation is implemented for certain actions, these impacts could be reduced to less-than-significant levels with mitigation incorporated. Many other identified potentially significant environmental impacts could be reduced to less-than-significant levels with mitigation incorporated; however, due to the large scope of the project and wide range of possible response actions, sufficient information is not available to conclude with certainty that the mitigation measures will reduce all impacts to less-than-significant levels in all circumstances. Accordingly, the State Water Board cannot guarantee that measures will always be adopted or applied fully to mitigate potentially significant impacts. Therefore, unless and until the mitigation is fully implemented, the impacts remain potentially significant. The impact analyses are necessarily broad to cover the wide range of foreseeable methods of compliance and response actions that may result from the project. The evaluation of actions that may be taken in response to changes in water supply includes other water management actions, which include groundwater use and groundwater storage and recovery/conjunctive management efforts, water transfers, water recycling, and conservation measures. The impacts of these other water management actions are appropriately evaluated in the Staff Report and revisions are not warranted.

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			Please see Common Response 7.1, General CEQA and Approach to the Analysis, for additional discussion on the feasibility and applicability of the mitigation measures.
172	9	Additionally, the suggested mitigation measures have secondary impacts on important resources including groundwater. For example, it is suggested that water contractors diversify their water portfolios and although this suggestion seems reasonable where a contractor might engage in water markets and water transfers or invest in in-lieu recharge activities to alleviate reliance on Sacramento/Delta supplies its disingenuous to suggest that this is realistic as the Unimpaired Flow Alternative would significantly reduce the availability of water transfers, increase demand, and drive up costs, making it infeasible for many water users.	Please refer to the response to comment 172-8. The impact conclusions made in the draft Staff Report do not rely on increased groundwater pumping or the implementation of other water management actions, including water transfers. The Staff Report recognizes that the availability of replacement supplies may be limited. Section 7.12.2, Groundwater, acknowledges that reductions in applied irrigation water, including from increased water use efficiencies, would reduce incidental groundwater recharge and could affect groundwater levels, and concludes that these changes would be potentially significant. Changes to the Staff Report are not warranted. The Staff Report acknowledges that decreases in Sacramento/Delta supplies could also reduce water supplies for groundwater storage and recovery projects. Please see Common Response 7.12.2, Groundwater and Sustainable Groundwater Management Act, for a discussion on viability of groundwater substitution transfers and groundwater recharge. As discussed in Section 6.6.1.2, Water Transfers, it is difficult to predict with certainty how reduced Sacramento/Delta surface water supplies will affect water transfers. With new instream flow and cold water habitat requirements, overall supplies of water from the Sacramento/Delta will be reduced. This may result in less water available for transfer. At the same time, it could incentivize transfers as the value of transfer water increases, leading to transfers from lower value temporary crops to higher value municipal uses and permanent crops. Please see Common Response 8.1, Economic Analysis and Other Considerations, for further discussion on the feasibility of water transfers as an alternate supply source under the flow scenarios.
172	10	In addition, decreased surface water supplies, even in wet years, impacts available supplies and opportunity for in-lieu recharge and groundwater banking. Friant Division contractors have made incredible investments in recharge basins and infrastructure to sustainably manage groundwater supplies, but under the Unimpaired Flow Alternative these investments and developed	Please see the responses to comments 172-8 and 172-9.

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		assets will not have the beneficial yield identified in the planning documents. In addition, land changes or efforts to increase irrigation efficiencies may also negatively impact long-term groundwater conditions as indirect groundwater recharge associated with irrigation will decrease.	
172	11	FWA is concerned that the Unimpaired Flow Alternative will reverse progress on the San Joaquin River Restoration Program and impact the reestablishment of spring-run Chinook salmon population below Friant Dam. FWA is a party to the 2006 San Joaquin River Restoration Settlement (Settlement), one of the purposes of which is to restore and maintain fish populations (Restoration Goal) – including reintroduction of spring-run Chinook salmon – in the main stem of the San Joaquin River between Friant Dam and the San Joaquin’s confluence with the Merced River. Another purpose, the Water Management Goal, is to reduce or avoid water supply impacts to Friant Contractors. In 2009, Congress passed the San Joaquin River Restoration Settlement Act, Pub. L. 111-11, § 10011, 123 Stat. 1362 (Mar. 20, 2009), which (a) directed that spring-run Staff Report January 19, 2024 Chinook salmon “shall be reintroduced” into the San Joaquin River below Friant Dam upon the issuance of certain findings by the Secretary of Commerce; and (b) authorized hundreds of millions of dollars in federal funding for that purpose. The necessary findings were made in 2012 and 2013. FWA, in coordination with Reclamation and other Parties to the Settlement, are committed to the success and full implementation of the San Joaquin River Restoration Program (SJRRP) as evaluated in the Programmatic Environmental Impact Statement/Report. In 2017, spring-run Chinook returned to spawn in the San Joaquin River for the first time in nearly 70 years. In 2021, nearly 300 salmon attempted to spawn below Friant Dam, creating more than 32 redds in which to deposit their eggs. The successful return of spring-run Chinook salmon has required substantial investments by the United States, FWA, and the State of California. From 2007 to 2021, \$294 million in federal and Friant contractor-generated funding (and more than \$100 million in State of California funding) has been expended on the	Please refer to Common Response 1.1, General Comments, regarding consistency with other laws, policies, and agreements. Reclamation built Friant Dam across the upper San Joaquin River in the early 1940s as part of the Central Valley Project. Friant Dam blocked upstream access to a portion of the San Joaquin River’s spawning habitat for salmon and steelhead and subsequent operations by Reclamation caused long stretches of the river to dry up, which extirpated Chinook salmon from its southernmost range and contributed significantly to declines of other native fish throughout the San Joaquin River system. (Natural Resources Defense Council v. Patterson (2004) 333 F.Supp.2d 906, 910-911.) As described in the 2023 draft Staff Report, Section 6.4.8, Sacramento/Delta Supply to the San Joaquin Valley, the Central Valley Project Friant Unit diverts the entire headwaters of the San Joaquin River in most water years. In order to build the Friant Unit, Reclamation entered into contracts with senior water right claimants from the San Joaquin and Kings Rivers to provide water supplies exported from the Delta in exchange for the use of water from the San Joaquin River. However, if Reclamation is unable to export the agreed-upon amount of water from the Delta, these “exchange contractors” can exercise their senior water right claims to San Joaquin River water. As explained in Section 6.6.2.5, San Joaquin Valley, this “call” on the Friant Division water comes at the expense of the Friant Division lower-priority water rights and water users in the Friant Division service area who would otherwise receive their allotment from water stored behind Friant Dam in Millerton Reservoir. This commenter is stating that maintaining increased instream flows for the reasonable protection of fish and wildlife native to the Sacramento River and Delta, including salmon which are the keystone species, could adversely impact the experimental population of spring-run Chinook salmon introduced as part of

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		San Joaquin River Restoration program. We are concerned that an increased frequency of calls on Friant, as modeled under the Unimpaired Flow Alternative, will have severe impacts to reestablishment of a spring-run Chinook salmon population below Friant Dam that were not disclosed. Temperature effects are particularly important because the cold-water pool at Millerton Lake is relatively small compared to other CVP facilities such as Shasta. For example, in 2021 it was necessary to halt SJRRP Restoration Flows (Restoration Flows) from Friant Dam until November in order to preserve Millerton's small coldwater pool for the benefit of spawning spring-run Chinook salmon. A call on Friant supplies at Millerton Lake would have eliminated this cold-water reserve entirely – and likely the spring-run Chinook population with it – because any releases for the Exchange Contractors must come from the same low-level river outlet used for Restoration Flows. The 2014 call on Friant illustrates the problem. From May 15, 2014, to September 27, 2014, releases from Friant Dam were made to meet Exchange Contract requirements. As a result, maximum daily San Joaquin River temperatures at Lost Lake (approximately the lower end of Chinook salmon spawning range) exceeded 65 degrees for most of August and 70 degrees for most of September, which would have been lethal for adult holding, spawning, incubation, and emergence life stages of spring- and fall-run Chinook. Similar temperature effects were also seen during the 2022 call on Friant. Increased calls on Friant (especially sequential) will threaten the long-term success of the SJRRP which is already funding and resource constrained. The Draft Staff Report needs to quantify these impacts to understand the ecological and beneficial use tradeoffs of the Unimpaired Flow Alternative.	the San Joaquin River Restoration Program (SJRRP), which seeks to address the extirpation of salmon on the San Joaquin River by the Friant Dam. The comment claims that this is because the exchange contractors may receive less of the Delta water supply that compensates them for the entire headwaters of the San Joaquin River being blocked by the Friant Division. The 2023 draft Staff Report, Chapter 6, Changes in Hydrology and Water Supply, Section 6.4.8, Sacramento/Delta Supply to the San Joaquin Valley, provides a detailed explanation of potential water supply reductions. CEQA impacts from reduced Sacramento/Delta supplies to agriculture and municipal use are disclosed in Section 7.4, Agriculture and Forest Resources, and 7.20, Utilities and Service Systems. In addition, as explained in the 2025 partially recirculated draft Staff Report, Chapter 13, Revised Proposed Plan Amendments, the revised proposed Plan amendments include a regulatory pathway with modifications and a VA pathway for 8 years with possible extension. Section 13.4.3.2, Reservoir Storage and Elevation, acknowledges that while Millerton Reservoir is in the San Joaquin Valley it does not directly receive Sacramento/Delta water supplies, reservoir changes could occur if calls on Friant are made by the San Joaquin River exchange contractors in response to reduced Sacramento/Delta supply under the regulatory pathway. See Section 13.7.6.2, Aquatic Biological Resources, for a discussion and analysis of how reservoir changes could result in temperature effects if there are increased releases from Millerton Lake to the San Joaquin River for downstream use by the exchange contractors during the irrigation season. Section 13.7.6.2 notes that while this would initially keep the river cooler, it could potentially lead to depletion of cold water in Millerton Lake in the fall. The Staff Report states that resulting changes in cold water habitat below Friant Dam could impact aquatic biological resources. The cold water habitat objective does not apply outside the Sacramento/Delta watershed; however, mitigation measures identify existing and future regulatory requirements independent of the Bay-Delta Plan that could apply to ensure temperature impacts are avoided or reduced. The analysis acknowledges some uncertainty regarding the precise implementation of measures even for reservoirs subject to the cold water habitat objective. For this reason and

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			others, the Staff Report acknowledges that potential temperature impacts on special-status fish species from changes in flows and reservoir levels under the revised proposed Plan amendments remain potentially significant. Chapter 13, Section 13.3.4, Voluntary Agreement Pathway, also notes that there are commitments for Delta outflows from Friant area contractors (Friant HRL or VA) if they forego recapture of SJRRP flows at times when those flows are made available. However, the Friant HRL is included as a voluntary contribution to Delta outflow in the VA pathway. The water rights for the U.S. Bureau of Reclamation's Friant Division are not listed as HRL water rights in Appendix B to the 2025 revised draft Bay-Delta Plan because water rights on the San Joaquin River are not covered under the regulatory pathway for the Sacramento/Delta Update to the Bay-Delta Plan and therefore a proposed VA cannot be an alternative compliance mechanism. The inclusion of the Friant HRL flow contributions in the VA pathway does not constitute compliance with the Bay-Delta Plan or prevent the Board from considering Bay-Delta requirements for the upper San Joaquin River in the future. Please see Common Response 1.3, Revised Proposed Plan Amendments, for information on the VA pathway.
172	12	FWA is concerned that the modeling conducted does not fully evaluate the impacts to groundwater supplies in the region. Communities in the San Joaquin Valley are facing a reckoning as they work to comply with the SGMA. Impacts to groundwater caused by the Unimpaired Flow Alternative are described qualitatively in the Draft Staff Report. The absence of a quantitative groundwater model or even a mass-balance accounting of surface and groundwater supplies makes it very difficult to fully understand the extent of impacts to groundwater resources. Reduced supplies from the Sacramento/Delta region and increased calls on Friant will undoubtedly put more pressure on already limited groundwater supplies. Communities within the Friant Division, many of which are disadvantaged, are wholly reliant on groundwater for drinking water supplies. These communities already face challenges	The impacts to surface water and groundwater resources from the Central Valley Project Friant Unit are complex but the Staff Report evaluated them at an appropriate level for the purposes of determining potentially significant environmental impacts from both the regulatory pathway and proposed Plan amendments and informing the public and State Water Board decision makers. The Friant Unit stores flows from the San Joaquin River in Millerton Lake and diverts them for irrigation purposes into the Madera and the Friant-Kern Canals. The comment is describing what occurs when San Joaquin River Exchange Contractors make a "call" on the Friant Unit. In order to respond, it is necessary to provide context. As described in Section 6.4.8, Sacramento/Delta Supply to the San Joaquin Valley, following Reclamation's construction of the CVP Friant Division, the entire headwaters of the San Joaquin River were diverted in most years causing long stretches of the San Joaquin River to dry up and resulting in the extirpation of spring-run Chinook salmon

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		related to declining groundwater levels, dry wells, and groundwater quality issues. The Draft Staff Report acknowledges the significant impact to municipal water users in the area noting that many domestic wells went dry during 2014 and 2015 when there were calls on Friant and also that it would be likely that the City of Fresno's 60 thousand acre-feet (TAF) CVP contract that serves as a municipal water supply (among other municipal water suppliers served by the Friant Division) would be reduced when there is a call on Friant.	in its southernmost range. (Natural Resources Defense Council v. Patterson (2004) 333 F.Supp.2d 906, 909-910.) As described in Section 7.12.2.2, Environmental Setting, in order to divert the headwaters of the San Joaquin River at the Friant Unit, the Bureau of Reclamation contracted with downstream senior water rights holders and offered them Delta water supplies via the CVP Delta-Mendota Canal in exchange for their foregone San Joaquin River flows (Exchange Contractors). However, these Exchange Contractors retained a provision in their contracts that if Reclamation is unable to deliver the entire allocated amount from Sacramento/Delta supply, they can make a call on Reclamation to release additional water from Friant Dam to meet the entitlements. As the commenter correctly notes, the Staff Report already identifies that if a call was made on the Friant Division for San Joaquin River Exchange Contractor supply this could reduce deliveries to the Friant Division, which includes some municipal water supply to the City of Fresno. In 2014, there was "no dispute that California [was] in the midst of an historic, extreme drought" and that the California Department of Water Resources had "projected hydrologic conditions in both the Sacramento Valley and the San Joaquin Valley [to] be Critically Dry." (Friant Water Authority v. Jewell (2014) 23 F.Supp.3d 1130, 1140.) In light of the constraints imposed by that year's conditions, Reclamation determined that it could not meet its obligations to the Exchange Contractors and thus began releasing water from Millerton Lake to meet their demands. (Ibid.) This occurred again in 2015. As explained in Section 6.6.2.5, San Joaquin Valley, the existing condition is that groundwater pumping, primarily for agricultural irrigation, is occurring in the groundwater basins underlying the Friant-Kern Canal faster than groundwater can be recharged, resulting in those basins being designated as critically overdrafted. This critical overdraft is also causing parts of the Friant-Kern canal to subside resulting in diminished capacity, which has reduced water deliveries in certain water years. While flow requirements under the proposed Plan amendments do not cause impacts to groundwater resources and could in fact benefit groundwater resources in some areas by increasing recharge from instream flows (2023 draft Staff Report Section 7.12.2,

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			Groundwater, p. 7.12.2-1), the Staff Report acknowledges that water users' frequent response to reductions in surface water availability is to increase groundwater pumping where groundwater resources are accessible. Please see Common Response 7.12.2, Groundwater and Sustainable Groundwater Management Act, for a fuller discussion of water user responses to less surface water supplies as well as the groundwater modeling approach utilized in the Staff Report. In addition to the complexities already present in the Friant service area, numerous uncertainties make regional-scale groundwater modeling inherently challenging. These uncertainties include variations in groundwater recharge rates across different regions, differences in stream-aquifer interactions along various reaches, the implementation of groundwater sustainability plans (GSPs) pursuant to the Sustainable Groundwater Management Act (SGMA), which can be modified locally by groundwater sustainability agencies (GSAs), and the ways in which water users may adjust to reduced surface water availability. For example, in March 2024 the Tule Subbasin was referred by DWR to the State Water Board for intervention for failing to meet the requirements of SGMA. At that time, the Tule Subbasin had seven GSA and six GSPs. In September 2024, the Board deemed the basin probationary for failing to correct its deficiencies, which requires revising its GSPs. As of August 2026, the GSAs in the Subbasin had not yet resolved their deficiencies and thus it is uncertain what assumptions GSP revisions will make about water budgets, actions (such as groundwater pumping curtailments), or programs (such as groundwater replenishment) (State Water Board Resolution No. 2026-0015). Given this level of complexity, uncertainty, and the broad geographic scale, the impact analyses for groundwater depletion must be evaluated qualitatively and not quantitatively. Solely using quantitative analyses would require an excessive number of speculative assumptions, which would undermine the reliability of the results. Section 7.12.2 also includes a discussion regarding Economically Disadvantaged Communities and government programs available to assist such communities. Also see Common Response 10.1, Economically Disadvantaged Communities, for

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			more discussion on the impact analysis for economically disadvantaged communities.
172	13	The Unimpaired Flow Alternative undermines the strategic groundwater management that has been defined in groundwater sustainability plans (GSPs) as required by SGMA. As stated in the Draft Staff Report Section 6.4.8, the proposed Plan Amendments (45-65 percent scenarios) in all year types would reduce Sacramento/Delta water supplies to the San Joaquin Valley by 146 to 868 thousand acre-feet per year (TAF/year). Significant reductions in available surface water supplies will directly impact and disrupt how groundwater sustainability agencies (GSAs) and water users have planned to manage groundwater supplies in the region. Water budgets defined in GSPs will need to be completely re-evaluated. The Statewide Agricultural Model (SWAP) estimates for increased groundwater pumping in the San Joaquin Valley (as a means for surface supply replacement) could be as much as 911 TAF/year (shown in Table 7.12.2-14). Increased groundwater pumping would only further contribute to overdraft conditions in the San Joaquin Valley.	Please see response to comment 172-12. In addition, the proposed Plan amendments do not encourage or require increased groundwater pumping to offset reductions in surface water supplies. The Staff Report acknowledges, however, that depletion of groundwater (excluding prolonged groundwater depletion from historical pumping) may occur if the local response to reduction in surface water supplies is to increase groundwater pumping. The Staff Report also acknowledges that revisions to regional GSPs may be needed if GSP water budgets are inconsistent with a change in surface water supplies that may occur from the implementation of an unimpaired flow alternative or voluntary pathway. In Section 7.12.2, Groundwater, the Staff Report analyzes the potentially significant impacts to groundwater supplies as Impact GW-b. Section 7.12.2.4, Mitigation Measures, discusses measures to mitigate this impact, including SGMA implementation and oversight, water supply diversification, groundwater banking, water recycling, water transfers, and voluntary implementation plans to provide equivalent protection of fish and wildlife habitat. Please see Common Response 7.12.2, Groundwater and Sustainable Groundwater Management Act on the 2025 status of SGMA for a discussion as to why GSP reliance on increased surface water diversions to balance groundwater overextraction would be unreasonable, including because the Board noticed the Bay-Delta Plan proceeding prior to the passage of SGMA and described it prior to GSP development as a project to increase instream flows for the benefit of fish and wildlife beneficial uses. That Common Response also provides information regarding the modeling that informs our groundwater impact analyses and requirements for successful SGMA implementation.
172	14	Subsidence is a critical issue in the San Joaquin Valley and specifically in the Friant Division. The Friant-Kern Canal, a 151.8-mile-long canal that transports water from Friant Dam to the Kern River in Bakersfield is a critical piece of infrastructure in the Friant Division. Due to on-going land subsidence caused by	The Staff Report recognizes that reduced Sacramento/Delta water supplies and water users potential response by increasing groundwater pumping and extraction could potentially contribute to subsidence in some areas (Impact GEO-c). The proposed Plan amendments do not encourage or require

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		groundwater overdraft conditions, the Friant-Kern Canal has lost 60% of its design capacity. Reduced canal capacity directly impacts contractors and water users' ability to deliver available water supplies. Under the Unimpaired Flow Alternative where regular reductions in surface water supply will increase reliance on groundwater supplies and pumping to meet demand, subsidence will not only continue, but it would be expected that the rate of subsidence will increase. The Unimpaired Flow Alternative may cause significant impacts to the Friant-Kern Canal, as well as other critical infrastructure in the region. Mitigating impacts and repairing subsidence related damages is financially burdensome to water users and communities that rely on these facilities.	increased groundwater pumping to offset reductions in surface water supplies. As discussed in Section 7.9, Geology and Soils, subsidence could also affect existing infrastructure such as water conveyance canals. Sections 7.9.4 and 7.12.2.4, each titled Mitigation Measures, describe mitigation measures (MM-GW-b and MM-GEO-c) to reduce subsidence. The measures include, but are not limited to, water conservation, agricultural conversion, increased use of recycled water, and successful SGMA implementation. The State Water Board designated the Tule Subbasin a probationary basin under SGMA in September 2024 (See response 172-12). The Tule Subbasin underlies the worst subsidence in the Friant Kern Canal. At that time of designation, the Tule Subbasin had seven GSAs. As of July 2026, it had split into 13 GSAs with the Board citing a lack of coordination among the GSAs and subsidence in the Subbasin as major concerns. In July 2016, Board staff advised the Tule Subbasin that the Board was considering an Interim Plan to manage the basin, which could include a pumping moratorium around the Friant-Kern Canal (SGMA Tule Subbasin Executive Meeting 2026). This is an example of both the uncertainties impacting analyses of future groundwater depletions and why it is reasonable for the State Water Board to cite to successful SGMA implementation as potential mitigation. Please see Common Response 7.12.2, Groundwater and Sustainable Groundwater Management Act, for additional information on the qualitative groundwater modeling impact analyses, mitigation measures, and discussion of how the Sacramento/Delta update to the Bay Delta plan aligns with the implementation of SGMA.
172	15	The Draft Staff Report describes potentially significant impacts to groundwater resources. As stated above in relation to measures proposed to mitigate impacts to agricultural resources, the measures proposed to mitigate significant impacts to groundwater resources are simply unrealistic. SGMA implementation and oversight, including probationary status for a number of basins in the San Joaquin Valley, is already occurring and the Unimpaired Flow Alternative further undermines the	Please see response 172-14. The proposed mitigation measures for the identified groundwater impacts include SGMA implementation. The Board designated the Tule Subbasin, which underlies the worst subsidence in the Friant-Kern Canal, as probationary under SGMA and the Board conveyed its intention in July 2026 to potentially implement an interim plan pursuant to SGMA, which could include a moratorium on pumping in the area directly around the Friant-Kern Canal. This is an example of

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		GSPs that have been prepared and that GSAs are working to manage to. Contractors will not be able to diversify, or further diversify water supply portfolios, as the Unimpaired Flow Alternative reduces surface water supply assets statewide. Investments or increased investments in groundwater storage and recovery will not be possible or will be financially infeasible if surface water supplies are decreased and project yield benefits are diminished. The significant impacts described related to groundwater for the Friant Division and San Joaquin Valley are significant and unavoidable.	SGMA implementation as a realistic mitigation tool. Nevertheless, the Board cannot guarantee that mitigation measures will always be adopted or applied in a manner that fully mitigates the impact, which is why the Staff Report concludes impacts to groundwater resources remain potentially significant even with the identified mitigation. See Section 7.12.2.3, Impact Analysis and Section 13.7.12.2, Groundwater. The comment states water users will be unable to diversify local water portfolios and enhance long-term water resilience because the proposed Plan amendments will require greater instream flow; however, the proposed Plan amendments are not a moratorium on water diversion and use and water supply reductions will vary depending on user and water year type. See Section 6.4.8, Sacramento/Delta Supply to the San Joaquin Valley. The comment also asserts that “if surface water supplies are decreased and project yield benefits are diminished” then “groundwater storage and recovery will not be possible or will be financially infeasible.” However, Johnny Amaral, chief operating officer with Friant Water Authority pointed out in 2023 that their members can recharge water in wet years stating, “when there is a drop of water, especially flood water, that’s made available, the vast majority of contractors are taking every drop they can get to get it underground, especially when there is no irrigation demand” (USBR News 2023). The proposed Plan amendments include a regulatory pathway with Water Supply Adjustments (WSAs), a Voluntary Agreement (VA) pathway, and other possible voluntary actions or plans (now referred to as local cooperative solutions that would lessen water supply reductions compared to those under the 55 scenario, thus reducing potential impacts to groundwater resources from users seeking replacement water supplies. However, as the 55 scenario remains the default implementation pathway if the WSAs are phased out or alternative implementation pathways like the VAs or potential local cooperative solutions end, the impact remains significant. Sustainably managing surface water and groundwater resources synergistically is the only way to ensure the protection of both resources. Please see responses to comments 172-12 and 172-13 and SGMA considerations in Common Response 7.12.2,

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			Groundwater and Sustainable Groundwater Management Act, for more discussion.
172	16	To emphasize, FWA is concerned that the Unimpaired Flow Alternative impacts south of the Delta and to the San Joaquin Valley are underestimated especially for agricultural water users, which will put undo strain on disadvantaged communities and drinking and refuge water supplies.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
172	17	As described previously, FWA is concerned that the assumptions applied in the SacWAM modeling are inaccurate and thus do not represent the real-world operations. Therefore, it cannot accurately model the full extent of environmental effects including cumulative impacts on all resource areas.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
172	18	In addition, the application of SWAP utilizes long-term averages and provides results on a regional level making it very difficult to fully interpret impacts locally, most likely underestimating long-term impacts to water users and communities.	The Staff Report appropriately evaluates agricultural impacts that would occur under the flow scenarios, and provides estimates of changes in crop acreage using the best available information. The analysis provided in the Staff Report is appropriately detailed for the scope of the project. As discussed in Section 7.4, Agriculture and Forest Resources, the SWAP model is used to evaluate the agricultural impacts of the change in water supply. The SWAP model is a regional agricultural and economic optimization model, originally developed at the University of California, Davis, that estimates growers' responses to changes in water supply by determining the cropping pattern that maximizes the net returns to agricultural production for 27 production regions. SWAP is currently the best available tool for modeling agricultural economic response to water supply shortage. It has been peer reviewed and applied to numerous policy analyses and impact assessments over the last two decades. Please see Section 7.4, and Appendix A3, Agricultural Economic Analysis: SWAP Methodology and Modeling Results, of the Staff Report for a more detailed description of the SWAP model and methods used to estimate agricultural impacts. Estimates of surface water deliveries to growers within the Sacramento/Delta are provided by SacWAM in sufficient detail that the output can be directly mapped into the SWAP production regions. Regions 1 through 9 are in the Sacramento/Delta, and Regions 10 through 21C are in the San Joaquin Valley. Detailed SWAP results for all 27 production regions within the Sacramento/Delta watershed and San Joaquin Valley are provided in Appendix A3.

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			Please see Common Response 7.1, General CEQA and Approach to the Analysis, for a discussion of the level and scope of the analysis.
172	19	Specifically, and as stated previously, because deliveries to the Exchange Contractors versus other CVP South of Delta Water Service Contract deliveries are inconsistent with actual contract priorities and policies it is likely that described impacts to the Friant Division, the west side of the San Joaquin Valley, south San Joaquin Valley, and refuges in the region are underestimated. The Draft Staff Report and associated modeling needs to re-evaluate and accurately characterize assumptions related to contract priorities and real-world operations of the SWP and CVP.	The SacWAM results for CVP South of Delta contractors were postprocessed to shift water from CVP South of Delta Water Service Contractors to Exchange and Refuge contractors to be consistent with actual contract priorities. The results presented in Chapter 6, Changes in Hydrology and Water Supply, and Chapter 7, Environmental Analysis, of the draft Staff Report include the postprocessed results and reflect the actual contract priorities. Please see Common Response 6.1, Sacramento Water Allocation Model and Changes in Hydrology and Water Supply, regarding SacWAM flow scenario assumptions for more discussion on this topic.
172	20	Further, the absence of an implementation plan in the Draft Staff Report makes it difficult to understand the full extent of environmental impacts. We are concerned that without an implementation plan, the Draft Staff Report is incomplete and does not consider the magnitude of state, federal, and community resources needed to implement the Plan Amendments including the costs associated with program administration and oversight, regulatory compliance, and mitigation of impacts across all resource areas. The Draft Staff Report needs to outline a stepwise implementation plan that coordinates with all regulatory agencies in the Sacramento/Delta region and thoroughly considers all costs and the financial burden to communities across the State of California.	The program of implementation was described in sufficient detail for the purposes of the analysis in the 2023 draft Staff Report and drafts were subsequently released for public review and comment in October 2024, July 2025, and December 2025. The project and its alternatives were adequately described and analyzed in the 2023 draft Staff Report. Please see Common Response 1.3, Revised Proposed Plan Amendments, for further information on the revised proposed Plan amendments.
172	21	Friant Contractors are participating in the Agreements to Support Healthy Rivers and Landscapes, or Voluntary Agreements Alternative, and are contributing real water towards Delta outflow. FWA is a signatory to the memorandum of understanding (MOU) to the Voluntary Agreements (VA), and we believe the VAs will have significantly less water supply impacts on the San Joaquin Valley, and additionally would have a higher probability of	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		improving targeted fish species then the Unimpaired Flow Alternative. As part of the VA, Friant Division Contractors would be committing that in Dry, Below Normal, and Above Normal San Joaquin water year types, under the Settlement, Reclamation would reduce the recapture of Restoration Flows to achieve a total Delta outflow goal, derived from San Joaquin River flows released below Friant Dam, of 50 TAF between February and May. As background, the Settlement requires specific releases of water, or Restoration Flows, from Friant Dam to the confluence of the Merced River, designed to meet the various life stage needs for spring and fall run Chinook salmon. Per the Settlement, Friant Division Contractors have the opportunity to recapture some or all of the water released as Restoration Flows once the water has passed the confluence of the San Joaquin River and Merced River. Friant Division Contractors are voluntarily reducing their ability to recapture Restoration Flows as a way to contribute to and benefit Delta outflow. Under the Friant VA proposal, the maximum amount of reduced recapture in any month for the defined period would be up to 50% of total recapturable Restoration Flows for such month. In some years there would be insufficient Restoration Flows to meet the Delta Outflow Goal. In such years, Reclamation would still reduce recapture of San Joaquin Restoration flows by 50% of existing flows. It is important to note that FWA believes that the implementation of the VAs will not create negative impacts to the San Joaquin River Restoration Settlement. As it relates to flows in the upper San Joaquin River, the VAs do not propose keeping the SJRRP flow constraints as they are today, but instead assumes full implementation of the SJRRP as evaluated in the Programmatic Environmental Impact Statement/Report. Additionally, the rights each Settling Party has under Paragraph 20 of the Settlement will not be affected because any action by the State to implement the VAs may not preempt federal law. Any potential flow changes that occur as a result of the process described in Paragraph 20 are separate and independent from any potential commitments made in the VAs regarding San Joaquin River flows. The proposed commitment to forego recapture as part of the VA is irrespective of full SJRRP implementation. This commitment should result in some additional benefit to Delta and lower San Joaquin conditions. Furthermore, the proposed Friant flow contribution to the Delta	

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		is not envisioned as a mandatory amount for compliance purposes, but rather a voluntary contribution proffered to help the VA parties reach a desired overall outflow goal.	
172	22	FWA is concerned that the Friant component of the Voluntary Agreement (Friant VA) is not accurately represented and its contribution to Delta outflow is underestimated. SacWAM does not explicitly model the Friant VA due to spatial limitations and instead uses CalSim 3 modeling that was performed by DWR in 2022. In 2022, we provided the following comments, which to our knowledge were not addressed. The SJRRP representation does not include the full use of Paragraph 16B supplies in the Friant Division. There is code within CalSim to represent this, but it was turned off. This needs to be turned on for the baseline and with-VA, which will result in slightly less flood flows from Millerton Lake under both conditions.	The Friant component of the VA is not underestimated, but likely overestimated due to the limited capacity to recapture flows. Please refer to Common Response 6.1, Sacramento Water Allocation Model and Changes in Hydrology and Water Supply, and Appendix G3a, Sacramento Water Allocation Model Methods and Results for the Proposed Voluntary Agreements, for a discussion of the modeling assumptions used in the Staff Report.
172	23	The modeling only reduces Delta recapture, which is inconsistent with the proposed Friant VA. The Friant VA considers both Delta and lower San Joaquin River recapture to contribute 50 TAF in middle year types towards Delta outflow. This needs to be included in the modeling and will result in more foregone recapture contributing to Delta outflow.	The CalSim 3 modeling the commenter is raising an issue with was completed by VA parties. There may be capacity issues that limits Friant's ability to recapture flows, and the State Water Board acknowledges that due to this capacity issue, the potential for recapture is less than 50 TAF. The accounting procedures described in Appendix B.1 of the revised Plan amendments will determine the actual contributions toward Delta outflow. Any discrepancies between how the Friant contributions actually are accounted for and how it is modeled are expected to be very small on the scale of Delta outflow.
172	24	Additionally, the Friant VA is only credited for contributing to VA through actual and potential foregone recapture, and not all water contributing to the Delta. Specifically of concern is certain flood flows that contribute to meeting SJRRP flows. In 2021, the SWRCB clarified in Reclamation's temporary permit for redirection of Restoration Flows (i.e. recapture) at Patterson and Banta Carbona Irrigation Districts that flood releases from storage are not abandoned water and can be recaptured: "In most instances, Reclamation does maintain dominion and control over the water that it releases to make flood space available and has considerable discretion on how it chooses to manage it once Friant demands and Restoration Flows are	Please see the response to comment 172-23.

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		met...There is no restriction in Reclamation's water rights that prevents Restoration Flows from being released concurrently with flood releases. As described in D-935, water released from storage in Millerton Reservoir for flood management remains part of Reclamation's appropriations pursuant to License 1986 and Permits 11885, 11886, and 11887...If previously stored water is being released to make room in Millerton Reservoir for flood control, the portion of that release that is called for under the Settlement should be tracked, and if possible recaptured downstream for the benefit of Friant contractors." To account for this, the snow melt release in CalSim that meets SJRRP flows should be considered recapturable at both Lower San Joaquin and the Delta locations. The effect of this will be more recapture in the baseline and with-VA in the wetter year types, and more foregone recapture contributing to Delta outflow as part of the Friant VA.	
172	25	In conclusion, after reviewing the Draft Staff Report and the described impacts to the San Joaquin Valley and Friant Division, FWA is very concerned regarding the magnitude of potentially significant impacts to surface water supplies, groundwater supplies, and agricultural resources of the Unimpaired Flow Alternatives. We are concerned for the people and communities that call the San Joaquin Valley home.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project. The impacts of the flow scenarios were analyzed in Chapter 6, Changes in Hydrology and Water Supply, Chapter 7, Environmental Analysis, and Chapter 8, Economic Analysis and Other Considerations, of the 2023 draft Staff Report.
173	1	Salmon populations are in severe decline, so much so that the commercial fishing season was cancelled this year. Toxic algae blooms in the Delta are a continuing threat. The Board needs to ensure that the instream flow standards: 1) provide for Spring flows high enough to get water onto adjacent floodplains; 2) provide sufficient flows for the migration of fish upstream and downstream; and 3) maintain water temperatures low enough to support a cold-water fishery, including the different needs of the native species at various life stages of their development. The only alternative that comes close to meeting these instream flow standards is the High Flow Alternative. The High Flow Alternative is most consistent with the State Water Board's 2010 Flow Criteria Report, which found that 75% of unimpaired flow on the Sacramento River, its tributaries, and in the Delta outflow would be needed to protect the Bay-Delta ecosystem.	Please see Common Response 1.1, General Comments, for information on the Delta Flow Criteria Report and for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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173	2	The proposed Voluntary Agreements cannot achieve the Objectives of the Bay-Delta Plan. Further consideration of them should be terminated immediately. The Voluntary Agreements: 1) produce very little new water; 2) rely heavily on various habitat improvements, but in the absence of sufficient flows, these non-flow measures will not work; 3) lack a clear water temperature objective capable of maintaining a cold-water habitat; and 4) lack an adequate adaptive management plan. In contrast, the Bay-Delta Plan could increase or decrease flow requirements based on whether biological goals are actually being met. I am concerned that the Voluntary Agreements are essentially a delay tactic by water agencies to avoid the difficult decisions regarding the reasonable use of water in an over-appropriated system such as the Sacramento/Bay-Delta. It should come as no surprise that not a single conservation, fishing, tribal or environmental justice group supports the Voluntary Agreements. The Board has the legal authority, the scientific expertise, and the responsibility to protect all beneficial uses and Public Trust resources. Nothing less than the future of this irreplaceable salmon-based ecosystem is at stake here.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project; Common Response 1.2, Water Quality Control Planning Process, for information on the consideration of beneficial uses and public trust; and Common Response 1.3, Revised Proposed Plan Amendments, for information on the VA pathway.
173	3	The Draft Staff Report acknowledges the need to include Tribal Beneficial Uses (TBU) in the Bay Delta Plan, an action that is long overdue. However, the report lacks any information on how such TBUs would be designated and a plan for protecting the designated TBUs.	Please see Common Response 11.1, Tribal Engagement and Tribal Beneficial Uses, for responses to comments related to Tribal Beneficial Uses.
174	1	I have spent years working to help restore native wild salmon and steelhead in California. I do this important work as a volunteer because these fish are desperately imperiled, but I firmly believe they can be restored if given enough cold water at all times in their life cycle. I grew up in San Francisco and fished San Francisco Bay for Dungeness crab and off the Pacific Coast for Chinook salmon in my family's 14 foot Wizard boat. Sadly, the	Please see Common Response 1.2, Water Quality Control Planning Process, regarding the State Water Board's consideration of beneficial uses and public trust resources when establishing water quality objectives. Please see Common Response 3.1, Fish Protection, for a discussion of the State Water Board's use of best available

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		salmon fishery is now in a total collapse. I find it appalling that the few salmon that exist these days in California are mostly products of industrial hatcheries and all that trucking down to release points. In just one lifetime, we have reached the point where there are hardly any wild salmon. My father, who went salmon fishing weekly on the Salty Lady sportfishing boat out of Sausalito, would have a broken heart to see the state of the fishery if he were alive today. He fished all his life and well into his 80's [Exhibit 1]. It was a great joy for him to share fishing with me and he loved making his special wild smoked salmon to share with family and friends. Given the state of the salmon fishery today, that traditional activity in our family is not really possible anymore. As you consider finalizing the long overdue Bay Delta Plan, you need to keep a balanced view of beneficial uses of the water we all own as part of the Public Trust. The San Francisco Bay-Delta has NOT been protected for a long time: fisheries are closed, water quality is failing, toxic algae blooms occur more frequently, fish counts are down.	science and the State Water Board's approach to analyzing the effects of flow on species abundance and life cycle models. Please see Common Response 4.1, Harmful Algal Blooms, for discussion of harmful algal blooms in the Delta.
174	2	[Exhibit 1: Photo captioned Walter Schmidt, Native Californian & Lifelong Salmon Fisherman, Born 1907, with a Wild Chinook Salmon, caught on the Salty Lady early 1990's]	This exhibit was included in the comment letter. The exhibit does not raise a specific environmental impact or economic effect of the project. Refer to Common Response 1.1, General Comments, for the approach to addressing exhibits.
174	3	As you know, the Board's 2010 Flow Criteria Report found that 75% of unimpaired flow on the Sacramento River and its tributaries and 75% of unimpaired Delta outflow are needed to protect the Bay-Delta ecosystem. It is time to FINALLY increase the flows to bring back the wild fish before it is too late. Habitat improvements can only do so much and are not a replacement for the life-giving water The Plan does not need the Voluntary Agreements which were developed behind closed doors and shut out the environmental organizations and tribes. The VA's are deeply flawed and won't work. They don't set water quality standards and don't have science-based objectives to restore the fisheries once and for all. The salmon will come back if they are given enough water. Please be mindful of all beneficial uses of the Bay-Delta, including recreation, good water quality and stopping the extinction of salmon in California.	Please see Common Response 1.1, General Comments, for information on the Delta Flow Criteria Report and for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project; Common Response 1.2, Water Quality Control Planning Process, for information on the consideration of beneficial uses; and Common Response 1.3, Revised Proposed Plan Amendments, for information on the VA pathway.

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175	1	I'm writing because the population of California salmon matter to me and I'd like to see 75% of unimpaired flow from the Sacramento River reach ocean. I have kayak-fished with my son since he was 4 years old and one of our prize targets is Chinook Salmon. They're hard to catch on a kayak but serve as a valuable focal point for us as fishermen, and for our family and friends with whom we share a single fish. They are a symbol of a functioning, complex environment - and their absence in 2023 was an important warning.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
175	2	I'd like to encourage you to maintain a sufficient water flow in the Delta to ensure that salmon spawn can reach the Bay and ocean on their downstream travel. To that end, 75% of the Sacramento Rivers water must reach the ocean. I do not believe the Voluntary Agreements currently proposed have teeth or will be effective.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
176	1	On behalf of Eastern Municipal Water District (EMWD), a water, wastewater, and recycled water provider serving about one million residents in Riverside and San Diego Counties, I am writing to urge you to support and approve the Agreement to support Healthy Rivers and Landscapes (Agreements) as the State Water Resources Control Board (State Board) considers an update to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta Plan). EMWD has emerged as a leader, both regionally and statewide, as an agency that has made significant investments to bolster local water supplies to ensure resiliency in times of prolonged drought. For example, EMWD utilizes a large majority of the wastewater treated at our reclamation plants for beneficial uses in agricultural and urban communities. EMWD has also constructed three brackish groundwater desalination facilities which produce 13 million gallons of drinking water per day from a water source that would otherwise be unusable. Although EMWD continues to make these investments to ensure regional resiliency, a portion of our water supply portfolio is still comprised of water imported from the Sacramento-Bay Delta by	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		the Metropolitan Water District of Southern California (Metropolitan) by way of the State Water Project (SWP); this continues to be the highest quality water supply available to EMWD, which helps facilitate our robust water recycling program.	
176	2	The proposed State Board staff recommendation to the Bay-Delta Plan Update would result in various unintended consequences, as it does not currently address physical, chemical, and biological changes which currently impact the health of the Bay-Delta's ecosystems. The recommendation would also impact the availability of cold-water storage in upstream reservoirs, which is essential to protecting various fish species. The recommendation would also reduce SWP supply deliveries to the Southern California region by 450-thousand-acre feet (TAF), and up to 700 TAF in dry-years when SWP allocations are low. This is particularly problematic considering SWP supplies have diminished significantly over the last 30 years and continue to be impacted by intensifying climate whiplash and aridification.	Please see Chapter 2, Hydrology and Water Supply; Chapter 3, Scientific Knowledge to Inform Fish and Wildlife Flow Recommendations; and Chapter 4, Other Aquatic Ecosystem Stressors, of the 2023 draft Staff Report for discussion of physical, chemical, and biological changes in the estuary, including those related to flow and non-flow stressors. Chapters 3, 4, 7, Environmental Analysis, and Chapter 9, Proposed Voluntary Agreements, of the 2023 draft Staff Report include analyses of the benefits and impacts of the alternatives. Please also see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
176	3	The Sacramento/Delta region is critical to the overall health of California's ecosystems, agricultural productivity, and water supply reliability. The Agreements present an opportunity to move away from a one-size-fits-all regulatory approach and instead tailor solutions that account for the unique characteristics of the various water users in the region. The Agreements offer a promising path forward by fostering cooperation among diverse stakeholders, including agricultural, environmental, and urban interests. Additionally, the Agreements dedicate between 500,000 acre-feet and 700,000 acre-feet of water to the environment in many water years. This collaborative framework recognizes the interconnected nature of water management and seeks to balance the needs of various users while promoting the sustainable use of water resources.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
176	4	Lastly, EMWD would like to note that the adaptive management framework embedded in the Agreements is essential for addressing the uncertainties associated with climate change and evolving environmental conditions. This approach allows for ongoing assessment and adjustments based on the latest scientific understanding, ensuring that water management	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		strategies remain effective and responsive to changing circumstances.	
177	1	Use of Best Available Scientific and Commercial Data. NMFS recommends the Board use the best scientific and commercial data available as part of the assessment of alternatives associated with the proposed Bay-Delta Plan updates. The majority of the data presented regarding salmonid species abundance is through 2015. While this timeframe shows that significant declines in the natural production of all four Chinook salmon runs within the Central Valley have occurred since the baseline period (1967-1991), it does not account for the recent years of severe drought and the resulting declines in abundance and productivity occurring since 2015. The current status of ESA-listed species within the Sacramento River and Delta should be considered when assessing the Environmentally Superior Alternative with respect to updating the Bay- Delta Plan. Please consider the latest Viability Assessment for Pacific Salmon and Steelhead Listed Under the Endangered Species Act completed by the NMFS Southwest Fisheries Science Center (SWFSC) in 2022.	Please see Common Response 3.1, Fish Protection, on use of best available science in the Staff Report. As described in Common Response 3.1, updating the Staff Report with more recent data on abundance of salmon runs is not expected to alter the conclusions of the Staff Report regarding the factors contributing to population decline and the need for flow and other measures to protect salmonids and other native fish species in the Sacramento/Delta watershed. However, Chapter 3, Scientific Knowledge to Inform Fish and Wildlife Flow Recommendations of the final Staff Report has been updated to reflect more recent scientific literature and updated listing statuses of native fish species, as described further in Common Response 3.1.
177	2	Recent publications, most notably work conducted by the SWFSC (Michel 2018, Notch et al. 2020, Michel et al. 2021), outline the important relationship between flow and the survival of juvenile Chinook salmon during their outmigration through the Sacramento River and Delta. NMFS suggests consideration of these publications, in addition to those by Perry et al. (2018), Hance et al. (2021), and Hassrick et al. (2022), as part of any assessment of alternatives prior to making a decision associated with the proposed updates to the Bay-Delta Plan.	See the response to comment 177-1.
177	3	There is very limited and terse consideration of future climate conditions and how they may be different from the period of evaluation (Section 2.6 Climate Change and Drought). The concern, acknowledged in the report, is whether current	Please see Common Response 4.2, Drought and Climate Change, for further information regarding the consideration of climate change in the Staff Report. The Staff Report acknowledges rim dam and associated habitat impacts on Chinook salmon in Section 3.4.4, Dam and Reservoir Effects on Salmonids. For additional consideration of Chinook salmon in relation to

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		conditions (based on water years 1922-2015) provide a suitable baseline for alternatives to be compared given “that the next 94 years will likely be very different than the 94 years analyzed above (Null et. al. 2010; Milly et al. 2008; Barnett et al. 2008; Null and Viers 2013)” (pg. 2-114). A changing climate complicates the conservation of protected resources, due in large part to the uncertainty of the rate and magnitude of climate-related changes and the response of various organisms to those changes. Chinook salmon in California’s Central Valley are at the southern limit of their range and are currently restricted to low elevations as a result of impassable rim dams. Climate change is expected to further limit the suitability of available habitat by shortening the period in which the low elevation habitats used by naturally-producing Chinook salmon are thermally suitable. These impacts are of particular concern to the listed runs of Chinook salmon in the Central Valley which have a longer freshwater residency, and therefore require suitable water temperatures over a longer duration, than non-listed Chinook salmon runs. o In response to these challenges, NMFS adopted national ESA climate guidance to provide greater consistency, efficiency, and effectiveness in ESA decisions and help the agency make more scientifically defensible ESA-related management decisions in light of climate change (NMFS 2023). Please consider incorporation of relevant recommendations from this guidance and/or others to better address potential impacts resulting from climate change.	changing temperature impacts, please see Common Response 3.1, Fish Protection. The Staff Report includes relevant recommendations 4 and 5 from the NMFS National ESA climate guidance. The Staff Report considers future beneficial and adverse effects of climate change in Section 2.6, Climate Change and Drought; Section 4.6, Climate Change; Section 7.10.2.2, Climate Change Effects; and in Appendix G2, Final Scientific Basis Report Supplement in Support of Proposed Voluntary Agreements for the Sacramento River, Delta, and Tributaries Update to the San Francisco Bay/Sacramento-San Joaquin Delta Water Quality Control Plan, Section 2.4.4, Climate Change, and Section 6.2.3, Benefits of Habitat Restoration. The Staff Report includes a discussion of adaptive management in Section 5.6.1.1, Introduction to Monitoring, Assessment, Special Studies, and Reporting, and also highlights the importance of adaptive management throughout the report, such as in Chapter 13, Revised Proposed Plan Amendments. Monitoring, assessment, and reporting associated with the Plan update will be regularly reviewed and updated to ensure current and anticipated future management information needs are met, including those that may be needed for climate change considerations. The State Water Board will continue to assess current science as it relates to climate change and will consider the need for updates to the Plan or its implementation based on the latest scientific information.
177	4	• Discussion of Fremont Weir does not include the Yolo Bypass Salmonid Habitat Restoration and Fish Passage (i.e., “Big Notch”) project. All of the alternatives considered in the Staff Report (including the proposed VAs) have the potential to modify flow and stage in the mainstem Sacramento River, such that it would affect the frequency, timing and duration of bypass inundation. Consideration of the interaction between the alternatives considered and the proposed operation of the Big Notch project would help to improve the assessment of habitat effects in the Yolo Bypass.	Physical habitat restoration projects, including floodplain restoration projects, are evaluated in Section 7.21, Habitat Restoration and Other Ecosystem Projects. In addition, the 2023 draft Staff Report discusses this project in 7.23.1, Cumulative Impact Analysis, and 9.7.21.1, Cumulative Impacts. Please also see Common Response 3.1, Fish Protection, on the use of best available science.
177	5	Proposed Changes to the Bay-Delta Plan for the Sacramento/Delta As stated in our December 16, 2016, letter to	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not

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		the Board regarding the Working Draft Scientific Basis Report on the Phase II Update of the 2006 Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary, NMFS supports the recommendations for year-round inflow requirements based on hydrology. • Specifically, we suggest consideration of instream flows that embrace the unimpaired hydrologic flow regime to support all anadromous salmonid and sturgeon life history stages and the ecological function of critical and essential fish habitat. Instream flows should support upstream and downstream migration and rearing needs, including successful, unimpeded passage over critical riffles and other impediments. Flow regimes should also support effective inundation of important rearing habitats such as riparian zones, floodplains and side channels. Adoption of unimpaired flow is a useful approach to achieve a more natural flow pattern in the Sacramento River and Delta as it captures both within-year and between-year changes in hydrology.	raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
177	6	Voluntary Agreements. Based on the information presented within the Staff Report, we observed a significant level of uncertainty associated with how the VAs would be implemented. • A small percentage of the required funding will be provided by the VA parties. The remainder has not been secured and is expected to come from state and federal agencies. The proposed VAs anticipate approximately \$925 million will be made available for water purchases, with approximately \$708 million provided by public funding from the state and federal governments, and the remaining approximately \$217 million generated by the VA parties. As the beneficiaries of additional flow under the VAs, we question whether this reliance on public funding by the VA parties is an appropriate approach for allocation of public monies. The anticipated funding needed for currently-identified habitat restoration projects is \$740 million, which is expected to be provided by state and federal agencies. Since there are no funding contingencies identified within the Staff Report, it is	The environmental impacts and economic effects of the proposed VAs are analyzed in Chapter 9, Proposed Voluntary Agreements, of the 2023 draft Staff Report. In addition, the revised proposed Plan amendments described in Chapter 13, Revised Proposed Plan Amendments, of the Staff Report provide for a VA pathway together with a regulatory pathway, including provisions for enforcement. The environmental impacts and economic effects of the revised proposed Plan amendments are analyzed in Chapter 13, Revised Proposed Plan Amendments, of the Staff Report. See Common Response 1.3, Revised Proposed Plan Amendments, for more information on the VA pathway and its enforceability.

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		unclear how the Vas would be implemented as proposed, until the funds needed to implement the Vas are appropriated and/or obligated by state and federal agencies.	
177	7	The Staff Report acknowledges the description of the proposed VAs is not complete. "By the end of 2023, the VA parties are planning to submit the following additional draft documents: draft Global Agreement, draft Enforcement Agreements, draft Implementing Agreements; draft Quantitative Flow Accounting Approach; draft Funding Plan; and draft Systemwide Governance Committee Charter." Without these additional documents, the public has no assurances the VAs will be funded or implemented as proposed in the Staff Report.	The VAs were adequately described in the 2023 draft Staff Report for the purposes of the analysis. Please see Common Response 1.3, Revised Proposed Plan Amendments, regarding the VA pathway, including enforceability and the relationship of the VA documents to the revised proposed Plan amendments.
177	8	The Vas propose that, in the eighth year of implementation, the Board would consider the reports, analyses, information, and data from the VA Science Program, as well as recommendations from the VA Governance Committee and the Delta Independent Science Board, to decide the future of the VA Program. This proposed timeframe for assessing the effectiveness of the Vas is concerning, given the dire status of native fish species within the Sacramento River Basin and Delta and the urgency in improving conditions for these species to prevent further declines.	Please see Common Response 1.3, Revised Proposed Plan Amendments, regarding the voluntary agreement pathway.
177	9	- The proposed VA flow assets will only be deployed in select years (dry, below normal, above normal), providing no benefits during years when ESA-listed species are most at risk of significant impacts (i.e., critical water years). To ensure long-term survival of ESA-listed species, the proposed Vas should also address critical water years, particularly back-to-back critical water years such as those that occurred in 2021 and 2022. - In addition, the potential benefits of the proposed VA flow assets are further reduced in some watersheds by limiting the frequency of deployment. For example, the description of the American River states, "These flows would be deployed in three out of eight years of the VA in the above year types." This is not sufficient to provide necessary protections to ESA-listed species.	Please see Common Response 1.2, Water Quality Control Planning Process, regarding the reasonable protection of fish and wildlife and consideration of other beneficial uses, and Common Response 1.3, Revised Proposed Plan Amendments, regarding the voluntary agreement pathway. As explained in Common Response 1.3, Revised Proposed Plan Amendments, there are some HRL commitments in critical years, including on the American River and Putah Creek as well as water purchases by HRL participants for additional Delta outflows in critical years. Regarding the frequency of flow commitments on the American River, those HRL participants have committed to providing flows both in the first three dry or critical years as well as in the first three above normal or below normal years within the eight-year term of that VA.

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177	10	Based on the information in the Staff Report, we are highly uncertain that the VAs as currently proposed will provide for the reasonable protection of fish and wildlife beneficial uses through restoration of the Delta ecosystem over time. • The proposed VAs identify the aquatic biological benefit of “Providing higher flows [to] support a connected and functioning ecosystem and benefit native fish in the Sacramento/Delta.” However, modeling in the Staff Report shows that the flow commitments identified in the VA Term Sheet would not provide a significant difference in average flow relative to the baseline (Alt 1). Additionally, while the VA Term Sheet outlines committed flow assets, that document is a non-binding agreement.	The revised proposed Plan amendments include consequences for not providing sufficient water to meet the flow commitments. Specifically, the revised proposed Plan amendments include a process to pivot to the regulatory pathway if VA commitments are not met or the intended benefits are not realized. Please see Common Response 1.2, Water Quality Control Planning Process, for a discussion on the reasonable protection of fish and wildlife beneficial uses. Please also see Common Response 1.3, Revised Proposed Plan Amendments, for more information on the VA pathway.
177	11	Based on the information in the Staff Report, we are highly uncertain that the VAs as currently proposed will provide for the reasonable protection of fish and wildlife beneficial uses through restoration of the Delta ecosystem over time. • The proposed deployment of VA flow assets during the spring months could improve conditions for some outmigrating juvenile Chinook salmon and steelhead. Because ESAlisted spring-run Chinook salmon and steelhead are likely to be present in certain freshwater habitats year-round, we recommend that flows provide benefits to, or be protective of, all life stages, particularly those with differing life history strategies such as yearling outmigration. Maintaining this diversity is essential for conserving species viability and reducing the overall extinction risk, and likely requires improved conditions at other times of the year.	The January through June timing of the VA flow assets is intended to maximize flow benefits for salmonids and native estuarine species. The 2017 Scientific Basis Report evaluates flows for protection of native species and many of those protective flows overlap with the January through June period. Please see Common Response 1.2, Water Quality Control Planning Process, for a discussion on the reasonable protection of fish and wildlife beneficial uses. Please also see Common Response 1.3, Revised Proposed Plan Amendments, for more information on the VA pathway.
177	12	• The VA physical habitat actions should not include habitat restoration actions required through other regulatory mechanisms or proposed as mitigation for existing projects. Those habitat restoration actions are expected to occur absent the proposed VAs, and therefore they should not be considered voluntary or new contributions to ecosystem lift.	As described in the revised proposed Plan amendments, all VA habitat should be additive to the physical conditions and regulatory requirements existing as of December 2018. Please see Common Response 1.2, Water Quality Control Planning Process, for a discussion on the reasonable protection of fish and wildlife beneficial uses. Please also see Common Response 1.3, Revised Proposed Plan Amendments, for more information on the VA pathway.
177	13	While comparison of the VAs and the Proposed Plan Amendments alternative is limited within the Staff Report, the information presented shows differences in the potential	The purpose of an analysis pursuant to the California Environmental Quality Act (CEQA) is to disclose potential environmental effects of a proposed project and to minimize

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		benefits under the two alternatives. • Table 9.7-13 lacks the relative assessment of “Impact Compared to Proposed Plan Amendments” provided in Tables F-1 through F-3, without which it is difficult to compare the VAs to the No Project (Alt 1), Low-Flow (Alt 2), High-Flow (Alt 3) alternatives and the Proposed Plan Amendments alternative. • While not directly compared within the Staff Report, assessment of the total flows that would be expected under the proposed VAs is much less (range of 1-43 percent, depending on location/source and water year type) than what would occur under the Proposed Plan Amendments alternative.	significant, avoidable environmental damage. Additionally, CEQA does not require an analysis of benefits. Section 9.7, Environmental Analysis, includes discussions on the comparison of the VAs and the revised proposed Plan amendments in respective resource chapters.
177	14	NMFS supports the proposed management of flows, including the consideration of magnitude, duration, frequency, timing, rate of change, quality, and spatial extent, in order to maintain viable native fish populations in the Sacramento River and Delta. NMFS also supports the discussed fish passage improvement projects and physical habitat restoration that would provide a host of benefits for anadromous salmonids in the Central Valley. We look forward to the opportunity to provide further technical assistance and commence ESA Section 7 consultation(s), as applicable, as the Board proceeds with updates to the Bay-Delta Plan and seeks approval from the Environmental Protection Agency under Section 303(c) of the Clean Water Act.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
178	1a	We write to encourage the SWRCB board members and staff to give careful consideration to the detailed written comments submitted by Yuba Water Agency in response to the Draft Staff Report. Yuba Water Agency's primary mission is to sustainably manage water resources to reduce flood risk and ensure reliable water supplies in Yuba County. As a public water supplier wholly reliant on groundwater to provide for our customers' needs, Yuba Water Agency plays a critical role in ensuring the availability and quality of our groundwater supplies through their work to implement approved groundwater sustainability plans under the Sustainable Groundwater Management Act across Yuba County. The Linda County Water District shares Yuba Water Agency's concerns that implementation of the proposed plan amendments	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project. To the extent that this comment references a different comment letter, please see the substantive responses to those comments.

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		detailed in the Draft Staff Report risks undermining Yuba County's decades-long efforts to ensure groundwater sustainability through responsible, forward-thinking conjunctive use of our surface water and groundwater resources.	
178	1b	In addition, our service area is a severely disadvantaged community, like the majority of communities in Yuba County. Yuba Water Agency's ability to implement projects and provide funding to support improvements in our community is critical to us. For example, Yuba Water Agency is the only significant source of local funding for flood control projects which have been implemented in the recent past and others that are planned for the future. In addition, Yuba Water Agency has been able to use its revenues to support other water-related projects in our community. If Yuba Water Agency is unable to sustain its current operations, those funds may not be available in the future to help support and enhance the community we serve.	Please refer to Common Response 10.1, Economically Disadvantaged Communities, for responses to water provider comments and DACs, and Common Response 8.1, Economic Analysis and Other Considerations, for discussion of economic effects to Yuba Water Agency from reduced revenue from hydropower production and water sales.
179	1	The Bay-Delta Is an Ecosystem in Crisis. Everyone acknowledges this, yet water agencies and the Newsom Administration want people to believe they have solutions that will produce more fish with less water. Their Voluntary Agreements (VAs) are nothing new, and are destined to fail. The State Water Board is charged with restoring the Bay-Delta ecosystem, so decisions should be made based on legitimate science, not wishful thinking.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
179	2	Salmon populations are in such bad shape that the commercial fishing season had to be closed this year, and will likely be canceled again next year. 6 species of fish are listed as endangered or threatened. The Bay Delta Plan needs to protect all of them.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
179	3	Toxic algae blooms in the Delta that can make people sick and kill pets and wildlife have continued to get worse. They are caused by slow moving, warm, nutrient-rich water. The Delta needs more freshwater inflow. The State Water Board's 2010 Flow Criteria Report found that 75% of unimpaired flow on the Sacramento River and its tributaries, and 75% of unimpaired Delta outflow (water reaching the Bay) would be needed to protect the Bay-Delta ecosystem. In an average year, only 50% of the natural flow of our Central Valley rivers reaches the Bay. During droughts it can drop to 1/3. This has put the Bay-Delta in a perpetual state of drought. Non-flow measures, such as	Harmful Algal Blooms and other aquatic ecosystem stressors are discussed in Chapter 4, Other Aquatic Ecosystem Stressors of the Staff Report. Please see Common Response 1.1, General Comments, for information on the Delta Flow Criteria Report and for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project. Also see Common Response 1.2, Water Quality Control Planning Process, for information on the reasonable protection of fish and wildlife beneficial uses.

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		habitat restoration and invasive predator management, are important, but cannot substitute for higher flows. We need both. Non-flow measures have little impact on critical issues such as water temperature, floodplain inundation, harmful algae blooms in the Delta, and water quality. The Vas would produce very little new water, and wouldn't even produce much new habitat, which is what they falsely claim is all that's needed.	
179	4	The Voluntary Agreements (VAs) Are Destined to Fail. Programs, such as CalFed, that focused almost exclusively on non-flow measures have all failed. They would produce more of the same results. They were touted as expediting ecological improvements, but have achieved the opposite. They have only served as a delay tactic for incalcitrant water agencies. The VAs are a give-away of Public Trust water and public funding to water agencies that are legally obligated to keep fish populations in good condition, but have failed to do so. They would only last eight years, less time than what it's taken to consider them. They are so flawed that the few NGOs that were involved early on in the process dropped out. Not a single conservation, fishing, tribal or environmental justice group supports them. They do not include a back-up plan if they fail.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project. See also Common Response 1.3, Revised Proposed Plan Amendments, for information on the VA pathway.
179	5	The Bay Delta Plan, on the other hand, could increase or decrease flow requirements based on whether biological goals are being met. The VAs are just a checklist. They would not even meet the modest objectives of the proposed Bay Delta Plan, so consideration of them should be terminated immediately. Governor Newsom is the problem, pressuring the State Water Board to embrace the pathetic VAs. The Plan acknowledges the need for Tribal Beneficial Uses (TBU), but does not include a plan to protect them. It fails to protect beneficial uses related to fisheries, including commercial, subsistence, tribal and recreational fishing. It fails to protect water quality for other forms of recreation, such as swimming and boating. It is prejudicial toward agricultural interests at the expense of other beneficial uses.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project; Common Response 1.2, Water Quality Control Planning Process, for information on the consideration of beneficial uses and public trust; and Common Response 1.1.1, Tribal Engagement and Tribal Beneficial Uses, for information on Tribal Beneficial Uses.
179	6	Agricultural exports privatize water, a Public Trust resource that is supposed to belong to the people of California, making a small group rich at the expense of our ecosystems and low income communities. Agriculture wastes a lot of water and depletes groundwater because irrigation water is often too cheap to	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project. Refer also to final Staff Report Section 13.6.1, Public Trust Analysis, for the State

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		incentive innovation. We need to change the playing field to reward efficiency.	Water Board's public trust analysis of the revised proposed Plan amendments, and Common Response 1.2, Water Quality Control Planning Process, regarding the State Water Board's consideration of public trust resources when formulating or amending water quality control plans. See also Common Response 6.3, Water Supply and Other Water Management Actions, for a discussion of water supply and other water management actions.
180	1	BBID is a member of the San Luis & Delta Mendota Water Authority (SLDMWA) which is submitting a detailed comment letter. BBID is a signatory to that letter, and BBID incorporates those comments here by reference. In addition to those comments, BBID submits that the DSR lacks credible evidence supporting the recommended unimpaired flow regime, and on the contrary, BBID submits that credible evidence indicates such a regime will have substantial and unreasonable harmful environment impacts on the entire Delta water supply, imperiling BBID's water rights and the quality of the water it diverts from Clifton Court.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project and Common Response 1.2, Water Quality Control Planning Process, for information on the reasonable protection of fish and wildlife beneficial uses and water rights. Section 7.12.1, Surface Water, and Appendix A2, Delta Simulation Model II (DSM2) Methods and Results, evaluate the potential effects of the flow scenarios (35 to 75 percent unimpaired flow scenarios) on water quality in the Delta, including the interior Delta and export locations. The water quality compliance location at the west canal at the mouth of Clifton Court Forebay is included in this evaluation; this location is a drinking water intake to BBID. The impact analysis in Section 7.12.1 uses the DSM2 results presented in Appendix A2. The analysis found that the ability to meet the water quality objectives for electrical conductivity/salinity (EC) would not be affected by changes in hydrology under the flow scenarios, and in many cases there would be a reduction in EC which is an improvement to water quality. In general, the flow scenarios would have little effect on EC or would reduce EC in the Delta and Suisun Marsh. The impact determination is less than significant to beneficial.
181	1	I have some concerns about the Draft Staff Report meeting CEQA requirements regarding Beneficial Uses: It appears that the following have not been sufficiently defined and described: the	The Staff Report provides support for updating the Bay-Delta Plan which addresses flows necessary for reasonable protection of beneficial uses within the Bay-Delta watershed including the Sacramento and San Joaquin Rivers which flow into the Delta, through the Bay and out to the Ocean. Flow dynamics, including effects of changes in hydrology on total suspended solids and turbidity are discussed in Section 7.12.1, Surface Water.

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		future enjoyment of the Delta and Bay waters by all; the cultural, spiritual, economic, and intrinsic value to the Native American people; and the critical role of the Bay/Delta flow dynamics in restoring delivery of sediment to the Central California ocean beaches. Detailed, science-based strategies that contribute to protecting and restoring each of these uses should be developed in the Final Report.	Section 8.6, Other Economic Effects, in the 2023 draft Staff Report (Section 8.7, Other Economic Effects, in the final Staff Report) considers other economic effects that could occur as a result of the Sacramento/Delta update to the Bay-Delta Plan, including effects on commercial and recreational fisheries, recreation, ecosystem services, wildlife refuges, and energy (hydropower) production. Section 13.8.4, Fisheries Economic Effects, provides supplemental economic information relevant to recreational and commercial fisheries and discusses fisheries economic effects under the revised proposed Plan amendments. In addition, in response to comments received on the economic analysis presented in the Staff Report, Chapter 8, Economic Analysis and Other Considerations, has been updated to include a new Section 8.6, Fisheries Economic Analysis, that addresses potential economic benefits from implementation of the flow scenarios and subsequent aquatic ecosystem improvements and benefits for native fish species. Among other topics, Section 8.6 in the final Staff Report includes discussion of subsistence fishing and tribal uses of fish. This new section provides additional context and information concerning beneficial fisheries and ecosystem economic effects but does not change the conclusions of the Staff Report's economic analysis.
181	2	The Final Staff Report should also acknowledge and address the overarching problem of over-commitment of our water resources to the various competing users. In particular, the wide range of options for radically reducing agricultural water use (in my opinion, the elephant in the room) must be thoroughly analyzed.	The 2023 draft Staff Report considers a full range of reasonable alternatives to the proposed Plan amendments; please see Section 7.2, Description of Alternatives, for descriptions of these alternatives and associated analyses, environmental impacts, and economic effects considered. Additionally, see Section 7.4, Agriculture and Forest Resources, for a thorough discussion of agricultural water use.
182	1	I am a resident of Oakland, and have found so much joy in the California rivers since finding an old, free canoe on craigslist. I did not grow up boating, but spent much time swimming in the ocean. As an adult, I've fallen in love with paddling and swimming in our beautiful rivers and seeing fish, plants, birds, and insects thrive. I love the Delta! It is heartbreaking (and scary!) to see toxic algae blooms become more and more	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		frequent. Climate change is fully underway and we need to prioritize our ecosystems, please restore the Bay-Delta ecosystem and support Phase 2 of the Bay Delta Water Quality Control Plan -- please make these decisions on science, and not political expediency of folks like Gov Newsom. This is an ecosystem in crisis and it needs bold leaders to defend and restore and prioritize it -- I am asking you the State Water Board to be those leaders!	
183	1	The Water Board is very important to all of us. Our quality of life and on-going sustainability depend on an alert, caring, very well informed Board that is dedicated to being well-informed and proactive. Scientific facts/data are fundamental to our positive quality of life. The State Water Board's 2010 Flow Criteria Report found then that 75% of unimproved Flows of water are needed to protect the Bay Delta Ecosystem. This is essential. Today is 2023. This importance is still real. These dire necessities must be under the constant scrutiny and protective control of a qualified Water Board. The Water Board is very important to all of us. Do not betray our trust. We must witness more timely protections .	Please see Common Response 1.1, General Comments, for information on the Delta Flow Criteria Report and for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
184	2	The Staff Report/SED's Assertion That the Delta Conveyance Project May Improve Hydrologic Conditions and Benefit Fish Is Grossly Misleading. References to the danger that points of diversion and other large water supply infrastructure projects pose to fish populations are found all throughout the Staff Report/SED: Water supply projects could have varied effects on biological resources, including changes in the flow regime (timing and magnitude) and downstream temperature, changes in geomorphic processes, delaying or impeding the migration or movement of special-status fish species...	As noted by the commenter, the potential adverse incremental and cumulative impacts of the Delta Conveyance Project on fish are addressed on page 7.23-18 of the 2023 draft Staff Report. Please refer to Common Response 1.3, Revised Proposed Plan Amendments, regarding comments on other water supply projects.

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		(Ch. 7.23, p. 7.23-18.) Dams and other diversions [] significantly alter the timing and quality of flows in ways that affect fish and wildlife, including through eliminating and altering peak and base flow events and changing the temperature, dissolved oxygen, salinity, and other water quality parameters. Further, water diversions in the Delta can entrain or impinge native fish and other aquatic organisms and alter circulation patterns, affecting migration of native fish, water quality, and Delta habitat conditions for these species.	
184	3	(Ch. 5, p. 5-8.) New or changed points of diversion could affect special-status fish species and interfere with the movement of native resident or migratory fish during periods of diversion, if present. Special-status fish species and other aquatic species in the near vicinity of points of diversion could be impinged or entrained at the water diversion, which could result in injury or mortality, or could adversely affect fish migration. In addition, predation of special status fish species could occur at larger points of diversion if there are areas near the point of diversion for predatory fish to aggregate.	This is an excerpt from the 2023 draft Staff Report. Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
184	4	(Ch. 7.22, p. 7.22-42.) As part of the discussion of cumulative impacts found in Chapter 7.23, the Staff Report/SED offers an analysis of projects that develop, construct, or modify dams, reservoirs, water conveyance systems and facilities, and new groundwater wells. (Ch. 7.23, p. 7.23-18.) With regard to the Delta Conveyance Project, however, the Staff Report/SED, instead of disclosing the cumulatively considerable impacts to fish populations from the Project's proposed new diversions, makes the claim that the "Delta Conveyance Project could improve hydrologic conditions for aquatic species as both fish and food production are not drawn toward the southern Delta, where chances of survival for at-risk native fish species diminish." (Ch. 7.23, p. 7.23-18.) This claim is unsupported and should be removed from the Final SED. One of the reasons the claim is wrong, is that the experimental fish screens on the massive new diversions would not function as claimed by DWR. In comments on the draft environmental	The discussion in Section 7.23, Cumulative Impact Analysis, Growth-Inducing Impacts, and Significant Irreversible Environmental Changes, cited by commenter is a general overview of water supply projects and does not constitute any specific finding on any specific project. The same paragraph states that "[n]ew water supply projects could enhance California's water resiliency if designed and operated in a manner that does not exacerbate existing pressures on the Delta ecosystem." The next paragraph states that "[w]ater supply projects could have varied effects on biological resources, including changes in the flow regime (timing and magnitude) and downstream temperature, changes in geomorphic processes, delaying or impeding the migration or movement of special-status fish species in surface waters influenced by reservoir operation, and loss of salmonid redds to riverbed scour and entombment in deposited sediment. Flow changes in tributaries to the Delta also could affect flow and currents, as well as alter temperature and salinity gradients in the Delta. This could have a cumulative effect on surface hydrology and water quality, aquatic

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		impact report (“DEIR”) for the Delta Conveyance Project, Bruce Herbold, Ph.D., an expert in estuarine ecology, identified the recommendations of several authorities on effective operation of fish screens and maximum exposure times to limit impingement of fish on the screens and increase chances of survival. The National Marine Fisheries Service (“NMFS”), National Oceanic and Atmospheric Administration (“NOAA”), and the Washington State Department of Fish and Wildlife all indicated that 60 seconds should be the maximum duration for which individual fish are exposed to a screen. “The calculated duration of exposure for salmon at the [Delta Conveyance Project’s North Delta Diversions],” Dr. Herbold pointed out, “is reported in minutes and hours, rather than seconds, depending on time of day and size of fish.” (Herbold DEIR omments, Exhibit 1 [see Attachment 1], p. 16.) Furthermore, the size, configuration, and placement of the screens in the path of all outmigrating Sacramento salmon is likely to result in “substantial predation losses at the diversion site.” (Id. At p. 15.) Dr. Herbold concluded that the screens’ “length and placement would expose fish to stresses beyond that allowed by NMFS or other Pacific coast states and are likely to yield high levels of predation on a large fraction of each of the depleted populations of Sacramento Salmon and Steelhead.” (Id. At p. 17.) In addition, though pulse protection periods are proposed as part of the Delta Conveyance Project to reduce screen impingement, the pulse flows are only scheduled to occur twice a year, once between October and November and again between December and June, for 5-10 days—too brief to effectively reduce the risk to most of the outmigrating winter-run salmon and failing entirely to protect spring- and fall-run salmon and native steelhead populations, which require pulse protections at different times and locations than those proposed. (Id. At p. 7.) The Staff Report/SED acknowledges that “[n]ew water supply projects could enhance California’s water resiliency if designed and operated in a manner that does not exacerbate existing pressures on the Delta ecosystem.” (Ch. 7.23, p. 7.23-18.) However, it fails to offer accurate analysis of the most significant	biological resources, agricultural resources, and utilities. Additionally, construction-related impacts could be associated with construction of diversion structure(s), tunnel, dams, and other water supply project components. Examples of construction impacts include noise, GHG emissions, and loss of sensitive tribal resources. Text of the final Staff Report clarifies that the proponents made statements about benefits of their project. These edits do not alter the impact analysis or conclusion of the impact analysis. Potentially significant impacts of new water supply projects, including the Delta Conveyance Project are disclosed in the cumulative impact analysis that follows. Please refer to Common Response 7.23, Cumulative Impact Analysis, for responses to comments related to the consideration and analysis of cumulative impacts associated with the Delta Conveyance Project. In addition, impacts of new or modified reservoirs and points of diversions are discussed and evaluated as a reasonably foreseeable response action to reduced Sacramento/Delta water supply in Section 7.22, New or Modified Facilities.

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		water supply project in the Delta, and instead makes the erroneous statement that the Delta Conveyance Project “could improve hydrologic conditions for aquatic species.” This sentence should be removed from the Staff Report/SED and replaced with an adequate assessment of impacts to fisheries likely to result from the Delta Conveyance Project, should it ever be built and operated.	
184	5	The Staff Report/SED’s Objective to Increase Delta Outflows Is in Direct Conflict With the Significant Reduction of Flows That Would Occur If the Delta Conveyance Project Proceeded. Acknowledging that “[n]ative species in the Bay-Delta ecosystem are experiencing an ecological crisis,” the Staff Report/SED explains that “since the time the Bay-Delta Plan was last updated and implemented, populations of native aquatic species in the Bay-Delta watershed have shown significant signs of decline due to a combination of factors, including hydrologic modifications, non-flow physical habitat degradation, water quality impairments, and climate change.” (Ch. 7.12.1, p. 7.12.1-1; Ch. 5, p. 5-7.) A “substantial overall reduction in flows and significant changes in the timing and distribution of those flows” has contributed considerably to the ecological crisis as species have been cut off from natal waters, leading to “severe declines, and in some cases extinctions, of native fish and other aquatic species.” (Id. At p. 7.12.1-1.) Every chapter of the Staff Report/SED offers examples of the degradation and decline of the Delta ecosystem: The combined effects of water exports and upstream diversions have contributed to reduce the average annual net outflow from the Delta by 33% and 48% during the 1948 through 1968 and 1986 through 2005 periods, respectively, compared with unimpaired conditions (Fleenor et al. 2010). Dayflow data also show a trend for decreasing Delta outflow through time. Since the 1990s, there has been a reduction in spring outflow and a reduction in the variability of Delta outflow throughout the year (Figure 2.4-7) due largely to the combined effects of exports, diversions, and variable hydrology.	Please refer to Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project. The Bay-Delta watershed is an integral part of California’s environment, economy, and way of life. Protecting the Bay-Delta watershed and its many beneficial uses of water is one of the State Water Board’s primary responsibilities and top priorities. Commenter is correct that the Staff Report identifies the problem of impaired hydrology in the Delta, the effects on native species and that restorations of flows and the functions that flow are needed to address the declines. In addition to instream flows, complementary habitat restoration can improve the effectiveness of instream flow measures at providing habitat conditions that support and promote recovery of native species populations. The revised proposed Plan amendments were developed to improve flow and water quality conditions over a large geographic area, and particularly for fish and wildlife beneficial uses in the Sacramento River watershed, Delta eastside tributaries, and Delta regions (Sacramento/Delta). Implementation of the revised proposed Plan amendments is expected to improve watershed functions and to provide associated benefits to the aquatic ecosystem and biological resources within the tributaries, the Delta, and the Bay. The Delta Conveyance Project is discussed in Section 7.23.1.2, Cumulative Project List, of the 2023 draft Staff Report. Potentially significant impacts of new water supply projects, including DCP are identified in the cumulative impact analysis that follows. Please refer to Common Response 7.23, Cumulative Impact Analysis, for responses to comments related to the consideration and analysis of cumulative impacts associated

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			with the Delta Conveyance Project. In addition, impacts of new or modified reservoirs and points of diversions are discussed and evaluated as a reasonably foreseeable response action to reduced Sacramento/Delta water supply in Section 7.22, New or Modified Facilities. The identification of impacts associated with new water supply projects should not be confused with Water Board approval of any specific project. To the contrary, mitigation measures provide for State Water Board oversight and consideration of multiple factors before approval of any project. For example, consideration of whether to approve a new water right application to appropriate water by permit with the State Water Board is a discretionary action that requires a determination that unappropriated water is available, a review of potential impacts on public trust resources, and a determination that the appropriation of water is in the public interest. Section 401 of the Clean Water Act (33 U.S.C. § 1341) requires any applicant for a federal license or permit for an activity that may result in any discharge to waters of the United States to obtain certification from the state that the project will comply with the applicable water quality requirements, including water quality standards promulgated pursuant to section 303 of the Clean Water Act (33 U.S.C. § 1313). Clean Water Act section 401 directs that certifications will prescribe effluent limitations and other conditions necessary to ensure compliance with the Clean Water Act and with any other appropriate requirements of state law, which includes the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.). (Section 7.22, New or Modified Facilities.) In determining the amount of water available for appropriation, the State Water Board must take into consideration the public interest and the relative benefit to be derived from all beneficial uses of the water concerned (including irrigation, municipal, industrial, recreation, and preservation and enhancement of fish and wildlife resources) and the water quality needed to protect beneficial uses (including preservation of some portion of peak flows for ecosystem processes). The project-specific environmental document must include an evaluation of a range of operating criteria that are consistent with updates to the Bay-

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			Delta Plan, including bypass flow criteria that achieve inflows and outflows of 55 percent of unimpaired flow, with a range of 45 to 65 percent under the proposed Plan amendments and/or local cooperative solutions. In addition, the revised proposed Plan amendments direct the State Water Board to consider imposing requirements on new water supply projects to ensure that future authorizations for the diversion and use of water are consistent with and support the salmon protection, fish viability, inflow, inflow-based Delta outflow, and interior outflow objectives of the Bay Delta Plan. Please see Common Response 1.3, Revised Proposed Plan Amendments, for information on the protection of base flows applicable to new water supply projects.
184	6	(Ch. 2, p. 2-106.) The Delta is experiencing an ecological crisis in the watershed and the prolonged and precipitous decline in numerous native species of spring-run and winter-run Chinook salmon, longfin smelt, Delta smelt, Sacramento splittail, and other species, and the factors involved in those declines...	Please refer to Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project. The Delta Conveyance Project is discussed in Section 7.23.1.2, Cumulative Project List, of the 2023 draft Staff Report and potentially significant cumulative impacts are identified in the cumulative impact analysis that follows. Please refer to Common Response 7.23, Cumulative Impact Analysis, for responses to comments related to the consideration and analysis of cumulative impacts associated with the Delta Conveyance Project.
184	7	(Ch. 7.23, p. 7.23-69.) It is estimated that the average annual natural production of Sacramento River winter-run Chinook salmon, Sacramento River spring-Chinook salmon, Sacramento River fall-run Chinook salmon (mainstem), and Sacramento River late fall-run Chinook salmon (mainstem) decreased between 1967 and 1991 and between 1992 and 2015 by 89, 61, 43, and 52 percent, respectively (see Table 3.4-3 in Chapter 3). Available data also show a long-term decline in escapement of steelhead from the Sacramento and San Joaquin River basins (McEwan 2001).	Please refer to Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project. The Delta Conveyance Project is discussed in Section 7.23.1.2, Cumulative Project List, of the 2023 draft Staff Report and potentially significant cumulative impacts are identified in the cumulative impact analysis that follows. Please refer to Common Response 7.23, Cumulative Impact Analysis, for responses to comments related to the consideration and analysis of cumulative impacts associated with the Delta Conveyance Project.

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		Hatcheries now provide most of the salmon and steelhead caught in the commercial and recreational fisheries.	
184	8	(Ch. 7.6.2, p. 7.6.2-4.) The Staff Report/SED is clear: “The overall health of the estuary for native species is in trouble, and expeditious action is needed on the watershed level to address the crisis, including actions by the State Water Board, fisheries agencies, water users, and others to address the array of issues affecting the watershed.” (Ch. 7.12.1, p. 7.12.1-1.) “Expeditious action” can take the form of any number of the alternatives presented in the Staff Report/SED. And with the exception of the No Project Alternative, every alternative proposed revolves around the fundamental principle that successful restoration and protection of the Delta’s damaged ecosystem must include the revival of system-wide flows and the establishment of minimum instream flow requirements. (See, e.g., Ch. 7.1, pp. 7.1-5–10.) Dramatic reductions in Delta outflows due largely to the combined effects of exports, diversions, and variable hydrology, along with the absence of adequate instream flow requirements have left outflows far below protective levels. (Ch. 2, p. 2-106; Ch. 5, p. 5-28.) Existing regulatory minimum Delta outflows would not be protective of the ecosystem, and without additional instream flow protections, existing flows may be reduced in the future, particularly with climate change and additional water development absent additional minimum instream flow requirements that ensure flows are preserved instream when needed for the reasonable protection for fish and wildlife.	Please refer to Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project. The Delta Conveyance Project is discussed in Section 7.23.1.2, Cumulative Project List, of the 2023 draft Staff Report and potentially significant cumulative impacts are identified in the cumulative impact analysis that follows. Please refer to Common Response 7.23, Cumulative Impact Analysis, for responses to comments related to the consideration and analysis of cumulative impacts associated with the Delta Conveyance Project.
184	9	(Ch.1, p. 1-9.) The proposed Plan amendments would require substantial increases in flows, particularly outflows, which are mostly achieved from reductions of water exports. Notably, the	The 2023 draft Staff Report analyzed the expected contributions of the flow scenarios and the VA scenarios to Delta outflow above baseline in Section 6.3.1.3, Sacramento-San Joaquin Delta, and Section 9.5.3.9, Delta Inflows, Exports, Interior Delta Flows, and Delta Outflow Results, respectively. The expected contributions

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		Delta Conveyance Project, rather than contributing to that goal, would instead result in substantial decreases in Delta outflows. According to Delta Independent Science Board (“DISB”) comments on the Delta Conveyance Project DEIR, the DCP would siphon off about 30% or more of some river flows into a tunnel throughout the year. (DISB DEIR Comments, p. 16.) [Footnote 1: Available at: https://deltacouncil.ca.gov/pdf/isb/products/2022-12-16-isb-deltaconveyance-project-eir-review.pdf] These new diversions are contrary to the goal of increasing outflows. The proposed Plan amendments include numeric and narrative inflow and outflow objectives that ensure outflows are tied to inflows and are preserved in the future (“the inflows under the proposed inflow objective are intended to flow out of the Delta”). (Ch. 5, p. 5-17.) These objectives would be applied throughout the watershed. The proposed VA Alternative, however, does not offer the same guarantees that inflows would be linked to outflows, or that outflows would be increased beyond baseline measures. The Final SED should clarify and fully analyze this difference between the proposed Plan amendments and the VA Alternative, which does not appear to include the same protections to outflows as the proposed Plan amendments.	to Delta outflow of the regulatory and VA pathways of the revised proposed Plan amendments are described in Chapter 13, Revised Proposed Plan Amendments. In addition, as described in Common Response 1.3, Revised Proposed Plan Amendments, a provision is included in the revised proposed Plan amendments to protect the flow base from new water supply projects. Also see Common Response 1.3, Revised Proposed Plan Amendments, regarding comments on other water supply projects.
184	10	The Board Should Consider Extension of D-1641 Salinity Standards Beyond August 15th to Protect Fall Run Salmon and Other Beneficial Uses. In April 2023, California Lt. Governor Eleni Kounalakis submitted a letter to the U.S. Secretary of Commerce requesting disaster assistance for the Klamath and Sacramento Rivers fall run salmon fisheries [Footnote 2: Available at: www.fisheries.noaa.gov/s3/2023-05/Cali-Salmon-Disaster-Request.pdf]. The basis of the request was the full closure of California’s commercial and recreational 2023 ocean salmon fisheries in response to near-historically low stock abundance forecasts for the fall Chinook runs of salmon originating from the Sacramento and Klamath rivers, after the third lowest return on record of adult fall run Chinook to the Sacramento River in 2022 [Footnote 3: Available at:	Please see Common Response 7.24, Alternatives Analysis, regarding the range of alternatives.

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		https://calmatters.org/environment/water/2023/03/california-salmonfishery-shut-down/]. The 2022 return numbers were only half of the fishery's minimum target. The Lt. Governor's letter noted a host of factors that have pushed these iconic and important fisheries to the point of collapse, including prolonged and historic drought, and even harmful algal blooms. On November 21, 2023, the Secretary approved the disaster assistance request [Footnote 4: Available at: https://www.fisheries.noaa.gov/feature-story/commerce-secretaryannounces-fishery-disaster-determinations-california-salmon]. The reasoning in the disaster assistance request letter and approval decision point to both drought and algal blooms as reasons for collapse of fisheries. Sufficient flows throughout the year, including the late summer and fall, are necessary to avoid these impacts. The Bay Delta update alternatives should include an alternative that considers extending the D-1641 salinity standards beyond August 15th in order to protect fall run salmon [Footnote 5: See also: https://www.abc10.com/article/news/local/stockton/migrating-salmonstuck-die-bear-creek/103-6bd32f81-0d2c-4044-9664-6d0224e98ff8]. Regulating salinity during this time period would also better protect other beneficial uses, such as agriculture and recreation in the Delta.	
184	11	ICF's Ongoing Conflict of Interest Continues to Hinder the Independence and Credibility of the Bay-Delta Plan Update. LAND continues to be concerned that an ongoing conflict of interest is precluding the Board from engaging objectively with the Bay-Delta Plan Update as it relates to the Delta Conveyance Project. ICF, the consultant firm hired to work on the Plan Update, is also the primary consultant for the Delta Conveyance Project (and previous iterations of that project). It seems unlikely that ICF could exercise the independence necessary to assist in developing a credible Bay-Delta Plan, and at a minimum, ICF's continued work on both projects creates the appearance of impropriety. More substantively, the Staff Report/SED overlooks the potential	Throughout the Bay-Delta Plan Update process, the State Water Board has acted in accordance with CEQA. The State Water Board may hire a consultant to prepare the Staff Report, including a consultant who has other clients involving Bay-Delta issues, as long as the document reflects the independent judgement of the Board. (Cal. Code Regs., tit. 14, § 15084, subd. (e).) The same principle can be applied to other technical analyses supporting the Bay-Delta Plan update. The State Water Board has appropriately directed ICF's work in this Bay-Delta Plan update process and the Staff Report reflects the State Water Board's objective and independent judgement. Please see Common Response 1.3, Revised Proposed Plan Amendments, regarding comments on other water supply projects.

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		large-scale adverse impacts from the Delta Conveyance Project's diversion intakes and commensurate reductions in flow on the Delta's aquatic ecosystem. This bias is evidenced by the Staff Report/SED's inclusion of the unsupported statement that the Delta Conveyance Project "could improve hydrologic conditions" in the Delta. Notably, the DISB commented on the Delta Conveyance Project DEIR that although a "stated potential benefit of this project is to reduce fish entrainment losses by shifting intakes between the (new) North Delta intakes and the existing south Delta intakes," questioned whether that benefit had been quantitatively estimated. (DISB DEIR Comments, p.101.) This is not the first time this conflict-of-interest issue has been brought before the Board. During the Phase I Bay-Delta Plan updates, the same consulting firm worked on both the Plan Update and the Bay Delta Conservation Plan/California WaterFix, the Delta Conveyance Project's predecessor. And as discussed above, the Delta Conveyance Project and the Bay-Delta Plan have different and conflicting objectives; the negative impacts the Delta Conveyance Project would have on the Delta ecosystem and flows are some of the very impacts the Bay-Delta Plan Update is seeking to remedy.	
184	12	The Delta Conveyance Project would divert enormous quantities of freshwater away from the lower Sacramento River and Delta. Because of past and present work on the Delta Conveyance Project planning, it is not realistic that ICF, the primary consultant for the Delta Conveyance Project, would include information in the Bay-Delta Plan that fully discloses the impacts of the Delta Conveyance Project on the goals of the Bay-Delta Plan Update. Consequently, the work that ICF is doing on the Bay-Delta Plan is not independent. We echo previous comments to the Board in 2014 (Exhibit 2) [Attachment 2] and 2015 (Exhibit 3) [Attachment 3] regarding this topic: For the Board to rely on a consultant for the Bay-Delta Update that has a major financial interest in the advancement of the Delta Conveyance Project calls into serious question the ability of the Board to carry out its mission: "To preserve, enhance, and restore the quality of California's water resources and drinking water for the protection of the environment, public health, and all beneficial	Please see the response to comment 184-11.

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		uses, and to ensure proper water resource allocation and efficient use, for the benefit of present and future generations.” (See Exhibit 3, pp. 3-4.)	
184	13	Conclusion. We urge the Board to exercise its independence and act in the best interest of the natural resources and communities that depend on a healthy and thriving Bay-Delta watershed.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
184	14	[Attachment 1: Exhibit 1—Document titled Review of the 2022 Draft Environmental Report for the North Delta Diversion]	This attachment was included with the comment letter. The attachment does not raise a specific environmental impact or economic effect of the project. Refer to Common Response 1.1, General Comments, for the approach to addressing attachments to comments.
184	15	[Attachment 2: Exhibit 2—Letter to State Water Resources Control Board from Friends of the River dated February 3, 2014 Re: Consideration of proposed Resolution to amend and add funds to Contract between the Board and ICF Jones & Stokes]	This attachment was included with the comment letter. The attachment does not raise a specific environmental impact or economic effect of the project. Refer to Common Response 1.1, General Comments, for the approach to addressing attachments to comments.
184	16	[Attachment 3: Exhibit 3—Letter to State Water Resources Control Board from environmental water organizations dated October 2, 2015 Re: Premature and Defective Petition for Change Application for Water Fix submitted by DWR and Bureau of Reclamation]	This attachment was included with the comment letter. The attachment does not raise a specific environmental impact or economic effect of the project. Refer to Common Response 1.1, General Comments, for the approach to addressing attachments to comments.
185	1	The subject Draft Staff Report in support of Sacramento/Delta updates to the Bay-Delta Plan (Draft Staff Report) identifies several alternatives for updating the Bay-Delta Plan for the protection of native fish and wildlife, including an alternative of 55% unimpaired flows. Within the Draft Staff Report, Table A1-521 identifies a mean SWP Table A Allocations reduction of 28% under the 55% unimpaired flows scenario. Table A1-522 identifies a 47% and 38% SWP Table A reduction under the 55% unimpaired flow scenario in dry and below normal years respectively. While Zone 7 generally supports efforts to improve the environment and fisheries, a singletrack regulatory approach of unimpaired flows resulting in SWP allocation reductions of this magnitude would create extreme hardship in our region. During the most recent drought, Zone 7 was able to withstand the drought by utilizing our stored water supply portfolio, achieving	Please see Common Response 4.2, Drought and Climate Change, for a discussion on the consideration of climate change and drought in the Staff Report. The impacts of the proposed Plan amendments were analyzed in Chapter 6, Changes in Hydrology and Water Supply, Chapter 7, Environmental Analysis, and Chapter 8, Economic Analysis and Other Considerations, of the 2023 draft Staff Report. Also see Common Response 1.3, Revised Proposed Plan Amendments, for information on the regulatory pathway inflow requirements, which include provisions for human health and safety water supplies.

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		15% conservation, and purchasing transfer water. However, the proposed 28% mean reduction in SWP water supplies from the Bay Delta Plan, coupled with additional water supply reductions from other regulatory constraints and climate change would make Zone 7 much more vulnerable to drought and water shortages. Zone 7 would be unable to store enough wet year water to meet dry year demands. This reduction will put Zone 7 in a position where it is not sustainable to withstand droughts with conservation and water purchases. Failing to meet its agricultural, municipal, and industrial demands may significantly cause adverse impacts on the health and safety of local communities, including disadvantaged communities, the local economy, groundwater basin, and environmental justice. Thus, along with State Water Contractors, Zone 7 suggests the State Board consider The Healthy Rivers and Landscapes Agreements (Alternative 6) approach and strongly supports the comments made by the State Water Contractors on this issue. We find that Alternative 6 is a holistic approach consisting of habitat restoration, a science program, and implementation funding in addition to flow contributions. This widely supported comprehensive approach is more likely to yield meaningful environmental benefits and help the State Board achieve its goals than the unimpaired flow-only approach.	
186	1	The undersigned organizations are writing to express our support for, and to encourage you to take definitive action to approve, the Agreements to support Healthy Rivers and Landscapes as the alternative for updating the Bay-Delta Water Quality Control Plan. On March 29, 2022, the Governor convened federal, state, and local water leaders to announce broad agreement on measures to provide additional water flows, new habitat and other non-flow ecosystem benefits, a robust, collaborative and transparent science and governance structure, and long-term, stable funding to help improve conditions in the San Francisco Bay/Sacramento-San Joaquin River Delta watershed. This agreement, referred to as the Healthy Rivers and Landscapes proposals, are the culmination of more than five years of collaboration among the California Natural Resources Agency,	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		the California Environmental Protection Agency, public water agencies throughout California, and other stakeholders to develop a modern approach to protecting all beneficial uses of water in the Bay-Delta watershed. This collaborative and scientifically-grounded approach to resolving conflicts in the Bay-Delta is critical for water users south of the Delta. The region has already made, and is planning to make, investments in our diverse and connected water supply that has and will continue to reduce reliance on the Bay-Delta while ensuring a safe, affordable drinking water for more than 20 million Californians. Southern California has long been a leader in proactively finding flexible and efficient solutions to address the strains that climate change is placing on our water delivery system. We've established robust water use efficiency programs while simultaneously making significant investments in local and regional projects that increase our regional self-sufficiency.	
186	2	While we continue to increase our local supplies, the State Water Project remains an essential source for the state and our region, serving as the foundation for our daily water needs as more local and regional projects are explored and implemented. The Agreements to Support Healthy Rivers and Landscapes are essential components for creating the reliability, certainty, and availability of water supplies from the state's backbone infrastructure system to protect south of Delta water resilience.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
186	3	Water suppliers acknowledge that water flows are important components of habitat protection - and the Healthy Rivers and Landscapes proposal dedicates between 500,000 acre-feet and 800,000 acre-feet of additional water to the environment in many water years - but we need a new approach where every drop of water dedicated to the environment serves a biological function. The updated Delta water quality standards should protect all beneficial uses. The unimpaired flow (flow-centric) approach that is also on the table for consideration in updating the Bay-Delta Plan, may not improve conditions for fish and wildlife and will not protect all beneficial uses, including water supplies for millions of Southern Californians, irrigation for agriculture, and hydroelectric power generation that is essential to California's resilient energy grid.	Please see Chapter 3, Scientific Knowledge to Inform Fish and Wildlife Flow Recommendations, of the 2023 draft Staff Report for the expected benefits of the flow scenarios for fish and wildlife. As described in Section 7.1.3, Purpose and Goals of the Sacramento/Delta Update to the Bay-Delta Plan, of the 2023 draft Staff Report, the purpose of the project is to establish water quality objectives, a program of implementation, and monitoring and special study measures for the reasonable protection of fish and wildlife beneficial uses in the Sacramento/Delta.

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186	4	The Healthy Rivers and Landscapes proposal is consistent with California's co-equal goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem and would satisfy and fulfill many of the substantial needs to advancing a comprehensive and integrated approach to updating the Bay-Delta Water Quality Control Plan, including: - Substantial dedication of water flows to the environment - Significantly reduced environmental effects throughout California - A comprehensive portfolio of actions designed to reactivate floodplains for robust populations of fish and wildlife - A commitment to over \$2.5 billion in funding to support the proposals - Actions throughout the state designed to restore ecosystem function - Recognition of the important contribution that hydroelectric generation during the summer provides for California's grid stability and reliability Inclusive governance that will address changing climate conditions and support research to improve management actions - Commitment to collaborative, adaptatively managed and structured science programs - Processes for resolving litigation and regulatory issues that have stifled implementing innovative water resources stewardship and management practices	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
186	5	While there have been some notable successes, the various efforts to manage the Bay-Delta over the recent decades have not worked as planned overall, as both important species and water supply reliability have declined in the Bay-Delta and throughout the state. To change course and offer a different approach and trajectory, it is important to advance these innovative	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project. Also see Common Response 1.2, Water Quality Control Planning Process, on the consideration of beneficial uses.

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		agreements for healthy rivers and landscapes, which will improve environmental conditions quickly and holistically, and will provide certainty to communities, farms, and businesses. We encourage the State Water Board's adoption of the Healthy Rivers and Landscapes proposals as the best alternative for meeting the objectives for the Delta Plan update and to fulfill the State Water Board's obligation to reasonably balance the multitude of factors and considerations when updating the Delta Plan.	
187	1	For over 48 year years we have maintained a strong focus supporting our fisheries and their environment. We also have maintained a strong focus on monitoring our state waters when public and governmental agencies ignore the Public Trust Doctrine, existing state laws, or proposed changes that endanger our fisheries and their environment. We take strong exception to the currently proposed Bay Delta Water Quality Control Plan (BDWQCP). The proposed BDWQCP plan is deeply flawed, prejudicial, and is a violation of the Doctrine of Public Trust. It is confusing to us why the state is insistent on using nonscientific water policies from the last century while totally ignoring the fact we now live with an environment controlled by climate change.	Please see Common Response 1.2, Water Quality Control Planning Process, regarding the State Water Board's consideration of the public trust doctrine and state law requirements when formulating or amending water quality control plans. Please refer to final Staff Report Section 13.6.1, Public Trust Analysis, for the State Water Board's public trust analysis of the revised proposed Plan amendments. Contrary to this commenter's assertion, the 2023 draft Staff Report contains numerous analyses related to climate change and drought. For instance, 2023 draft Staff Report Section 2.6, Climate Change and Drought, describes potential hydrological changes for the Delta that may result from climate change, and includes a description of droughts which have occurred during the hydrologic period of record (1923-2015) used for SacWAM in the Staff Report, noting that this time period captures many intense droughts both in severity and duration. 2023 draft Staff Report Section 4.6, Climate Change, discusses how climate change can exacerbate ecosystem stressors which may already be present in the Bay-Delta system. Also included in this section are descriptions in changes of precipitation, snowmelt runoff, and sea level rise as well as potential options that may be explored for the plan area. In Section 5.6.2.3, Climate Change, Drought, and Public Safety, the Staff Report considers the need to address drought circumstances within the context of climate change, particularly planning around minimum health and safety water supplies. Section 6.2.3, Climate Change, discusses the level of uncertainty surrounding climate change, including uncertainty in model inputs which prevented the inclusion of climate change in SacWAM at the time of the release of the 2023

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			draft Staff Report. Finally, the Staff Report looks at both global climate change effects and effects which are relevant to California in Section 7.10.2.2, Climate Change Effects. See also Common Response 4.2, Drought and Climate Change, for additional discussion of climate change modeling and multi-year drought impacts.
187	2	The Bay-Delta environmental systems are nearing collapse. For 15 years the Delta health indicator fish, the Delta smelt, and five other fish species have been on the endangered species list. Despite promises that this plan will provide more water for our fish populations nothing in the plan guarantees that will happen. This year the media has noted the catastrophic 98% loss of our salmon population. This BDWQCP will do nothing to lessen the possible extinction of our salmon and will make their extinction more probable.	Please see Common Response 3.1, Fish Protection, for a discussion of the State Water Board's use of best available science, the State Water Board's approach to analyzing the effects of flow on species abundance and life cycle models, and a response to comments on the need to update flow thresholds.
187	3	Over the years we have watched the Bay Delta's water flow diminish. Science has shown that the Bay-Delta needs 75% of the Sacramento River and its tributaries to flow unimpeded to the ocean. For over 20 years we have watched the flow rate drop by 25%. In drought years we have seen this flow rate become two thirds less than the water needed. The lack of unimpaired water flow has put the Bay-Delta in a state of crisis. The proposed plan will do nothing to improve fisheries or the environment but will worsen the situation.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
187	4	It is difficult to understand a plan based on the use of Voluntary Agreements (VAs). The use of VAs goes back almost 30 years and has failed miserably. Current use of VAs have a high probability of failure also. The VAs were to help environmental improvements but have not done so. The VAs are a way of giving the public's water away and forcing the public to pay for the water agencies' projects. The current use of VAs is not able to realize its goals. The VAs does not have any provision for a secondary plan. Their use should be discounted immediately. No one within the environmental or the fishery communities supports their use.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project. See also Common Response 1.3, Revised Proposed Plan Amendments, for information on the VA pathway.
187	5	This plan violates the Doctrine of Public Trust, and is prejudicial, once again, favoring corporate agriculture rather than the common good. The plan ignores recreational, commercial, subsistence, and tribal rights fisheries. This BDWQCP will only	At the time the 2023 draft Staff Report was released for public comment, an explicit public trust analysis was not included, as the rulemaking process for the Sacramento/Delta update to the Bay-Delta Plan was still at a preliminary stage with numerous

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		enrich a small group of wealthy corporate agricultural groups at the expense of our fisheries and economically disadvantaged communities.	options being evaluated for potential inclusion in the plan update. Now that the State Water Board has identified a precise set of revised proposed Plan amendments as the proposed project, as part of the process to revise the 2023 draft Staff Report in response to input from the public, the Board has added a section summarizing the State Water Board's public trust evaluation for the proposed amendments to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Watershed. Please refer to final Staff Report Section 13.6.1, Public Trust Analysis, for the State Water Board's public trust analysis of the revised proposed Plan amendments. Please also see Common Response 1.2, Water Quality Control Planning Process, regarding the State Water Board's consideration of beneficial uses and the public trust doctrine when formulating or amending water quality control plans. Please see Common Response 11.1, Tribal Engagement and Tribal Beneficial Uses, regarding analysis of potential impacts of the Sacramento/Delta update to the Bay-Delta Plan on tribes, and for discussion of incorporation and designation of Tribal Beneficial Uses of water. Additionally, please see Common Response 10.1, Economically Disadvantaged Communities, regarding analysis of potential impacts of the Sacramento/Delta update to the Bay-Delta Plan on disadvantaged communities.
187	6	For over 20 years those of us who support the Bay-Delta environment and its fisheries have been aware that the state and federal water policies have been based on highly flawed water supply information. Recently, the State Water Quality Control Board (SWQCB) has admitted California's water supply has been exaggerated by a massive 500%. All water policies decisions based on supply are therefore inherently flawed. Therefore, we respectfully request the approval of the Bay Delta Water Quality Control Plan be denied.	Proposed revisions to the Bay-Delta Water Quality Control Plan are based on a realistic assessment of California water supply. Section 2.8, Existing Water Supply, of the 2023 draft Staff Report discusses the water supply features and characteristics of the Sacramento River Watershed, Delta Eastside Tributaries, the Delta, San Francisco Bay Area, San Joaquin Valley, Central Coast and Southern California (pp. 2-122 thru 2-143).
188	1	Please consider my plea to recognize the value of a robust salmon fishery in the state of California by adopting the unimpaired flow" approach to water management in the Sacramento river system. agriculture is being given much too high of an allocation and priority if it causes extinction of species	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		and the closure of our potentially world class salmon fishery. this has been a political choice to prioritize ag over fisheries and I am hurting very much to see the destruction of our once thriving salmon resource. In the late 1990's I started a guide service in the Klamath/trinity watershed and ocean waters out of eureka, ca and have not only had to abandon my business but watch with horror as the political whim of the law of this state has resulted in the near extinction of our famed chinook salmon runs. It is not fair or reasonable to trash the livelihoods of many California and Oregon fishermen as well as crush the soul of the native nations of these states in the name of agricultural profits for a wealthy minority, no matter how well politically connected they may be. People are upset, and I'm one of them. Do what is necessary to restore our salmon fishery before it is too late. Thank you for considering my plea.	
189	1	I want to introduce myself as a supporter of the Delta eco system, a kayaker and rafter that enjoys recreating on the Bay and appreciates the ecology. My concern has always been to support the science. I understand that there are many users of the bay and the fresh water but I encourage the Board to not make this a political decision but to base the decision in science. Science has told us that that the Bay Delta system is in crisis due primarily to increase pollution and lack of water flows. The State Water Board is charged with restoring the Bay- Delta ecosystem, so decisions should be made based on legitimate science There is evidence that the flows need to be increased / preserved for the good of the ecosystem: - Salmon populations are in such bad shape that the commercial fishing season had to be closed this year, and will likely be canceled again next year. - Toxic algae blooms have damaged the ecosystem in the Delta and wildlife deaths have continued to get worse.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
189	2	The enforcement is lacking and Voluntary Agreements (VAs) are destined to fail. What is needed is: 1) strong leadership from the Board is setting clear water allocations to the delta and the discontinuation of VAs.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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189	3	2) Restoration efforts in tributaries that slow the water flows into the bay and promote ground water infiltration. Specifically, Beaver introduction has shown to be powerful natural actor that can accomplish this goal with very low financial impact.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project. The California Department of Fish and Wildlife has a Beaver Restoration Program that is implementing beaver translocation projects.
189	4	In an average year, only 50% of the natural flow of our Central Valley rivers reaches the Bay. During droughts it can drop to 1/3. This has put the Bay-Delta in a perpetual state of drought. The VAs would not even meet the modest objectives of the proposed Bay Delta Plan and VAs are not meeting the legal obligations to keep fish populations in good condition, and therefore consideration of them should be terminated immediately.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project. See also Common Response 1.2, Water Quality Control Planning Process, for information on the reasonable protection of fish and wildlife beneficial uses.
190	1	Both BCDC and the SWQCB are in violation of the current sf bay plan, state law and the McAteer-Petris Act by not following its stated policy: "the impact of diversions of fresh water inflow into the Bay should be monitored by the State Water Resources Control Board, which should set standards to restore historical levels (1922-1967) of fish and wildlife resources. The Bay Commission should cooperate with the State Board and others to ensure that adequate fresh water inflows to protect the Bay are made available."	The State Water Board currently requires monitoring of the impacts of fresh water diversions through Water Right Decisions 1641 and 1485. The revised proposed Plan amendments include a Bay-Delta Monitoring and Evaluation Program that would further expand and clarify these monitoring requirements. As described in Section 7.1.3, Purpose and Goals of the Sacramento/Delta Update to the Bay-Delta Plan, of the Staff Report, the underlying fundamental purpose of the project is to establish water quality objectives, a program of implementation, and monitoring and special study measures for the reasonable protection of fish and wildlife beneficial uses in the Sacramento/Delta. Thus, the State Water Board is currently working to ensure that adequate fresh water inflows are made available to reasonably protect fish and wildlife beneficial uses.
190	2	Environmental Science has been dismissed over and over, even ignoring Water Board scientist's recommendations. This appears to be the result of politicians accepting donations from southern mega farmers to ensure and increase water diversions to the estuaries harm. It would be revealing to see how politicians influence water policy against Water Board stated objectives. It's a tragedy of the commons when a few powerful people personally benefit from overuse of a community resource, harming another resource such as Salmon. This environmental disaster is made even more insulting since most nut crops grown are exported and should never have been planted in a desert.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		Delta smelt, Salmon and now White Sturgeon are endangered and facing extinction. The current water flow policies are based on political donations, not science. Fish need water to survive. Voluntary water use reductions predictably worked as a stall tactic. It is time to require adequate water remains to sustain the bay-delta and its watershed.	
191	1	We welcome the Plan as a step toward restoring needed flows to an estuary in crisis. Please seek to maintain the strongest standards— up to 75% of unimpaired flow, if possible.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
191	2	Delta waters and its ecosystem are not healthy because of years of over-diversion and failures to provide sufficient flows. That situation led to the Delta Reform Act of 2009 (Act), which enunciated the state’s policy “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.”[Footnote 1: Cal. Water Code § 85021] The Act mandated that “the board, pursuant to its public trust obligations, develop new criteria...within nine months of the enactment” of the Act. [Footnote 2: d. § 85086(c)(1)] Now, some 15 years later, the adoption of appropriate flow criteria could finally satisfy those mandates and resolve problems created by flow criteria development delay.	Please see Common Response 1.1, General Comments, for information on the Delta Flow Criteria Report and for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
191	3	Native species have suffered (numbers of native salmon, a keystone species, have plummeted to levels that threaten their survival), pollutants are more concentrated, water temperatures are elevated, dissolved oxygen is low, migratory cues for returning anadromous fish are often lacking, HABs proliferate, and sizeable sections of the economy have suffered from the lack of sufficient flows to maintain a healthy Delta and estuary. Farm acreages and previously-prohibited permanent crops (those harder to fallow in dry conditions) were allowed to increase during the 20th century—along with heavily-subsidized water to serve them—while the quality of those farm communities’ lives, health and education levels decreased [Footnote 3: N. Hundley, The Great Thirst, Californians and	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		Water: A History, see especially chapter 7 and sub-chapter “Subsidized Agriculture and Social Inequity” (2001).]. These problems continue today.	
191	4	The Board expresses commendable interest in pursuing its mission: to preserve, enhance, and restore the quality of California’s water resources and drinking water for the protection of the environment, public health, and all beneficial uses, and to ensure proper water resource allocation and efficient use, for the benefit of present and future generations. Adequate objectives for flows through the Bay-Delta will begin to address the systemic problems that have plagued California’s water system for decades, and which, if left unaddressed, will bring ever more severe negative environmental and social consequences.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
191	5	As the Board’s Staff Report notes, the “face value, or total volume of water authorized for diversion, of the active consumptive post-1914 appropriative water right records in the Sacramento/Delta watershed is ... over five times the total annual average unimpaired outflow for the entire Bay-Delta watershed.” [Footnote 4: https://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/docs/2023/staffreport/ch02-hydro.pdf (p. 2-117)]. The National Research Council (NRC) has found that “[t]he magnitude or intensity of [water] scarcity has grown over time and it continues to grow.” [Footnote 5: Sustainable Water and Environmental Management in the California Bay-Delta, National Research Council, 2012, page 32]. Climate change will exacerbate this situation. We now know that the wet 20th century will not be repeated in this century, and supplies once thought possible will not materialize. Clearly, the over-allocation of water from the Bay-Delta, as recognized in the Staff Report, is unsustainable. On average, less than 50% of the freshwater flow from the Central Valley reaches the Bay; in some years it is less than 35%.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
191	6	In 2010, the Board found that “[i]n order to preserve the attributes of a natural variable system to which native fish species are adapted, 75% of unimpaired Delta outflow from January through June” and “75% of unimpaired Sacramento River inflow from November through June” would be necessary.	Please see Common Response 1.1, General Comments, for information on the Delta Flow Criteria Report and for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project

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		The Board's July 2018 Framework for the Sacramento/Delta Update to the Bay-Delta Plan [Footnote 6: https://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/docs/sed/sac_delta_framework_070618%20.pdf]. estimated various flow levels and impacts. Total water use in the Sacramento/Delta area was found to be about 41 maf, of which about a third (12.1 maf) was surface water from the Sacramento/Delta (the remainder—about 4.7 maf— was water derived from other watersheds, groundwater, recycled water, or desalinated water). [Footnote 7: 7 Id., p. 12]. Water flow is critical for species' survival: at 75% unimpaired flow, the change in Species Abundance (using "Analysis from Science Report, Unimpaired Flow") could range from +30 to +80%. On the other hand, with only 35% unimpaired flow (Analysis from Science report), a change in species abundance was 0% (increasing to only +5-15% using "unimpaired flow + other flows"). [Footnote 8: 8 Id., Table 1].	
191	7	Water "costs" for a 75% unimpaired flow were estimated at 12% reduction in supply relative to total area supply of 41 maf (equaling about 4.92 maf); and 39% reduction relative to supply derived from Sacramento/Delta surface water (equaling about 4.72 maf) [Footnote 9: Id., Table 2]. However, given that water available from efficiency in California could total up to 14 mafy (6.6 mafy from agricultural efficiency, 5.2 mafy from urban efficiency, and 1.2-1.8 mafy from water reuse— along with approximately 1.2 to 1.8 maf from stormwater capture), [Footnote 10: www.nrdc.org/water/ca-water-supply-solutions.asp; www.pacinst.org/publication/ca-water-supplysolutions. See also: hLps://pacinst.org/wp-content/uploads/2022/04/Pacific-InsYtute-Untapped-PotenYal-Infographic-2022.pdf]. The "cost" of allowing 75% of unimpaired flow does not appear problematic. Meaningful conservation and efficiency, with improved regional supplies—as required by the Delta Act—could supply water so that biological goals and optimal flows for the Bay-Delta could be met; threatened and endangered species and their habitat could then survive and thrive. A 2022 LA Times article [Footnote 11: https://www.laYmes.com/california/story/2022-04-	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		12/california-could-shrink-water-use-in-ciYes-by-30-or-more] featured a Pacific Institute study that reported potential for reducing urban water use (currently 6.6 mafy) by more than 30% to 48% through existing technologies and standard practices. This alone could produce < 3.17 maf. Recycled municipal wastewater, the report noted, could equal almost 3 maf. The LA Times article produced a chart using Pacific Institute figures that show by region the many millions of acre-feet per year that could be saved in California through efficiency, stormwater capture and wastewater reuse. These are the sources that can make up for water supply “costs” or reductions in water taken from the Bay-Delta.	
191	8	Voluntary Agreements (VA) problems: We urge the Board to adopt and implement strong standards that have received adequate scientific and public review in a transparent fashion. Such standards should be adopted before the Voluntary Agreements (VAs) receive more consideration. The VA process has unfortunately blocked progress on the Board’s adoption of regulatory standards. The VA process was not transparent; the VAs were negotiated in private without concurrent public scientific review, and failed adequately to consider tribal and Delta communities’ input. The VAs do not provide implementation and enforcement of adequate water for fish and the environment, temperature controls or flow protections.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project. See also Common Response 1.3, Revised Proposed Plan Amendments, for information on the VA pathway.
191	9	As the Board Staff has determined, “available scientific information supports the conclusion that greater quantities of Delta outflow are needed to support estuarine processes, habitat, and the species that depend on them. Native species specifically benefit from increasing the area, duration, and frequency of flows that place the low-salinity zone downstream of the confluence of the Sacramento and San Joaquin Rivers.” [Footnote 12: 12https://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/docs/2023/staffreport/ch05-planchngs.pdf]. The Board noted that in “addition to existing water right claims, new water rights may be requested under	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		new applications and state-filed water rights.” These likely additional rights will place further strain on water supplies, highlighting the need for adoption of strong standards now.	
191	10	Temporary Urgency Change Petitions (TUCPs): Additionally, a Friends of the River (FOR) letter regarding the Plan has pointed to the need for the Plan to “include a commitment to reduce or eliminate” the use of Temporary Urgency Change Petitions (TUCPs) in the future [Footnote 13: https://www.friendsofheriver.org/wp-content/uploads/2023/10/California-Water-Plan-Update-2023-Coalition-Comments.pdf]. “The serial use of TUCPs in dry-year sequences has allowed the SWP and the CVP to violate minimum water quality objectives under the (already inadequate) Bay-Delta Water Quality Control Plan, which [objectives] Reclamation and DWR are required to meet pursuant to the terms and conditions of their water rights. See D-1641. The document fails to examine the explosion of the use of TUCPs in 2014, 2015, 2016, 2021, 2022, and 2023, or their contribution to the ongoing collapse of listed species, salmon runs, Delta water quality, and the salmon fishery closure in 2023. The most recent of those “drought emergency” TUCPs came even as the state was facing flood events and catastrophically low salmon returns in early 2023. Instead of promoting the further use of ‘flexibility,’ the 2023 Plan Update should examine the misuse of TUCPs and include a commitment to reduce or eliminate their use in the future.” We support the concerns and proposed solutions expressed in the FOR letter regarding TUCPs and the Plan.	Please see Common Response 1.3, Revised Proposed Plan Amendments, for a discussion of temporary urgency change petitions. To the extent that this comment incorporates by reference a different comment letter, please see the substantive responses to those comments.
191	11	Sufficient flows to and through the Bay-Delta could allow the estuary to function as it should, to foster pollution dilution and flushing, avoidance of predators, sediment transport and deposition. With sufficient flows, Bay-dependent economies could begin to recover. Please adopt—and support implementation of—adequate, science-based Bay-Delta flow standards in the Bay-Delta Plan.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
192	1	The above organizations write to express our support for, and to encourage your approval of, the Agreements to Support Healthy	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not

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		Rivers and Landscapes as the alternative for updating the Bay-Delta Water Quality Control Plan. On March 29, 2022, the Governor announced broad agreement on measures to provide additional water flows and new habitat to help improve conditions in the Sacramento-San Joaquin River Delta watershed. This agreement, referred to as the Healthy Rivers and Landscapes proposals, are the result of over five years of collaboration among the California Natural Resources Agency, the California Environmental Protection Agency, water agencies from throughout the state, and other stakeholders with the purpose of developing a modern approach to protecting all beneficial uses of water in the Bay-Delta watershed. As statewide organizations representing many of the important uses of water in California, we encourage you to incorporate and advance a new approach in the updated Delta water quality standards to protect all beneficial uses of water important to California in the face of climate adaptation. These important uses of water include water supplies for millions of Californians, the fourth largest economy in the world; our farms and ranches that feed and clothe the state, nation, and world; our vital fish and wildlife; recreation; and hydroelectric power generation that is essential to California's resilient energy grid. We believe that the Agreements to Support Healthy Rivers and Landscapes provide the balance necessary to protect all beneficial uses of water. On the other hand, the unimpaired flow approach would be devastating to California and all of the beneficial uses described.	raise specific environmental impacts of the project, or do not raise specific economic effects of the project. Also see Common Response 1.2, Water Quality Control Planning Process, on the consideration of beneficial uses.
192	2	We have appreciated the State Water Resources Control Board's (State Water Board) comprehensive process to update and implement the Bay-Delta Water Quality Control Plan and we have benefitted from the recent three hearings and related efforts to evaluate the alternatives in the draft staff report. After reviewing the staff report in detail and listening to the various commentators and discussions around the alternatives, we believe the Agreements to Support Healthy Rivers and Landscapes alternative provides more benefits and fewer impacts than the unimpaired flow alternative and therefore should be adopted by the State Water Board as the best alternative for meeting the policy, technical and legal objectives for the Bay-Delta Plan update.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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192	3	Our organizations are increasingly concerned about water insecurity and rising water rates, each of which compound other factors making California less affordable to the average person. Imposing an unimpaired flow requirement of 55% would only serve to make these problems worse by creating additional scarcity. The Healthy Rivers and Landscapes alternative proposes a way to meet environmental needs and the needs of our communities and economy. The agreements use both flow and non-flow measures that help support native species and the environment. The agreements also create a governance structure that oversees implementation and assists in decision-making. This governance structure encourages conversation, collaboration, and rapid response to changing conditions. In addition, the more reasonable flow measures assist in ensuring that water users of all types can better predict water availability and plan accordingly. For example, developers can better model water availability to serve new housing developments, which are legally required to provide proof that water will exist to serve the planned project. Also, agricultural businesses can better plan for the appropriate acreage to plant, and this increased certainty helps support related businesses. In short, the Healthy Rivers and Landscapes alternative supports both the environment and the economy, and both of these are critical to life in California today and in the future. We appreciate urge the State Water Board to approve the Healthy Rivers and Landscapes proposal as the best alternative for the Bay-Delta Plan update and to satisfy the State Water Board's responsibility to reasonably balance the many factors involved in updating the Bay- Delta Plan.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project. Also see Common Response 1.2, Water Quality Control Planning Process, on the consideration of beneficial uses.
193	1	This letter provides background and describes connections between the Delta Plan and the proposed Bay-Delta Plan update, describes relevant Delta Plan policies and recommendations, highlights the importance of more natural, functional flows, highlights the importance of best available science and the Council's experience in adaptive management and science governance, and requests clarification and additional detail on several topics. Specifically, as discussed below, we request	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		additional detail on aspects of the proposed update, alternatives, and proposed Voluntary Agreements, and offer comments concerning our experience with best available science and adaptive management. These comments are intended to better connect the work being done by the Council to the update being contemplated by the Water Board, and in doing so help improve the final Staff Report and subsequent implementation actions. The Council is an independent state agency established by the Sacramento-San Joaquin Delta Reform Act of 2009, codified in Division 35 of the California Water Code, sections 85000-85350 (Delta Reform Act). The Delta Reform Act charges the Council with furthering California's coequal goals of providing a more reliable water supply and protecting, restoring, and enhancing the Sacramento-San Joaquin River Delta (Delta) ecosystem. (Water Code, § 85054.) The Delta Reform Act further states that the coequal goals are to be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place. The Council is charged with furthering California's coequal goals for the Delta through the adoption and implementation of the Delta Plan. (Wat. Code, § 85300.) As part of the Council, the Delta Science Program is charged with providing the best possible unbiased scientific information to inform water and environmental management decisions for the Delta. This charge is carried out by funding research, synthesizing and communicating scientific information to policy-makers and decision-makers, promoting independent scientific peer review, and coordinating with Delta resource management agencies to promote science-based adaptive management. (Wat. Code, § 85280(b)(4).)	
193	2	The Delta Plan contains regulatory policies, which are set forth in California Code of Regulations, Title 23, sections 5001-5015. Through the Delta Reform Act, the Council was granted specific regulatory and appellate authority over certain actions of State or local public agencies that take place in whole or in part in the Delta. (Wat. Code, §§ 85210, 85225.30.) A state or local agency that proposes to undertake a covered action is required to prepare a written Certification of Consistency with detailed findings as to whether the covered action is consistent with the	Please refer to Common Response 1.1, General Comments, regarding consistency with other laws, policies, and agreements. The State Water Board acknowledges the close link between the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary and the 2013 Delta Plan, as well as the importance of coordinated action across federal, State, and local levels. The 2025 revised draft Bay-Delta Plan includes flow objectives in

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		Delta Plan and submit that Certification to the Council prior to initiation of the implementation of the covered action. (Wat. Code, § 85225.) As a regulatory action of a State agency, the proposed Bay-Delta Plan update is, by definition, not considered a covered action. (Wat. Code, § 85057.5(b)(1).) However, the coequal goals and one Delta Plan regulatory policy (ER P1: Delta Flow Objectives, (Cal. Code Regs., tit. 23, § 5005)) are concerned with how the Bay-Delta Plan is implemented, and we are therefore noting this nexus, discussed in more detail below. Connections between the Delta Plan and the Bay-Delta Plan As noted above, the Delta Reform Act established the Council and charged the Council with developing an enforceable long-term management plan for the Delta to ensure coordinated action at the federal, State, and local levels. The Delta Plan, adopted in 2013, includes both regulatory policies and non-regulatory recommendations. Chapter 4 of the Delta Plan: Protect, Restore, and Enhance the Delta Ecosystem includes a regulatory policy and a recommendation focused specifically on flows. Delta Plan Policy ER P1 “Delta Flow Objectives” (Cal. Code Regs., tit. 23, § 5005) states: (a) The State Water Resources Control Board’s Bay Delta Water Quality Control Plan flow objectives shall be used to determine consistency with the Delta Plan. If and when the flow objectives are revised by the State Water Resources Control Board, the revised flow objectives shall be used to determine consistency with the Delta Plan. (b) For purposes of Water Code section 85057.5(a)(3) and section 5001(j)(1)(E) of this Chapter, the policy set forth in subsection (a) covers a proposed action that could significantly affect flow in the Delta. ER P1 refers to and requires the use of Bay-Delta Plan flow objectives (currently described in Decision 1641) for covered actions to demonstrate consistency with the Delta Plan, and the	Table 3, Water Quality Objectives for Fish and Wildlife Beneficial Uses. These objectives include Lower San Joaquin River flow objectives, a narrative Sacramento/Delta inflow objective, and Sacramento/Delta objectives for cold water habitat, Delta outflows, inflow-based Delta outflows, and interior Delta Flows. These objectives apply to, and are implemented through both the regulatory and VA pathways. Under the regulatory pathway, these objectives would be implemented by flow, cold water habitat, and related requirements included in the program of implementation, including numeric inflow requirements. Under the VA pathway, these objectives would be implemented by flow, habitat, and other required VA commitments. Therefore, while the 2025 revised draft Bay-Delta Plan contains a single set of flow objectives to be considered when the Delta Stewardship Council evaluates whether an action is consistent with the Delta Plan, the Bay-Delta Plan includes two pathways for implementing those flow objectives.

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		use of revised flow objectives if and when these go into effect. Because the draft Staff Report describes a potential update to the Bay-Delta Plan and its flow objectives, it is directly relevant to ER P1 and future covered actions subject to ER P1. The Council requests that, in the final Staff Report, the Water Board specifically identify what the applicable flow objectives described in ER P1 (Cal. Code Regs., tit. 23, § 5005) will be when the Bay-Delta Plan is updated. While we understand implementation activities are a subsequent step, this level of detail is important for the Council to be able to evaluate the forthcoming final Staff Report, and the implications for ER P1.	
193	3	Delta Plan Recommendation ER R1 “Update Delta Flow Objectives,” revised as part of a Delta Plan amendment adopted in June 2022, states: The State Water Resources Control Board (SWRCB) should maintain a regular schedule of reviews of the Bay-Delta Plan to reflect changing conditions due to climate change and other factors. The SWRCB should consult with the Delta Science Program on adaptive management and the use of best available science. The draft Staff Report is broadly aligned with recommendation ER R1. We encourage Water Board staff to consult with the Delta Science Program and other Council staff regarding best available science and adaptive management.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project. Please see Common Response 1.3, Revised Proposed Plan Amendments, for information on the provisions for annual and periodic review, best available science, and adaptive management.
193	4	Alternatives and the Proposed Voluntary Agreements The draft Staff Report describes 10 alternatives that may be considered for adoption by the Water Board as part of the Bay-Delta Plan update. Alternatives 1-3 are standalone, whereas alternatives 4, 5, 6 are modular and include subalternatives. Alternative 6 describes the proposed Voluntary Agreements Program (proposed Voluntary Agreements) that the draft Staff Report characterizes as a potential implementation pathway for the Bay-Delta Plan, which could help meet requirements to protect beneficial uses in the watershed. Council staff understand the unimpaired flow approach to be the Water board proposal, and proposed Voluntary Agreements as a multiparty proposal that includes flow measures that would be in addition	Please refer to Common Response 1.3, Revised Proposed Plan Amendments, for details about the objectives and the enforceability of the VAs.

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		to a yet-to-be-determined amount of base flows. The proposed Voluntary Agreements include narrative objectives related to native fish populations, flow, and non-flow (wildlife habitat) measures. The proposed Voluntary Agreements also describe frameworks for governance, science and monitoring, and adaptive management. We understand more details will be forthcoming in these areas and look forward to reviewing the final Staff Report. Council staff understand that as currently described, the proposed Voluntary Agreements could be implemented using a mix-and-match approach along with other alternatives under consideration. Given this, the final Staff Report should clearly identify what the effective flow objectives will be or how these will be determined through a future implementation plan. For example, if the proposed Voluntary Agreements are included, in part or in whole, it is crucial to describe how applicable flow objectives will be measured and enforced.	
193	5	Descriptions of how the proposed Voluntary Agreements would be implemented are general at this time. Council staff request additional details to those provided in Section 7.2 (Description of Alternatives) and Appendix G1 (Voluntary Agreement Proposal) that describe the structure and implementation plans for the proposed Voluntary Agreements, what actions would take place after the initial eight-year monitoring period, and who will have the authority to carry out these actions. Similarly, Council staff request information on habitat (nonflow) components (Appendix G1, PDF p. 52). The final Staff Report should include additional information about these projects, including their size and locations. If the proposed Voluntary Agreements are approved, one or more of these projects may be covered actions and would be subject to the Council's Certification of Consistency process pursuant to the Delta Reform Act (Wat. Code, §85225).	The VAs were adequately described in the 2023 draft Staff Report for the purposes of the analysis. Please see Common Response 1.3, Revised Proposed Plan Amendments, for further information on the VA pathway, including the habitat commitments.
193	6	Flows and Flow Objectives The flow of water – including characteristics such as volume, timing, temperature, and water quality – is a critical component of a functioning Delta. As noted above, the State, through the Delta Reform Act, established coequal goals for the Delta of a reliable statewide water supply and a protected, restored, and	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		enhanced Delta ecosystem to be achieved in a manner that preserves the values of the Delta as a place. Achieving these goals is contingent on what the Delta Plan describes as “more natural, functional flows”. The Delta Plan includes a focus on these functional flows, including recommendations to help achieve them. For example, ER R1 (described above) and components of recommendations WR R12e, WR R12f, and WR R12j related to functional flows [Footnote 1: Please see Delta Plan Chapter 3: A More Reliable Water Supply for California. Available online: https://deltacouncil.ca.gov/pdf/delta-plan/2018-04-26-amended-chapter-3.pdf]. Chapter 4 of the Delta Plan establishes more natural, functional flows as its first core strategy, critical to the function of the Delta. This importance is supported by numerous peer-reviewed studies as well as the Water Board’s 2017 Scientific Basis report [Footnote 2: Please see Delta Plan Chapter 4: Protect, Restore, and Enhance the Delta Ecosystem, Core Strategy 1: Create More Natural Functional Flows, and References at the end of the chapter. Available online: https://deltacouncil.ca.gov/pdf/delta-plan/2022-06-29-chapter-4-protect-restore-and-enhance-the-delta-ecosystem.pdf]. The importance of functional flows is highlighted in several of the early action items in the Delta Reform Act related to flow criteria and quantifiable biological objectives for aquatic and terrestrial species of concern that are dependent on the Delta (e.g., Wat. Code, § 85084.5 and § 85085). The Delta Plan also establishes four performance measures for quantifying flow criteria relevant to the Delta and upstream tributaries [Footnote 3: Delta Plan Chapter 4: Protect, Restore, and Enhance the Delta Ecosystem, Appendix E. Performance Measures 4.2A, 4.2B, 4.2C, 4.2D, available online: https://deltacouncil.ca.gov/pdf/delta-plan/2022-06-23-amended-appendix-e-performance-measures.pdf]. These include measures for in-Delta flow, peak flow, recession flow, and inundation of the Yolo Bypass that were developed based on peer-reviewed scientific studies and expert interviews. The Delta Reform Act also includes a requirement for the Delta Plan to include measures that would restore Delta flows and support a healthy estuary. (Wat. Code, § 85302(e)(4).) The Bay-	

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		Delta Plan has been and remains the guiding, enforceable way to achieve these goals.	
193	7	Best Available Science The Council and, specifically, the Council's Delta Science Program (DSP) acknowledges both the Water Board staff and the proposed Voluntary Agreements parties for developing recommendations based on detailed scientific analyses. Two key documents capture these scientific analyses: • The 2017 Scientific Basis Report which describes the science supporting the primary non-Voluntary Agreements alternatives evaluated in the draft Staff Report; and • The 2023 Final Draft Scientific Basis Report Supplement which documents the science supporting the proposed Voluntary Agreements and serves as a supplement to the 2017 Scientific Basis Report. DSP appreciates the breadth and depth of these analyses, and the methods for developing proposed alternatives and implementation mechanisms. Irrespective of the alternative that it chooses, the DSP urges the Board to ensure that the Bay-Delta Plan update and its implementation: • Be rooted in best available science [Footnote 4: The Delta Plan defines best available science as science that is: a) relevant to the biological, physical or social components affected by the decision; b) inclusive of information and analyses across disciplines; c) objective and void of nonscientific influences; d) transparent and open to public scrutiny; e) timely, both with respect to efficiency and current situations; f) subject to independent external scientific peer review. These criteria are described in Delta Plan Appendix 1A: https://www.deltacouncil.ca.gov/pdf/delta-plan/2015-appendix-1a.pdf] • Include adaptive management as a means for incorporating new information as it becomes available; • Leverage and build upon the wealth of monitoring data that exists for the Delta, largely thanks to the Interagency Ecological	Please see Common Response 3.1, Fish Protection, on use of best available science in the Staff Report.

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		Program; and • Seek independent external scientific peer review of its plans and progress to ensure scientific rigor and credibility. DSP has served the Delta over the last fifteen years by carrying out the very principles and actions listed above. DSP stands ready to provide scientific support to the Water Board to aid in its decision-making and implementation of this Bay- Delta Plan update.	
194	1	I have been following the Bay Delta Water Quality Control Plan for years and saw the offer of the Voluntary Agreements as a last-ditch effort to not implement the increased water flows after years of study and compromise by the Water Quality Board. Instead of starting these so-called voluntary actions the water districts are suing to avoid any improvements. At meeting they said they have been responsible stewards of water use in the state of California. Yes, they are responsible for the full closure of the Salmon Fisheries due to loss of habitat and river conditions. Please increase flows and enforce it!	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
195	1	From the perspective of NYWD, a tiny district providing drinking water and irrigation service to approximately 1,000 customers nestled in the upper foothills of Yuba County, at first this Bay-Delta Plan update did not seem to affect us very much, since we don't feed into a major river, don't have a dam and don't control any flow of significance. We are situated upstream of both Lake Oroville and New Bullards Bar Reservoir. We do, however, have a stake in the South Feather Power Project (SFPP) where power generation water licenses are jointly owned by South Feather Water and Power Agency (SFWPA) and NYWD, with the Net Power Revenues shared on a 50/50 percent basis . If it turns out that the operation of the SFPP will be negatively affected by the new UIF requirements, so will we . The SFPP currently has already quite a low profitability rate .	The South Feather Power Project (SFPP) consists of four powerhouses: Sly Creek, Woodleaf, Forbestown, and Kelly Ridge (SWRCB 2018b). Among these, Woodleaf and Forbestown are identified in Figure 7.8-4 of the 2023 draft Staff Report as two of the 56 largest hydroelectric facilities in the Sacramento/Delta region. As discussed in Section 7.8, Energy, hydroelectric power generation is generally expected to increase in April and decrease in July. Figure 7.8-14 of the 2023 draft Staff Report illustrates which of the 56 facilities would be most affected under the 55 scenario in terms of changes to hydropower generation. Notably, both Woodleaf and Forbestown show no changes in hydropower generation in any of the evaluated periods (April, July, and annually) under the flow scenarios. Therefore, the impact on the SFPP and on NYWD's power generation revenue would likely be minimal.

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195	2	NYWD, led by a completely new Board of Directors and management since 2023, has started implementing an ambitious plan to reinvest in our drinking water and raw water infrastructure. We rely on our power generation revenue to make these necessary investments. The Yuba Water Agency has also been able to assist with several critical infrastructure projects in 2023, yet they stand to be financially affected by the proposed Bay-Delta Plan update as well. Everything is connected, as they say in ecology, and we can see our interconnectedness with our water neighbors clearly. We were told by SFWPA to not expect any revenues from the SFPP if the UIF requirements go into effect. If this would prove to be so, our small water district would not see a way to operate and serve our customers with domestic and irrigation water. The Draft Staff Report outlines potential impacts for small, upstream hydro power generators and predicts no big changes in operations, but concedes that "hydropower can be an important local resource, and reduced hydropower generation could be significant for an individual project or community. Since NYWD serves a disadvantaged community, loss of our main source of revenue (hydropower from the SFPP) will not be easily replaced by increased water rates. This is why the alternative of "Voluntary Agreements seems relevant to us. In a Voluntary Agreement model, we could collaborate with other upstream water users in our basin and potentially contribute to a solution that benefits the Bay-Delta and also ensures that the community that we serve has a lifeline into the future. Because NYWD and the SFPP are upstream of Lake Oroville and New Bullards Bar Reservoir, we see opportunities to collaborate with other parties to work together to achieve the goals of a future Bay-Delta Plan.	See response to Comment 195-1. The commenter does not provide information to support the claim that NYWD would not receive hydropower generation revenues from the South Feather Power Project with implementation of the flow scenarios. Based on hydropower calculations presented in Appendix A5, Hydropower, Energy Grid, and Export Energy Analyses, and Section 7.8, Energy, there would be no change in generation at Woodleaf and Forbestown hydropower facilities, the two largest facilities in the South Feather Power Project. Please see Common Response 7.8, Energy and Hydropower, for a discussion of effects on hydropower facilities in upper watersheds. Also see Common Response 8.1, Economic Analysis and Other Considerations, for a discussion of the economic effects from reduced revenue from hydropower generation and water sales for Yuba Water Agency and for a discussion on municipal water rates.
195	3	We support the Voluntary Agreements of Healthy Rivers and Landscapes and encourage the SWRCB to advance it as a viable alternative for updating the Bay-Delta Plan.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
196	1	Save our Salmon. I am a 65-year old retired tech worker. I've spent my life working	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not

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		hard, and for my peace of mind, I fish! I've been salmon fishing since my dad taught me at age 5. I was a deckhand on a commercial boat during the summers of my college years. I taught my children to fish at age 5. And now, we don't have a salmon season. This is due to mismanagement and politics. Happy retirement! But I don't want to be selfish. Folks in coastal towns, families, river ecosystems, the fishing industry, cultures, and many tens of thousands of jobs in California and Oregon depend on salmon fishing in our once treasure state. Salmon are facing a growing extinction risk. The commercially and recreationally critical Central Valley Fall-run is also in decline. Our standards for managing Sacramento River runs have simply failed. It is imperative that science, not politics, drives a plan to restore salmon...a plan that saves people.	raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
196	2	The Board must update the current failed standards that were adopted in 1995 to reverse declines of salmon so I strongly urge you to adopt an “unimpaired flow” approach. As we all know, fish need water and flows that are allowed to come down Central Valley rivers and through the Delta directly impact critical salmon issues such as water temperature, water quality and accessible and functional floodplain habitats that baby salmon need to survive and thrive. The unimpaired flow approach would mimic the natural hydrographic of which salmon are adapted. The Board must set a standard requiring a minimum of 65% of unimpaired flow from January to June, combined with temperature protections at major Central Valley reservoirs, if Central Valley salmon are to be restored. Moreover, the Board's 2010 Flow Criteria Report found that 75% of unimpaired flow on the Sacramento River and its tributaries and 75% of unimpaired Delta outflow are needed to protect the Bay-Delta ecosystem. It is also imperative to safeguard beneficial uses pertaining to commercial, recreational, tribal and subsistence fishing.	Please see Common Response 1.1, General Comments, for information on the Delta Flow Criteria Report and for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project. Also see Common Response 1.2, Water Quality Control Planning Process, for information on the consideration of beneficial uses and Common Response 11.1, Tribal Engagement and Tribal Beneficial Uses, for information on tribal beneficial uses.

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		The only way to restore and sustain Central Valley salmon runs is to require flow and temperature protections that enable them to survive.	
197	1	In 2012 and 2013, River Partners (fee interest owner) and Tuolumne River Trust (conservation easement holder) acquired the Dos Rios and Hidden Valley Ranches - 2,100 acres at the confluence of the San Joaquin and Tuolumne Rivers in Stanislaus County (together, "Dos Rios"). Hicks Law submits these comments on behalf of River Partners and Tuolumne River Trust who both - by formal transfer petition process now underway through the State Water Resources Control Board ("SWRCB" or "Water Board") – seek to transfer the Dos Rios riparian water right pursuant to Water Code section 1707 and permanently enhance instream flow for fish and wildlife purposes to the confluence of the Sacramento and San Joaquin Rivers ("Dos Rios 1707 Project"). [Attachment 1] General Comments The Dos Rios 1707 Project has proposed riparian water right changes in purposes and place of use to now include wetlands habitat, onsite riparian vegetation, and habitat restoration, as well as instream flow enhancement from the confluence of the Tuolumne and San Joaquin Rivers to the confluence of the Sacramento and San Joaquin Rivers. This dedication seeks to shepherd non-diverted, reduced consumptive use, past a gauntlet of downstream diversions, including both California Department of Water Resources (DWR) and U.S. Bureau of Reclamation (USBR) Delta points of diversion.[Exhibit 1] This change in purpose and place of use will cause no injury to any other legal user of Delta water.[Exhibit 2][Exhibit 3] The Dos Rios 1707 Project is consistent with the SWRCB's: • Final Substitute Environmental Document (SED) in Support of Potential Changes to the Water Quality Control Plan for the San Francisco Bay-Sacramento San Joaquin Delta Estuary San Joaquin River Flows and Southern Delta Water Quality (July 2018);	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project. Also see Common Response 1.2, Water Quality Control Planning Process, for information on the relationship with the 2018 update to the Bay-Delta Plan.

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		• Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (December 12, 2018) (“2018 Amendments”); and now • DRAFT Staff Report/Substitute Environmental Document in Support of Potential Updates to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary for the Sacramento River and its Tributaries, Delta Eastside Tributaries, and Delta (September 2023) (“2023 Sacramento/Delta Update to the Bay-Delta Plan” or “2023 Update to Bay-Delta Plan”). in that the previously diverted, applied, and consumed 7,020 Acre-Feet of water would in part contribute to “unimpaired flow” or “full natural flow.” After fifteen years, this 7,020AF will be split into an increment of approximately 5,000AF of onsite consumptive use for riparian vegetation and habitat restoration (upon maturation and full growth of the riparian forest) and approximately 2,000AF of annual net reduced consumptive use solely dedicated to enhance stream flow above existing baseline conditions.	
197	2	[Exhibit 1: Graphic titled Instream Place of Use Map to Accompany Petitions for Dos Rios S1707 Project, Stanislaus County, Jan 2020]	This exhibit was included in the comment letter. The exhibit does not raise a specific environmental impact or economic effect of the project. Refer to Common Response 1.1, General Comments, for the approach to addressing exhibits.
197	3	[Exhibit 2: Graphic titled Delta Watershed Location]	This exhibit was included in the comment letter. The exhibit does not raise a specific environmental impact or economic effect of the project. Refer to Common Response 1.1, General Comments, for the approach to addressing exhibits.
197	4	[Exhibit 3: Graphic titled San Francisco Bay/Sacramento-San Joaquin Delta Estuary]	This exhibit was included in the comment letter. The exhibit does not raise a specific environmental impact or economic effect of the project. Refer to Common Response 1.1, General Comments, for the approach to addressing exhibits.
197	5	The dedication of the historical riparian water rights from Dos Rios will immediately contribute to realizing the 2018 Amendment’s flow objectives for the Lower San Joaquin River and any future modifications to the Bay-Delta Plan intending to increase Delta outflow requirements. When achievement of the	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project. Also see Common Response 1.2, Water Quality Control Planning Process, for

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		SWRCB unimpaired flow target occurs, River Partners and Tuolumne River Trust reserve the right to amend this 1707 dedication to have its water “float on top” and be “in addition to” any regulatory baseflow requirements.	information on the relationship with the 2018 update to the Bay-Delta Plan.
197	6	River Partners and Tuolumne River Trust elect to voluntarily dedicate Dos Rios’s conserved water (“instream flow dedication”) towards: (1) the SWRCB unimpaired flow target (as defined in the 2018 amendments to—and as may be defined in future amendments to—the Bay-Delta Plan) and (2) associated implementation actions (if such actions result in flows greater than or equal to the Lower San Joaquin River flow objectives adopted in the 2018 Amendments). This instream flow dedication will enhance streamflow above the existing baseflow conditions that result from instream flow requirements, up to the flow target of 40 percent of unimpaired flow from the Tuolumne River, at compliance locations downstream of the Dos Rios’s historical points of diversion through the Delta, thus enhancing Delta outflow. If 40 percent of unimpaired flow from the Tuolumne River does not meet its proportional share of the base flow requirement in the San Joaquin River at the compliance location in Vernalis, River Partners and Tuolumne River Trust elect for their instream flow dedication to contribute to the Tuolumne River’s proportional share of that base flow requirement. Unless it amends its petition later, River Partners and Tuolumne River Trust do not and will not count the instream flow dedication described in this paragraph separately, “in addition to,” or “as floating on top of” any regulatory requirements.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project. Also see Common Response 1.2, Water Quality Control Planning Process, for information on the relationship with the 2018 update to the Bay-Delta Plan.
197	7	Drought Declarations, Water Unavailability, and Curtailments Annual variability in precipitation and drought can lead to a Governor’s declaration of emergency which invokes specialized SWRCB regulatory curtailment authorities.[Exhibit 4] River Partners and Tuolumne River Trust accept the authority	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		and purpose of the SWRCB's Water Unavailability Methodology for the Delta Watershed (January 2023) and recognize the function of SWRCB "Curtailment Orders" as might be issued during times of drought when supply and demand data indicate that water is unavailable for diversion by water right holders at their priorities of right. Both organizations are familiar with the related SWRCB Order Denying Reconsideration related to 2021 and 2022 curtailment orders (WR 2022-0147-EXEC and WR 2023-0065-EXEC) and the 2023 California Water Curtailment Cases. Both River Partners and Tuolumne River Trust recognize that even if a small amount by flow rate and volume, the Dos Rios riparian right is senior to pre-1914 and post-1914 appropriative right holders and, accordingly, the SWRCB's potential issuance of curtailment orders in times of drought will have the effect of protecting the reasonable and beneficial use of the Dos Rios riparian right for instream fish and wildlife purposes against unreasonable uses for out-of-stream consumptive diversion by junior appropriators. In high water years without any curtailment of post or pre-1914 rights, the increment of Dos Rios 1707 non-diversion/ dedication would be a much smaller fraction of the total instream flow compared to those low-flow scenarios when post and pre-1914 rights are curtailed. In these low-flow scenarios the Dos Rios non-diversion/ dedication is a quantifiable amount and larger fraction of the total flow that, even if correlative, must still be enforced as instream flow against junior appropriators, prominently both the state and federal pumps.	
197	8	[Exhibit 4: Graph titled Hypothetical Supply/Demand Curves]	This exhibit was included in the comment letter. The exhibit does not raise a specific environmental impact or economic effect of the project. Refer to Common Response 1.1, General Comments, for the approach to addressing exhibits.
197	9	The Dos Rios non-diverted, reduced consumptive use is not "abandoned" nor the same as "return flow." It is the conversion of a consumptive use to an instream, non-consumptive use.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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197	10	SWRCB regulatory enforcement is the presumed enforcement mechanism for the protection of water quality and endangered species laws. Separately, River Partners and Tuolumne River Trust recognize the limitations imposed on the SWRCB's enforcement jurisdiction with specific regard to trespass asserted against pre-1914 and riparian diverters, and likewise rely on the Water Board's separate enforcement authorities under emergency regulations, Public Trust Doctrine, and other appropriate authorities. The Dos Rios 1707 project team considers this solution a win-win-win for farmers, fish, and communities all centered around different – and at times competing – uses of water.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
197	11	[Exhibit 5: Photo of river channels]	This exhibit was included in the comment letter. The exhibit does not raise a specific environmental impact or economic effect of the project. Refer to Common Response 1.1, General Comments, for the approach to addressing exhibits.
197	12	Delta Outflow Monitoring, Accounting, and Enforcement Over several years, the Dos Rios 1707 Project has worked with multiple state and federal agencies in the Delta to understand how this specific voluntary conservation transaction - combining fee interests in real property with senior riparian rights with approximately 2000AF of annual reduced consumptive use - will flow into, through and out of the Delta alongside "unimpaired flows" or "full natural flows." Most of these comments are responsive to the technical issues and inherent uncertainties of quantification of Dos Rios water as it flows downstream. Most simply, River Partners and Tuolumne River Trust want "conservation credit" for contributing to Delta in-flow and Delta outflow via voluntary conservation transactions and related instream 1707 dedications. The Dos Rios 1707 needs an accounting placeholder or cell in the Delta excel spreadsheet, which we believe does not yet exist. This riparian water right refuses to be "poured into a sieve" and "lost" as a "rounding error" or "decimal dust" as it enters the Delta. Too much is at stake as the State of California continues to	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		invest significant dollars in compensated water right acquisition or forbearance strategies.	
197	13	[Exhibit 6: Figure 7.12.1-1, Water Quality Compliance Sites in the Delta Region, from the 2023 Draft Staff Report]	This exhibit was included in the comment letter. The exhibit does not raise a specific environmental impact or economic effect of the project. Refer to Common Response 1.1, General Comments, for the approach to addressing exhibits.
197	14	River Partners and Tuolumne River Trust will largely depend on the Water Board to ensure the integrity of the non-diverted, non-consumed Dos Rios riparian right and safeguard it against any double counting by others. The Dos Rios 1707 water transfer water (and other existing or subsequent 1707s) cannot be conflated with increments of groundwater recharge to achieve sustainable yield, other sources of unimpaired or return flow, or FERC minimum instream or pulse flows. This water cannot be “blended” with water that might derive from separate Voluntary Agreements. In large part, River Partners and Tuolumne River Trust submit these comments to ensure the SWRCB properly identifies and characterizes this “new” Dos Rios increment of flow derived from conservation savings (reduced consumptive use transferred to instream, non-consumptive use). We expect the SWRCB to account for and otherwise track and distinguish this voluntary 1707 dedication from other Delta inflow waters that might be a blend of natural flow, Term 91 water, abandoned FERC bypass flows, or other independent sources of water and/or right.	Please see Staff Report Chapter 13 and Common Response 1.3, Revised Proposed Plan Amendments, for information on the implementation methodology.
197	15	In time, River Partners and Tuolumne River Trust expect there will be a growing “bulge” of at-first 10,000 AF then growing to 100,000AF or more that will be cobbled together through similar, yet incremental voluntary water right acquisitions and instream 1707 transfers on all Delta tributaries. These increments will need an “administrative shepherd” to account for and protect this senior, wet water from unlawful re-diversion. This task is more than either River Partners or Tuolumne River Trust or other public interest organizations can take on for blocks of 20-years or longer.	Please see Staff Report Chapter 13 and Common Response 1.3, Revised Proposed Plan Amendments, for information on the implementation methodology.

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197	16	Voluntary Agreements and Dams At the same time, dozens of Delta parties have been negotiating a "Voluntary Agreement" that will potentially release larger slugs of coordinated seasonal "pulse flows" from an archipelago of "rim reservoirs" above the Delta on both the Sacramento and San Joaquin Rivers (and all tributaries), thru the Delta, and as Delta "outflow." Irrigation districts, USBR, DWR and those with mostly junior, post-1914 (and in Dos Rios' case upstream) water right storage "assets" negotiate with CalEPA-SWRCB-NRA-CDFW for flow and non-flow measures. Neither River Partners nor Tuolumne River Trust has been party to these VA negotiations. As a member of the broader Delta environmental NGO community, Tuolumne River Trust has strong misgivings about the 2023 Update to Bay-Delta Plan and the potential of the Vas to dilute the unimpaired flow requirements as established by the 2018 Amendments. Tuolumne River Trust and other environmental NGOs have filed separate comments with regard to the proposed 2023 Bay Delta Update. At the same time, River Partners and Tuolumne River Trust delineate and distinguish this voluntary 1707 transfer from the Vas.	Please see Staff Report Chapter 13 and Common Response 1.3, Revised Proposed Plan Amendments, for information on the implementation methodology and the VA pathway.
197	17	[Exhibit 7: Graphic including the Lower San Joaquin, Stanislaus, Tuolumne, and Merced rivers and associated reservoirs/lakes]	This exhibit was included in the comment letter. The exhibit does not raise a specific environmental impact or economic effect of the project. Refer to Common Response 1.1, General Comments, for the approach to addressing exhibits.
197	18	[Exhibit 8: Graphic titled Major Tributaries of the Sacramento-San Joaquin River Delta]	This exhibit was included in the comment letter. The exhibit does not raise a specific environmental impact or economic effect of the project. Refer to Common Response 1.1, General Comments, for the approach to addressing exhibits.
197	19	If some form of a final approved VA (with a range of proposed water purchase scenarios) proposes to measurably generate new increments towards unimpaired flow, any VA flows originating above these rim dams will need to be measured and distinguished from the Dos Rios 1707 instream flow and other increments of flow that derive from senior downstream riparian	Please see Staff Report Chapter 13 and Common Response 1.3, Revised Proposed Plan Amendments, for information on the implementation methodology and the VA pathway.

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		rights, which are no longer diverted and consumptively used during habitat restoration projects.	
197	20	River Partners and Tuolumne River Trust assert a separate use of the term “voluntary” to categorically describe willing buyer-willing seller or voluntary conservation transactional or acquisition strategies as now deployed by the State of California and its agencies, such as the Wildlife Conservation Board and Department of Fish and Wildlife. Both Dos Rios Ranch and Hidden Valley Ranch were purchased for \$30 million in fair market value willing buyer-willing seller agreement. River Partners and Tuolumne River Trust promote riparian habitat restoration, which builds in permanent onsite environmental evapotranspiration rates and continued consumptive use that shift water use from irrigated agriculture to riparian forests. These long-term riparian habitat and vegetation evapotranspiration rates can be confidently predicted with tools such as METRIC at the technical core of the Dos Rios 1707 petition. A whole range of voluntary conservation transactions on different properties are already\ underway across the Sacramento-San Joaquin watersheds that combine both fee interests and associated water rights below the rim dams. Over time, these voluntary conservation projects will contribute to long-term stream flow enhancement above baseline conditions AND are distinct increments from other contributions of instream flow.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project. Also see Staff Report Chapter 13 and Common Response 1.3, Revised Proposed Plan Amendments, for information on the implementation methodology and the VA pathway.
197	21	[Exhibit 9: Photo of fish]	This exhibit was included in the comment letter. The exhibit does not raise a specific environmental impact or economic effect of the project. Refer to Common Response 1.1, General Comments, for the approach to addressing exhibits.
197	22	[Exhibit 10: Graphic including dams and waterways in northern and central California]	This exhibit was included in the comment letter. The exhibit does not raise a specific environmental impact or economic effect of the project. Refer to Common Response 1.1, General Comments, for the approach to addressing exhibits.
197	23	The Dos Rios 1707 team asks the SWRCB be internally consistent about where, when, and how the Dos Rios riparian right and other non-diversions of reduced consumptive use move	Please see Staff Report Chapter 13 and Common Response 1.3, Revised Proposed Plan Amendments, for information on the implementation methodology.

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		downstream through the Sacramento and San Joaquin watersheds even if non-measurable and verifiable at a granular level at any given instant. The Dos Rios 1707 is but one example that might be quickly scalable and inform dozens of subsequent acquisitions and instream transfers.	
197	24	Specific Comments California does not have a robust method to track Delta outflows. Successful implementation of the Bay Delta Plan (and river restoration/recovery of our lost biodiversity and salmon fisheries) will require this, regardless of whether the approach is Voluntary Agreements or a percentage of unimpaired flow. River Partners and Tuolumne River Trust want this new method of tracking streamflows (that the water community must develop) to include a tracking category of 1707 water dedicated to streamflow.”	Please see Staff Report Chapter 13 and Common Response 1.3, Revised Proposed Plan Amendments, for information on the implementation methodology.
197	25	Perhaps one nuance being that Riparian 1707 dedications should have the same seniority of riparian diversions – meaning that even if all appropriative rights are curtailed in a drought, riparian dedications can still be made (unless riparians are also curtailed).	Please see Staff Report Chapter 13 and Common Response 1.3, Revised Proposed Plan Amendments, for information on the implementation methodology.
197	26	The SWRCB should continue to streamline and clarify temporary, short-term, and long-term water transfer processes. The incentives for long-term or permanent voluntary transfers that benefit instream flow are not lined up for durable, sustainable programmatic success. The failure to invest in proper voluntary instream “infrastructure” seeds a perception that voluntary conservation actions are insufficient and feeds a cycle of regulatory enforcement as the only solution to enhance Delta outflow.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
197	27	The SWRCB should recognize that Dos Rios’ previously diverted, applied, and consumed 7,020 Acre-Feet of water for irrigated agriculture will contribute to both onsite riparian habitat restoration and downstream enhancement of stream flow. Approximately 2,000AF of annual net reduced consumptive use will be permanently dedicated to enhance stream flow above existing baseline conditions and this increment will become part of the bay Delta unimpaired and/or natural flow unavailable for diversion by junior diverters and water users.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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197	28	As noted in additional comments below [Attachment 1], granular levels of detail and clarification should be made to SWRCB's Water Unavailability Methodology for the Delta Watershed (January 2023) and 2023 Sacramento/Delta update to the Bay-Delta Plan to ensure no ambiguity about the accounting for the Dos Rios 1707 dedication and potential future 1707 dedications.	Please see Staff Report Chapter 13 and Common Response 1.3, Revised Proposed Plan Amendments, for information on the implementation methodology.
197	29	Prominently, the Dos Rios 1707 transfer should not be misconstrued as "abandoned" non-consumptive use water. It is not the same as a "return flow" and should be considered unavailable for diversion by others.	Please see Staff Report Chapter 13 and Common Response 1.3, Revised Proposed Plan Amendments, for information on the implementation methodology.
197	30	On the Tuolumne River, Turlock Irrigation District (TID) and Modesto Irrigation District (MID) are co-licensees of the Don Pedro and La Grange Projects (FERC No. P-2299 and P- 14581 respectively). The SWRCB should distinguish and prevent any double counting of the Dos Rios 1707 transfer which will need to be "in addition to" other La Grange FERC minimum instream bypass flows coming down the Tuolumne. Neither should be allowed to hold water back due to the presence of additional Dos Rios 1707 flow.	Please see Common Response 1.2, Water Quality Control Planning Process, for information on the relationship with the 2018 update to the Bay-Delta Plan.
197	31	On the San Joaquin above the confluence with the Tuolumne, the SWRCB should distinguish and prevent any double counting of the Dos Rios 1707 transfer which will need to be "in addition to" other natural flow that is present. There may be scenarios where additional increments of water come from Friant Dam and the Upper San Joaquin and/ or the Merced River that will need to be kept distinct.	The San Joaquin River upstream of Vernalis is outside the scope of this project. Please see Common Response 1.2, Water Quality Control Planning Process, for information on the relationship with the 2018 update to the Bay-Delta Plan. Also see Staff Report Chapter 13 and Common Response 1.3, Revised Proposed Plan Amendments, for information on the implementation methodology.
197	32	On the San Joaquin below the confluence with the Tuolumne and above the Stanislaus, the SWRCB should distinguish and prevent any double counting of the Dos Rios 1707 transfer which will need to be "in addition to" other natural flow that is present.	The lower San Joaquin River upstream of Vernalis is outside the scope of this project. Please see Common Response 1.2, Water Quality Control Planning Process, for information on the relationship with the 2018 update to the Bay-Delta Plan.
197	33	The Board is also asked to distinguish between non-consumptive "return flow" and 1707 dedications of water that was previously consumptive used, so as to protect and distinguish these additive flows being converted from consumptive use to nonconsumptive uses from what would might otherwise be the "correlative" share of water available for other riparian diversions and consumptive use.	Please see Staff Report Chapter 13 and Common Response 1.3, Revised Proposed Plan Amendments, for information on the implementation methodology.
197	34	On the San Joaquin below the confluence with the Stanislaus to and then beyond Vernalis, the Dos Rios 1707 increment of flow	The lower San Joaquin River upstream of Vernalis is outside the scope of this project. Please see Common Response 1.2, Water

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		will also be "in addition to" other flows that are in part supplied by the U.S. Bureau of Reclamation's New Melones and Goodwin Dams pursuant to Decision 1422 (D-1422). The SWRCB should distinguish and prevent any double counting of the Dos Rios 1707 transfer which will need to be "in addition to" other flows coming down the Stanislaus.	Quality Control Planning Process, for information on the relationship with the 2018 update to the Bay-Delta Plan. Also see Staff Report Chapter 13 and Common Response 1.3, Revised Proposed Plan Amendments, for information on the implementation methodology.
197	35	The USBR water rights should be amended to ensure no downward adjustment of USBR reservoir release flows when Vernalis flows are above 1000 cfs.	The lower San Joaquin River upstream of Vernalis is outside the scope of this project. Please see Common Response 1.2, Water Quality Control Planning Process, for information on the relationship with the 2018 update to the Bay-Delta Plan.
197	36	Below Vernalis, the SWRCB water rights order will inform DWR-USBR operations and provide an accounting and framework for this proposed thru-Delta transfer. DWR and USBR have provided valuable input that might assist the SWRCB in designing a pathway and blueprint for other 1707 projects to follow. At the confluence with the Sacramento, the SWRCB water rights order will inform upstream DWR-USBR operations and provide an accounting and framework for this proposed thru-Delta transfer.	Please see Staff Report Chapter 13 and Common Response 1.3, Revised Proposed Plan Amendments, for information on the implementation methodology.
197	37	In the 2018 Amendments in Chapter III. Water Quality Objectives/ C. Water Quality Objectives for Fish and Wildlife Beneficial Uses/ Table 3: WATER QUALITY OBJECTIVES FOR FISH AND WILDLIFE BENEFICIAL USES/ under both DELTA OUTFLOW and LOWER SAN JOAQUIN RIVER FLOWS, the SWRCB should make compliance location adjustments to refine the monitoring calibrations at "Compliance Location: San Joaquin River at Airport Way Bridge, Vernalis" that incorporates the Dos Rios 1707.	No changes to the new objectives adopted in the 2018 LSJR/SD Plan Update are proposed in this Sacramento/Delta Update to the Bay-Delta Plan. See Staff Report Section 7.1.3, Purpose and Goals of the Sacramento/Delta Update to the Bay-Delta Plan, for a description of the purpose and goals of the Sacramento/Delta update to the Bay-Delta Plan; and Section 7.1.5.1, Sacramento/Delta, Plan Area, and Study Area, for a description of the plan area and study area. Also see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project; and Common Response 1.2, Water Quality Control Planning Process, regarding the relationship with the 2018 LSJR/SD Plan Update.
197	38	In the same document, both FIGURE 2: Sacramento Valley Water Year Hydrologic Classification and FIGURE 3: San Joaquin Valley Water Year Hydrologic Classification both have similar variables X and Y quantifying "unimpaired runoff" from both the	Please see the response to comment 197-37. In addition, unimpaired runoff refers to the runoff that would occur absent current diversion practices and thus would not change from an instream flows project.

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		Sacramento and San Joaquin. X and Y should be adjusted to include inputs from the Dos Rios 1707 project.	
197	39	In the same document, in FIGURE 4: NDOI and PERCENT INFLOW DIVERTED both NET DELTA CONSUMPTIVE USE and DELTA INFLOW should be adjusted so as to incorporate the Dos Rios 1707 project.	Please see the response to comment 197-37. In addition, it is unclear how the commenter is requesting those variables be adjusted.
197	40	The State Water Board WR-Order for this project will be helpful for future 1707 petitioners in both the Delta and across California.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
197	41	[Attachment 1: Document titled River Partners and Tuolumne River Trust to SWRCB Comment Letter – Sacramento/Delta Draft Staff Report & Proposed 2023 Water Unavailability Methodology Refinements]	This attachment includes comments on other projects and duplicates of comments on the 2023 draft Staff Report that are also included in earlier comments from this letter. Please see the responses to the remaining comments from letter 197.
198	1	As elected officials representing Colusa County located in the Sacramento River Basin, we encourage you and your administration to support the Agreements to Support Healthy Rivers and Landscapes (previously known as voluntary agreements) and the associated benefits for communities, farms, businesses, the environment, and the public. We specifically urge the State Water Board to identify the Agreements to Support Healthy Rivers and Landscapes alternative in its final Staff Report and forthcoming program of implementation as the State Water Board's best pathway for updating the Sacramento/Delta portions of the Bay-Delta Plan.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
198	2	We are deeply concerned with the State Water Board's proposal for a 55 percent unimpaired flow into the Delta, which would redirect significant amounts of much needed water away from the Sacramento River Basin into the Delta and put out to the ocean without any benefit. This in turn would be devastating to both the economy and the environment in Colusa County. It would adversely affect the availability of critical water for cities and rural communities (many of which are disadvantaged), farms, wildlife refuges, fisheries and recreation. We support a healthy Delta, but the unimpaired flow approach proposed by the State Water Board will redirect impacts upstream into the Sacramento River Basin and will likely fail to achieve its goal of protecting Delta water quality.	Staff Report Chapter 3, Scientific Knowledge to Inform Fish and Wildlife Flow Recommendations, provides a review and summary of the best available science on flow needs for the protection of fish and wildlife beneficial uses. Chapter 3, Scientific Knowledge to Inform Fish and Wildlife Flow Recommendations, describes the importance of the flow regime in protection the aquatic ecosystem that supports fish and wildlife beneficial uses. The Staff Report provides extensive analysis and sufficient consideration of the environmental impacts and economic effects that could occur as a result of the proposed Plan amendments. Section 7.1, Introduction, Project Description, and Approach to Environmental Analysis, describes the approach to

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		The potential impacts to our county are not abstract; we experienced dry year impacts in 2022 which will be repeated if an unimpaired flow approach is adopted by the State Water Board. For context, the acres of crops planted which rely on annual water allocations went from 204,463 in 2021 to 56,061 acres in 2022. Most notably the harvest rice acres went from 152,880 to 19,753. The gross value of Colusa County's agricultural production in 2022 was \$433,189,000. This is a decrease of 47.7% in comparison to the value in 2021.	the environmental analyses. Due to the size and complexity of Sacramento/Delta water supply and use, the environmental analyses are necessarily broad to cover the wide range of foreseeable compliance measures and responses that may result from the proposed Plan amendments. See Common Response 7.1, General CEQA and Approach to the Analysis, for additional information on the level and scope of the analysis and for a discussion on the feasibility and applicability of mitigation measures. The Staff Report uses a reasonable and conservative approach to evaluating the potential agricultural impacts of the flow scenarios. The analysis of potential changes in crop acreage presented in Section 7.4, Agriculture and Forest Resources, includes estimates obtained from the SWAP model. SWAP is currently the best available tool for modeling agricultural economic responses to water supply shortage. It has been peer-reviewed and applied to numerous policy analyses and impact assessments over the last two decades. Staff Report Chapter 8, Economic Analysis and Other Considerations, appropriately analyzes the economic effects of changes in hydrology and water supply on agricultural and municipal use. Section 8.4, Agricultural Water Supply Economic Effects, analyzes the potential economic effects on California's agricultural economy from changes in water supply under the proposed Plan amendments.
198	3	More specifically, the "unimpaired flow" approach will have significant effects not just locally and regionally but statewide: 1) Evacuation of critical water from storage and the curtailment of water diversions throughout our region will significantly affect precious water supplies for all purposes. This is particularly true in dry years like we have seen this decade, where water available in storage is critical to helping Californians get through these challenging times. In other words, we will go backward under the State Water Board approach-not forward-in our efforts in developing more resilient water infrastructure to prepare for the next drought in California. For example, the operations of an off stream storage facility in	Please see Common Response 6.3, Water Supply and Other Water Management Actions, for responses to comments that raise issue with water supply impacts and alternative water supplies. The regulatory and VA pathways must comply with the requirements of the Sustainable Groundwater Management Act. Please refer to Common Response 1.3, Revised Proposed Plan Amendments, for a description of the regulatory and VA pathways.

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		western Colusa County (Sites Reservoir) would be severely impacted to a point of irrelevance. We find this disturbing and curious as Sites Reservoir is touted as a priority project in your administrations 2020 Water Resilience Portfolio. 2) Less surface water available will lead to significant additional groundwater pumping throughout the region, which will make our efforts to implement sustainable groundwater management as required under the Sustainable Groundwater Management Act (SGMA) more difficult. In our region, the groundwater resources are currently sustainable and we will continue to work hard with other local agencies to assure that our precious groundwater resources remain sustainable into the future. However, the State Water Boards unimpaired flow proposal will make our collective efforts to achieve groundwater sustainability more difficult if not impossible.	
198	4	In sum, we encourage your administration to abandon the flawed "unimpaired flow" approach. Instead, we recommend that you pursue an integrated approach in the Agreements to Support Healthy Rivers and Landscapes where water is used for specific environmental purposes that are compatible with important flood protection and other water uses in the region. We believe that this 21st century approach to water management will better serve the Sacramento River Basin and more effectively protect Delta water quality. We encourage your administration to embrace an approach that achieves your water quality goals for the Delta without redirecting impacts upstream to the Sacramento River Basin, while also supporting priorities within your water resilience portfolio.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
199	1	I am 35 year resident of the SF Bay Area and I remember days of healthy salmon seasons and the excitement in reverence to salmon. We have not been good caretakers of the Bay Delta ecosystem. It has been abused and its crucial fresh water needs ignored and subjugated for too long. Voluntary agreements are wishful thinking, The State Water Board is responsible for restoring the Bay-Delta ecosystem - decisions must be made on science. Saving salmon from extinction is job #1. Please be responsible caretakers and let your legacy be one of salmon for future generations!	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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200	1	I may not be an expert, but as a retired biologist from CDFG(W) and the SFPUC, I've probably spent more time on Central Valley rivers than 99% of the people who comment here. Between seining, screw-trapping, sampling, surveying, snorkeling, recreating, and replenishing, I've seen up close and in person how rivers function. Since the CVPIA got my hopes up back in the 90s, I've attended every meeting I reasonably could on the AFRP, CAMP, VAMP, etc., etc. I even had the pleasure of sitting down with Ms. D'Adamo at a meeting with Dennis Cardoza and discussing fisheries and river issues. And, at an AFRP meeting in Stockton where Dan Castleberry and Marty Kjelson sat down at the same table as farmers and ranchers, my hopes were really up. Especially when a weathered San Joaquin rancher stood up and asked "just how many gallons of water does it take to raise one of them salmon?" I almost replied that it depends if you plant them head first or tail first! In the end, all the programs seem to fall short. And yet, we just keep beating the same dead horse. Why? Well, "It's the water stupid!" Please excuse my James Carville parody. I am not insinuating that any board member is stupid. Quite the contrary, you all have the background and capacity to understand that rivers need water to function. The problem is, we get so misled and persuaded by the endless volumes of studies and district funded "research" and the school children that were bussed to meetings at taxpayer expense so they can repeat what there teachers told them about the job losses their families will suffer through if the unimpaired flows are enacted. It's a lot of drama.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
200	2	As for the "research"... as a scientist, I'd like to think that research, science, and the truth all go hand in hand and that we can believe what we're being told. But that is not always the case. I listened in to an SFPUC science presentation given to their board members where the science advisors stated that the models, comparing the voluntary agreements to the unimpaired flows, showed that the voluntary agreements would produce more smolts than the State Plan. Sure! That's because they included a ton of restoration in the VA model, while no restoration was included with the State plan. And we know that	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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		ongoing restoration is a must even with increased flows. There's absolutely no way a river channel that was formed over millions of years is going to function with the diverter-friendly flows we have now. And one final comment on the often, over-stressed issue regarding predation. It certainly is a problem but, consider this. If you were to take a 4-bedroom house that was occupied to capacity with family, friends, and in-laws, and stuff them all into a one-bedroom house (25%), it wouldn't be long before they would be biting each others heads off! That's where we are now with our Central Valley rivers... 25%. I know we can do better than that and I am still confident that you will see the real picture as I have after hours and hours trekking Our Rivers!	
201	1	Urge for Science and Ecosystem Protection: There can't be profit without first caring for people & the planet. My name is Zarine Kakalia, and I am writing to you to express urgency for the State Water Board to make decisions based on science, not political expediency. I am a Sustainability Consultant at PwC - I understand balancing the seemingly conflicting interests of sustainability, finance, and politics. However, I am also a resident of our lands, benefiting from the economic and cultural value healthy ecosystems provide. The State Water Board is charged with restoring the Bay-Delta ecosystem, so decisions should be made based on legitimate science, not wishful thinking, in order to preserve our marine and delta ecosystems for decades to come.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
201	2	In an average year, only 50% of the natural flow of our Central Valley rivers reaches the Bay. During droughts this can drop to 30%. This has put the Bay-Delta in a perpetual state of drought. Non-flow measures, such as habitat restoration and invasive predator management, are important, but cannot substitute for higher flows. We need both. Non-flow measures have little impact on critical issues such as water temperature, floodplain inundation (creating habitat for baby fish), harmful algae blooms in the Delta, and water quality.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.

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201	3	The VAs are a give-away of Public Trust water and public funding to water agencies that are legally obligated to keep fish populations in good condition but have failed to do so. The Vas would not even meet the modest objectives of the proposed Bay Delta Plan, so consideration of Vas should be terminated immediately.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project and Common Response 1.2, Water Quality Control Planning Process, for information on public trust.
201	4	This is a legacy vote that will impact everyone, including disadvantaged communities, tribes, the fishing community, our children and all future generations. I urge you to consider these communities when making your vote, and vote for the plan which best captures the needs of our ecosystems.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.
202	1	It is important that the California State Water Board and Governor Newsom stand up to water agencies and developers and protect the SF Bay and Delta Projects designed to divert more water from the Bay/Delta promote unsustainable levels of corporate export agriculture and developments in NorCal and SoCal that are unsustainable. The Bay and Delta are already suffering from the consequences of unnecessary growth. The Bay and Delta are crying "enough is enough". The alternative that the SWB should choose make part of the Bay Delta Plan is to keep unimpaired flows at the 65-75% level.	Please see Common Response 1.1, General Comments, for responses to comments that make general comments, do not raise specific environmental impacts of the project, or do not raise specific economic effects of the project.