

Letter	Comment #	Comment	Relation to Final EIR/EIS
California Central Valley Flood Control Association	1	<p>These comments on the Final Environmental Impact Report/Environmental Impact Statement (Final EIR/EIS) for the Bay Delta Conservation Plan/California WaterFix Project (WaterFix or Project) are submitted on behalf of the California Central Valley Flood Control Association (CCVFCA) and its members. (See Exhibit A for a list of CCFVCA members.)</p> <p>In addition to the comments made in the letter submitted today by the North State Water Alliance, CCVFCA incorporate herein all odespitef CCVFCA's previously submitted comments in connection with the 2013 Draft Environmental Impact Report/Draft Environmental Impact Statement for the Bay Delta Conservation Plan (DEIR/DEIS) and the 2015 Partially Recirculated Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement for the California WaterFix (RDEIR/SDEIS). (See Exhibit B for a list of previously submitted comments.) Many of those comments have not been adequately responded to and the Final EIR/EIS is flawed in the ways described in those comment letters.</p> <p>Finally, CCVFCA incorporates evidence submitted by certain of its member agencies to the State Water Resources Control Board (SWRCB) in connection with the water right change petition filed by the Department of Water Resources (DWR) and the Bureau of Reclamation. (See Exhibit C for a list of all incorporated evidence.) DWR and Reclamation have stated that future operations of the proposed project will be "guided by the outcome" of the SWRCB proceedings. Master Response 28 (Final EIR/EIS, Vol. II, 1-262.) As a result, the evidence submitted by CCVFCA members to the SWRCB regarding injury to legal users of water resulting from the Project is relevant to future operations of the project. For example, the SWRCB evidence reveals impacts to Reclamation Districts and flood control efforts in the Delta that have not been disclosed or adequately analyzed.</p>	<p>This comment summarizes comments below. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S.</p>
California Central Valley Flood Control Association	2	<p>The Delta is unique, and dealing with levees and drainage issues is complicated. The levees are not simply one part of the greater complex of problems focused around the Delta-this comprehensive interconnected system of levees is absolutely critical to public health and safety, including the protection of the region's transportation, agriculture, business, homes, and even statewide water supplies.</p> <p>The changes proposed in the Final EIR/EIS constitute a substantial alteration of the location, configuration, and purpose of the flood protection system within the Plan Area. Modifications to a bypass or to a levee system can have impacts in other areas of the system outside of the Plan Area, and modifications of the surface water or soil can affect the ability of the system to deflect, carry, divert, and otherwise deal with flood flows. This issue is critical to members of the Association because they are responsible - along with the State -for the protection of people and property in the Plan Area and beyond through the operation and maintenance of the flood control system as a whole.</p>	<p>This comment summarizes comments below. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S.</p>
California Central Valley Flood Control Association	3	<p>I. The FEIR/EIS Fails To Adequately Analyze or Mitigate For The Impacts of the Project</p> <p>The Final EIR/EIS obscures and underestimates impacts of the project on the flood control system, as detailed in our prior comments on the Draft EIR/EIS and the RDEIR/SDEIS. In addition to the flaws already noted by NSWA, and raised by the Association in those prior comments, we observe that this most recent draft:</p> <ul style="list-style-type: none"> •Still fails to provide a stable or finite project description, and relies on a hypothetical project operations plan that is subject to change. 	<p>This comment includes general comments on the document regarding the project description, and the length and organization of the document. These comments have been made by multiple other commenters, as well as this commenter in response to the Draft EIR/EIS and the RDEIR/SDEIS. Master Response 2 responds to the issue of whether the project description is adequate and whether it meets CEQA and NEPA requirements and allows for adequate environmental analysis. The issue of length and complexity of the EIR/EIS has also been addressed at length in Master Response 38. The issues of flood flow/channel capacity and ground settlement/liquefaction</p>

Letter	Comment #	Comment	Relation to Final EIR/EIS
		<ul style="list-style-type: none"> •Relies on flawed modeling which, among other inadequacies, fails to adequately account for flood flows, changes in water surface elevation, erosion, seepage, and wave fetch. •Fails to adequately analyze or mitigate for the impact on local agency assessments, the value of which may be reduced, for example, by decreases in property value due to falling lands during the tunnels' construction. •Fails to adequately analyze or mitigate for impacts to local Reclamation Districts, which are likely to experience increased maintenance, inspection, repair, and drainage pumping costs. •Fails to evaluate the impact of pile driving, truck traffic, and other construction activities on the stability of existing Delta levees. •Is poorly organized, difficult to follow, and contains voluminous amounts of significant new information, which the public has not been offered a meaningful opportunity to comment upon. •Fails to offer any meaningful accountability or oversight for mitigation measures. •Inappropriately relies on future permitting compliance to mitigate for impacts to flood control, rather than imposing meaningful, site-specific mitigation. •Fails to account for the cumulative impact on Delta flood capacity or levee damage associated with the Project's construction and operation, including reduced flow capacity in flood conveyances where the project's barges and cofferdams are encroaching into Delta channels. <p>The same substantive, procedural and analytical flaws that plagued prior drafts of this EIR/EIS infect the current document. Simply put, the FEIR/EIS violates CEQA and NEPA because the California WaterFix project description has never been stable enough to allow water users to understand the project, because the FEIR/EIS contains an inadequate analysis of the project's impacts, and because to the extent that impacts have been identified, the FEIR/EIS fails to provide adequate, enforceable mitigation measures or monitoring program to minimize or avoid those impacts.</p>	<p>were raised previously by this commenter in DEIRS 1717 and RECIRC 2654. As responded to previously within the FEIR/EIS, these issues are addressed in the Chapter 6 (Surface Water) and Chapter 9 (Geology Seismicity), respectively of the Final EIR/EIS. The flood flow analysis presented in Chapter 6 indicates the preferred alternative, 4A, would not result in adverse impacts on flood management. This analysis was based upon maximum monthly flow and maximum reservoir storage results in wet years in the winter months from the CALSIM II model to determine if the operations of the action alternatives would increase overall flood potential in the Sacramento River and Delta watershed under the action alternatives as compared to the No Action Alternative. The results of these model runs indicated that the overall flood potential would be similar under the action alternatives and the No Action Alternative.</p> <p>With respect to the surface water elevations in the Sacramento River and Delta waterways in the vicinity and downstream of the proposed intakes, the U.S. Army Corps of Engineers, Central Valley Flood Protection Board, and DWR would require that any construction that would disturb existing levees to be designed in a manner that would not adversely affect existing flood protection. During the design phase, bathymetric surveys would be conducted and multi-dimensional local numerical models would be used to determine any changes required to the cross-section of the channel and the final design of the intake facilities. Facilities to be constructed along the levees would be designed to provide flood neutrality during construction and operations. Facilities located along the levees, including cofferdams at the intake locations, would be designed to provide continued flood management at the same level of flood protection as the existing levees, or, if applicable, to a higher standard for flood management engineering and permitting requirements if the standards are greater than the existing levee design. The levee design criteria would consider the most recent criteria, including new guidelines for urban and rural levees. The design flood elevation would need to consider sea level rise to reduce impacts. Additionally, DWR would consult with local reclamation districts to ensure that construction activities would not conflict with reclamation district flood protection measures. Facilities construction would include temporary cofferdams, stability analyses, monitoring, and slope remediation. For the excavation of the existing levees, sheet pile wall installation would minimize effects on slope stability during construction.</p> <p>In response to previously submitted comments by this commenter, analysis was added in the Final EIR/EIS under Impact GEO-5. As described in Chapter 9, during design, the facility-specific potential for liquefaction would be investigated by a geotechnical engineer. The investigations are an environmental commitment of the BDCP/CWF (see Appendix 3B, Environmental Commitments, AMMs, and CMs). The potential effects of construction vibrations on nearby structures, levees, and utilities would be evaluated using specific piling information (such as pile type, length, spacing, and pile-driving hammer to be used). In areas determined to have a potential for liquefaction, the California-registered civil engineer or California-certified</p>

Letter	Comment #	Comment	Relation to Final EIR/EIS
			<p>engineering geologist would develop design strategies and construction methods to ensure that pile driving heavy equipment operations do not cause liquefaction which otherwise could damage facilities under construction and surrounding structures, and could threaten the safety of workers at the site. See Chapter 9, Section 9.3.3.2 for additional details on project conformance with flood protection standards and codes, in addition to project commitments and mitigation measures to avoid potential effects.</p> <p>This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS. The Final EIR/EIS complies with CEQA and NEPA.</p>
California Central Valley Flood Control Association	4	<p>II. Appendix 6A Reveals New Impacts Requiring Mitigation</p> <p>The Association and its members have repeatedly called upon the lead agencies to provide a more robust analysis of the potential impacts to flood control associated with the WaterFix. The Final EIR/EIS appears to be an attempt to respond to issues raised by the Association by adding Appendix 6A, which consists of forty-six pages discussing Project impacts related to sedimentation, erosion, levee stability and integrity, drainage and runoff, liquefaction, pile- driving induced levee failures, and other seismically-induced impacts</p> <p>The lead agencies characterize the new material contained within Appendix 6A as material added to "enhance the previous discussion of impacts of operating the project on levees and flooding conditions within the study area." Final EIR/EIS, at ES-9. We disagree that the information in Appendix 6A is merely an "enhancement" of the previous discussion: instead, Appendix 6A reveals a number of significant impacts to the Delta's flood control system never before disclosed or analyzed in the BDCP/WaterFix environmental review process. A representative sampling of these new impacts that could impede, damage, or prevent the operation of flood protection facilities protecting people and property in the Plan Area includes:</p> <ul style="list-style-type: none"> •Localized and temporary increases in sedimentation at various river locations, and incremental suspension of river bed sediments resulting from pile driving during cofferdam installation and barge facility construction. (6A-31, 32) •Effects to levee stability and potentially increased risks of levee slope failure resulting from construction of water conveyance facilities (6A-32) •Existing and new slopes that are not properly engineered and natural stream banks could fail and cause damage to facilities as a result of ground shaking and high soil-water content during heavy rainfall ("The potential effect could be substantial.") (6A-32) •Large ground settlement could be induced during tunneling operations, which can lead to voids and/or sinkholes above the tunnel and even loss of property or personal injury above the tunneling operation ("The potential effect could be substantial.") (6A-33) •Systematic settlement resulting from ground movement (6A-33) •Settlement of excavations resulting from dewatering at construction sites with shallow groundwater (6A-33) •Effect on levee integrity as a result of increased volume of truck traffic, including rutting, settlement, and slope movement (6A, 34) •Temporary and long-term changes to drainage patterns, drainage paths and facilities due to excavation, grading, stockpiling, soil compaction and dewatering that would cause 	<p>This comment raises concerns with information in Appendix 6A of the Final EIR/EIS. Appendix 6A does not add significant new information to the Recirculated Draft EIR/EIS. New material was only used to supplement and enhance the analysis in the Recirculated Draft EIR/EIS. All of the points captured by the commenter are discussed in other resource chapters in the Final EIR/EIS but does not raise any new significant impacts. Below is the list of issues raised by the commenter, with references to existing impact analyses in the EIR/EIS where environmental effects associated with the issues are addressed:</p> <ul style="list-style-type: none"> ○ Localized and temporary increases in sedimentation at various river locations, and incremental suspension of river bed sediments resulting from pile driving during cofferdam installation and barge facility construction. (Impact AQUA-1) ○ Effects to levee stability and potentially increased risks of levee slope failure resulting from construction of water conveyance facilities (Impact GEO-4) ○ Existing and new slopes that are not properly engineered and natural stream banks could fail and cause damage to facilities as a result of ground shaking and high soil-water content during heavy rainfall ("The potential effect could be substantial...") (Impact GEO-9) ○ Large ground settlement could be induced during tunneling operations, which can lead to voids and/or sinkholes above the tunnel and even loss of property or personal injury above the tunneling operation ("The potential effect could be substantial...") (Impact GEO-3) ○ Systematic settlement resulting from ground movement (Impact GEO-3) ○ Settlement of excavations resulting from dewatering at construction sites with shallow groundwater (Impact GEO-2) ○ Effect on levee integrity as a result of increased volume of truck traffic, including rutting, settlement, and slope movement (Impact GEO-5) ○ Temporary and long-term changes to drainage patterns, drainage paths and facilities due to excavation, grading, stockpiling, soil compaction and dewatering that would

Letter	Comment #	Comment	Relation to Final EIR/EIS
		<p>changes in drainage flow rates, directions and velocities (6A-34)</p> <ul style="list-style-type: none"> •Increased stormwater runoff from paved areas could increase flows in local drainages and changes in sediment accumulation near the intakes (6A-35) •Pile driving and other heavy equipment operations would cause vibrations that could initiate liquefaction and associated ground movements in places where soil and groundwater conditions are present to allow liquefaction to occur (6A-36) 	<ul style="list-style-type: none"> ○ cause changes in drainage flow rates, directions and velocities (Impact GW-3) ○ Increased stormwater runoff from paved areas could increase flows in local drainages and changes in sediment accumulation near the intakes (Impact WQ-31) ○ Pile driving and other heavy equipment operations would cause vibrations that could initiate liquefaction and associated ground movements in places where soil and groundwater conditions are present to allow liquefaction to occur (Impact GEO-5) <p>This comment does not raise any substantive new environmental information or analysis that would result in a new significant environmental impact. Please refer to Master Response 46, Recirculation and Scoping, Volume 2, Final EIR/EIS.</p> <p>The Final EIR/EIS complies with CEQA and NEPA.</p>
California Central Valley Flood Control Association	5	<p>To address these impacts, the Appendix 6A discusses a variety of mitigation measures, mostly related to establishing a "flood neutral" design and complying with permitting and regulatory requirements. See 6A-43, lines 27-29. Elsewhere, mitigation measures are vague and left to the discretion of the project proponents. See, e.g., 6A-35, lines 13-15 ("To mitigate these potential effects, project proponents will implement mitigation to reduce runoff and sedimentation impacts.").</p> <p>This analysis and mitigation is too little, too late. When a lead agency adds "significant new information" to an EIR after review by other agencies and the public, but before it certifies the EIR, the lead agency "must pursue an additional round of consultation" and recirculate the revised document. <i>Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova</i> (2007) 40 Cal.4th 412, 447, citing Pub. Res. Code § 21092.1; see also <i>Sutter Sensible Planning, Inc. v. Board of Supervisors</i> (1981) 122 Cal.App.3d 813, 823 (observing that "in ordering the board to vacate its approvals of the EIR and the project and requiring circulation of the revision for purposes of comment and review, we force further delay of the project; however, we may not permit such considerations to eviscerate the fundamental requirement of public and agency review, that is the strongest assurance of the adequacy of the EIR.").</p> <p>While the Association appreciates that this information and analysis has finally been disclosed in the EIR/EIS, this is the Association's and the public's first opportunity to review it, and the project proponents have not offered to the public a meaningful opportunity to review, comment on, and receive responses to comments on these new impacts and proposed mitigation measures. The extremely late disclosure of significant impacts is particularly concerning, because they not only indicate the potential to create adverse effects on the environment, but would also increase risk to public safety and property. Neither NEPA nor CEQA can countenance this sort of eleventh hour information dump: meaningful review and comment is required. See Pub. Res. Code § 21092.1; <i>Spring Valley Lake Association v. City of Victorville</i> (2016) 248 Cal. App. 4th 91, 108; 40 C.F.R. §</p>	<p>This section describes the commenter's view that mitigation measures are vague, significant new information was provided, and there was insufficient time to review it, in the Final EIR/EIS, ultimately requiring that the document be recirculated.</p> <p>As mentioned above, the impacts and mitigation measures discussed in this appendix have all been discussed elsewhere in the EIR/S previously during the draft and recirculated documents. Appendix 6A does not add significant new information to the Recirculated Draft EIR/EIS. New material was only used to supplement and enhance the analysis in the Recirculated Draft EIR/EIS. Please refer to Master Response 46, Recirculation and Scoping, Volume 2, Final EIR/EIS.</p> <p>As described in Chapter 3, Section 3.6.1.1, North Delta Intakes, facilities to be constructed along the levees would be designed to provide flood neutrality during construction and operations. Facilities located along the levees, including coffer dams at the intake locations, would be designed to provide continued flood management at the same level of flood protection as the existing levees, or, if applicable, to a higher standard for flood management engineering and permitting requirements if the standards are greater than the existing levee design. New facilities would be designed to withstand the applicable flood management standards through construction of flood protection embankments or construction on engineered fill to raise the facilities to an elevation above the design flood elevation for that specific location. The levee design criteria would consider the most recent criteria, including new guidelines for urban and rural levees (DWR 2013, 2014).</p> <p>The "mitigation to reduce runoff and sedimentation impacts" referenced by the commenters are laid out and performance standards given in Appendix 3B</p>

Letter	Comment #	Comment	Relation to Final EIR/EIS
		1502.9(c); Marsh v. Or. Natural Res. Council, 490 U.S. 360, 378 (1989)	<p>of the Final EIR/EIS and the MMRP.</p> <p>This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S. Please see Federal Register Notice Period for the California WaterFix Final Environmental Impact Report/Environmental Impact Statement (EIR/EIS) letter regarding requests for extending NEPA review period.</p> <p>The Final EIR/EIS complies with both CEQA and NEPA.</p>
California Central Valley Flood Control Association	6	<p>III. The Promise of a "Flood Neutral " Design Does Not Excuse the Lead Agencies From Analyzing Flood Impacts or Providing Mitigation</p> <p>An EIR is an "environmental 'alarm bell' whose purpose is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return." Santiago County Water Dist. v. County of Orange (1981) 118 Cal. App. 3d 818. It is intended "to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action." No Oil, Inc. v. City of Los Angeles (1974) 13 Cal.3d 68, 86; Guidelines, § 15003(d). For the EIR to serve these goals it must present information in such a manner that the foreseeable impacts of pursuing the project can actually be understood and weighed, and the public must be given an adequate opportunity to comment on that presentation before the decision to go forward is made." Vineyard, 40 Cal. 4th 412, 449-450.</p> <p>On the question of flood impacts and public safety, the lead agencies offer general assurances that "modifications to the flood conveyance system due to construction and/or operations" would be designed to meet permitting requirements and "to maintain flood neutrality." See, e.g., 6A- 37, 38, 43. Elsewhere, the FEIR/EIS offers that "the project will be implemented in a way to not increase flood risk to the Delta." Response to Comments, 2654-32. While the Association appreciates that some additional information on flood impacts has been provided, the newly provided analysis falls far below what is required by CEQA or NEPA.</p> <p>Based on the information provided in the EIR/EIS, it is apparent that the project's construction and operation will involve clear, often significant and permanent, changes to the lands and flood control facilities within Association members' jurisdiction. For example:</p> <ul style="list-style-type: none"> •Construction of three new intakes would be constructed on project levees maintained by local agencies and will impact flood control and farming operations on three reclamation districts (RD 744 south of Scribner Road, RD 813 Erhardt Club, and RD 551 Pearson District). Intake #2 will take up approximately one-third of the acreage in RD 744. RD 813 is where Intake #5 will be located, with Intake #3 also adjacent to its northern border and a tunnel shaft installed at its southern boundary. A portion of Intake #5 will also cross over into RD 551 at Randall Island Road, as well as a barge loading facility built on 200 feet of its Sacramento River project levee (about 1,400 feet north of Twin Cities Road), and the Intermediate Forebay constructed across from the Snodgrass Slough levee at the southeast end of the island. •RD 1002 will have to deal with construction related impacts such as pile driving as well as increased seepage of levees and farmlands associated with having the new Intermediate 	<p>Please see Comment 5 above. The issues of flood flow/channel capacity and ground settlement/liquefaction are addressed in the Chapter 6 (Surface Water) and Chapter 9 (Geology Seismicity), respectively of the Final EIR/EIS. The flood flow analysis presented in Chapter 6 indicates the preferred alternative, 4A, would not result in adverse impacts on flood management. As described in Chapter 9, during design, the facility-specific potential for liquefaction would be investigated by a geotechnical engineer. The investigations are an environmental commitment of the BDCP/CWF (see Appendix 3B, Environmental Commitments, AMMs, and CMs). The potential effects of construction vibrations on nearby structures, levees, and utilities would be evaluated using specific piling information (such as pile type, length, spacing, and pile-driving hammer to be used). In areas determined to have a potential for liquefaction, the California-registered civil engineer or California-certified engineering geologist would develop design strategies and construction methods to ensure that pile driving heavy equipment operations do not cause liquefaction which otherwise could damage facilities under construction and surrounding structures, and could threaten the safety of workers at the site. See Chapter 9, Section 9.3.3.2 for additional details on project conformance with flood protection standards and codes, in addition to project commitments to avoid potential effects. This comment does not raise any substantive new environmental information or analysis that would result in a new significant environmental impact.</p> <p>The lead agencies have not deferred analyzing flood impacts or mitigation and the Final EIR/EIS complies with both CEQA and NEPA.</p>

Letter	Comment #	Comment	Relation to Final EIR/EIS
		<p>Forebay and barge loading facility located on their Snodgrass Slough levee, plus five large muck storage areas placed throughout the district.</p> <ul style="list-style-type: none"> •Lands within RD 150 and RD 999 will also experience erosion from changes in flow velocities, seepage from altered surface water elevations, flow velocity and direction, and intense ground shaking from pile driving associated with construction of three intakes across from their project levees on the Sacramento River. •Reclamation Districts 38, 756, 2023, 2028, 2040, and 2110 all will also have one or more shafts constructed on their islands. Several islands throughout the Delta will also have to deal with impacts to levees and operations associated with construction of approximately a dozen shaft locations placed about every three miles of the twin tunnel alignment. •The construction of cofferdams and barge loading facilities during the 14-year construction period will reduce flood flow capacity in those channels, in some cases narrowing the channel by 50% or more. Any loss of flood flow capacity from the narrowing of channels designed to carry flood flows can result in increased surface water elevations. These barge loading facilities will also alter the flow velocity and direction during all levels of flow which will lead to levee erosion. The encroachment of barge facilities into Snodgrass Slough and obstructing flood flows is particularly concerning as overtopping of levees recently occurred in January 2017. •Table 3C-2 of Appendix 3C indicates that the construction of WaterFix will involve installation of a tremendous number of piles at several different construction sites, including the three new intakes and sedimentation basins, new Intermediate Forebay, and barge loading facilities in the North Delta (9,650 piles in the North Delta, with a total of 8,830,000 strikes). Because the levees in this region consist of various sand and gravels which were either part of the original "natural" levee or dredged from the channels to raise and widen the natural levee, these loose sands tend to settle and densify when they are vibrated. As a result, when vibrations occur in the area of the WaterFix construction, the material will densify, causing the levee to consolidate and lower in elevation (settle and subside). During the densification, the slopes of the levee could also become unstable and slide on either the waterside or landside of the levees and potentially lead to seepage or a breach. Appendix 6A briefly acknowledges the potential for liquefaction as a result of pile driving, but provides only that the project proponents "would develop design strategies and construction methods to ensure that pile driving and heavy equipment operations do not cause liquefaction." 6A-36. No further analysis was performed. 	
California Central Valley Flood Control Association	7	<p>Aside from assurances that the project will be "flood neutral" (a term which the FEIR/EIS does not define) and will comply with permitting requirements, the FEIR/EIS does not offer any evidence in support of its assertion that the project will (or even can) be implemented in a way that will not increase flood risk in the Delta. In 2015, CCVFCA commented that the Recirculated EIR/EIS deferred analysis of comprehensive levee and flood protection analysis, and failed to discuss cost-sharing of levee maintenance. In response, the lead agencies defer analysis and instead only offered vague, unenforceable statement that "during construction of the CWF water conveyance facilities, project proponents will explore opportunities" with local reclamation districts to address maintenance and flood fighting issues, and will "look to enter into agreements" to ensure that levee management efforts are not interrupted. Response to Comments 2654:7.</p> <p>The lead agencies avoid a meaningful analysis of the substantial physical changes to the flood control system that this project will entail with a vague promise that the project will be "flood neutral." The courts have long recognized that:</p>	<p>Please see Comment 5. This section describes the commenter's view that the analysis of flood impacts and mitigation was inadequate in the Final EIR/EIS. The lead agencies previously responded to this comment in comment letter 2654, Volume 2, of the Final EIR/EIS. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S.</p> <p>The lead agencies have not deferred mitigation and the Final EIR/EIS complies with both CEQA and NEPA.</p>

Letter	Comment #	Comment	Relation to Final EIR/EIS
		<p>...the placement, design, and construction of even the most effective system involve a complex balancing of interests and risks. Whatever choice the responsible agency makes will necessarily affect the patterns of flooding in the event the project fails, and will almost certainly increase certain risks in order to reduce others. The dangers posed to individual lands by the failure of any public flood control project are potentially enormous.</p> <p>Bunch v. Coachella Valley Water Dist., (1997) 15 Cal.4th 432, 450. A general promise to comply with permitting regulations, and a commitment to engage in non-binding discussions with local agencies, are not adequate substitutes for compliance with CEQA's mitigation requirement. Californians for Alternatives to Toxics v. Department of Food & Agriculture (2005) 136 Cal. App. 4th 1, 16-20; Lotus v. Department of Transportation (2014) 223 Cal.App.4th 645, 656 167 Cal.Rptr.3d 382 (2014) ("Absent a determination regarding the significance of the impacts to the root systems of the old growth redwood trees, it is impossible to determine whether mitigation measures are required or to evaluate whether other more effective measures than those proposed should be considered.")</p> <p>CEQA requires a careful, site-specific consideration of the impacts of a project, and attendant mitigation for those impacts. This document fails to meet that standard.</p>	
California Central Valley Flood Control Association	8	<p>IV. Responses to Comments are Cursory and Incomplete</p> <p>A thoughtful and meaningful response to public comment is an integral part of the EIR and EIS. 40 C.F.R. § 1510(a); State of Cal. v. Block (9th Cir. 1982) 690 F.2d 753, 773; CEQA Guidelines, § 15003(a); Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal.3d 553, 564. An agency's responses to comments must "address in detail . . . [the] reasons why specific comments and suggestions were not accepted." Guidelines § 15088(b); see also 40 C.F.R. § 1503.4. CEQA and NEPA require a lead agency to confront the significant environmental issues raised in comments, and does not allow these issues to be "swept under the rug." See City of Irvine v. County of Orange (2015) 238 Cal.App.4th 526, 553.</p> <p>The Responses in the FEIR/EIS falls well below this standard. As has already been discussed above, the specific concerns raised by the Association and others regarding flood control impacts of the project were met with vague assurances that the project would be implemented in a way that was "flood neutral." This is not the level of specificity and engagement that CEQA and NEPA require. Elsewhere, the Association commented that the Recirculated EIR/EIS failed to appropriately analyze and mitigate for the financial impacts to Reclamation Districts, including reduced assessment revenues during construction, increased maintenance costs to deal with seepage and erosion damage, and increased drainage pumping costs. See Response to Comments 2654-23. The response to this comment in the Final EIR/EIS was similarly nonsubstantive: the lead agencies simply explained that because the Water Code requires that the entities constructing the WaterFix "fully mitigate for the loss of property tax revenues or assessments," no impact would occur. See Response to RDEIR/SDEIS 2654-23. However, Water Code §85089(b) only requires full mitigation of local assessments for property that is necessary for construction, location, mitigation, or operation of new Delta conveyance facilities. That response, like many others, failed entirely to engage with the substance of the comment. It does not, for example, address the inability of farmers to pay RD assessments if their land is not farmable or is inaccessible during the 10-14-year construction period, nor does</p>	<p>This section describes the commenter's view that the responses to their comments on earlier drafts of the document were cursory and incomplete. Comment responses were complete and met all regulatory requirements. Please see Comment 5.</p> <p>This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS. The Final EIR/EIS complies with both CEQA and NEPA.</p>

Letter	Comment #	Comment	Relation to Final EIR/EIS
		<p>it address the potential increased costs imposed on RDs associated with the stressors that the Project is expected to impose on the Delta flood control system.</p> <p>Cursory, incomplete responses such as these do not meet the requirements of CEQA or NEPA: the agency must "make available to the public high quality information, including accurate scientific analysis, expert agency comments and public scrutiny, before decisions are made and actions are taken." Center for Biological Diversity v. US. Forest Service (9th Cir. 2003) 349 F.3d 1157, 1167; see 40 C.F.R. § 1500.l(b), Guidelines § 15132(d); see also People v. County of Kern (1974) 39 Cal. App.3d 830, 841-842.</p>	
California Central Valley Flood Control Association	9	<p>Conclusion</p> <p>Unfortunately, each iteration of the BDCP/WaterFix environmental review has been plagued by organizational flaws, rife with internal inconsistencies, inadequate project description than includes operational plan or feasible alternatives, omissions of data and analysis, conclusions of insignificance not based on evidence, and lacking in significant substantive areas. These flaws persist in the Final EIR/EIS.</p> <p>For the reasons laid out above, and described in detail in our prior comments, this EIR/EIS and the analysis contained therein do not meet the requirements of CEQA or NEPA. We urge you to revise and recirculate the document.</p>	<p>This section summarizes prior comments and assess that the EIR/EIS be revised and recirculated. Comment responses were complete and met all regulatory requirements.</p> <p>This comment raises general allegations. It does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S.</p> <p>The Final EIR/EIS complies with both CEQA and NEPA.</p>
California Central Valley Flood Control Association	ATT 1	Exhibit A: List of Commenting Parties	This attachment is a list of commenting parties and does not raise any environmental issue related to the Final EIR/EIS.
California Central Valley Flood Control Association	ATT 2	Exhibit B: California Central Valley Flood Control Association Comments on BDCP and WaterFix	This attachment is a list of documents and does not raise any environmental issue related to the Final EIR/EIS.
California Central Valley Flood Control Association	ATT 3	Exhibit C: List of State Water Resources Control Board Evidence	This attachment is a list of SWRCB hearing material and does not raise any environmental issue related to the Final EIR/EIS.
California Central Valley Flood Control Association	ATT 4	DWR A Framework for Department of Water Resources Integrated Flood Management Investments in the Delta and Suisun Marsh (September 24, 2013)	This attachment is a DWR document about integrated flood management. This attachment does not raise any environmental issues related to the Final EIR/EIS.
California Central Valley Flood Control	ATT 5	Delta Flood Control Group Protest	This attachment is a protest to water rights change petition presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final

Letter	Comment #	Comment	Relation to Final EIR/EIS
Association			Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
California Central Valley Flood Control Association	ATT 6	Testimony of Gilbert Cosio, Jr.	This attachment is testimony of Gilbert Cosio, Jr., presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
California Central Valley Flood Control Association	ATT 7	Statement of Qualifications for Gilbert Cosio	This attachment is statement of qualifications for Gilbert Cosio, Jr., presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
California Central Valley Flood Control Association	ATT 8	Reclamation District Engineer Experience of Gilbert Cosio, Jr.	This attachment is Exhibit DFCG - 4 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
California Central Valley Flood Control Association	ATT 9	USACE report, "Sacramento/San Joaquin Delta, California Special Study: Hydrology", February 1992	This attachment is Exhibit DFCG - 5 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
California Central Valley Flood Control Association	ATT 10	DWR Bulletin 125, "Sacramento Valley Seepage Investigation" (August 1967)	This attachment is Exhibit DFCG - 6 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
California Central Valley Flood Control Association	ATT 11	Color Copy of Plate 10 from DWR Bulletin 125, "Sacramento Valley Seepage Investigation" (August 1967)	This attachment is Exhibit DFCG - 7 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing

Letter	Comment #	Comment	Relation to Final EIR/EIS
			materials.
California Central Valley Flood Control Association	ATT 12	Photograph: Grand Island Levee Cracks Near Toe	This attachment is Exhibit DFCG - 8 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
California Central Valley Flood Control Association	ATT 13	Photograph: Grand Island Levee Crown Cracks	This attachment is Exhibit DFCG - 9 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
California Central Valley Flood Control Association	ATT 14	Photograph: Grand Island Levee Slope Cracks	This attachment is Exhibit DFCG - 10 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
California Central Valley Flood Control Association	ATT 15	Site visit log and levee crack measurements, DFCG exhibit	This attachment is Exhibit DFCG - 11 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
California Central Valley Flood Control Association	ATT 16	Excerpt from Hearing Transcript Vol. 25, Part 1B: Delta Flood Control Group Direct Testimony - Friday, October 28, 2016	This attachment is transcript of Mr Cosio presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
California Central Valley Flood Control Association	ATT 17	Excerpt from Hearing Transcript Vol. 25, Part 1B: Cross Examination of Delta Flood Control Group - Friday October 28, 2016	This attachment is transcript of Mr Cosio presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
California Central	ATT 18	Excerpt from Hearing Transcript Vol. 25, Part 1B: Re-direct of Delta Flood Control Group - October 28, 2016	This attachment is transcript of Mr Cosio presented for the hearing proceedings regarding petition filed by the Department of Water Resources

Letter	Comment #	Comment	Relation to Final EIR/EIS
Valley Flood Control Association			and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
California Central Valley Flood Control Association	ATT 19	DWR-1-corrected-errata	This attachment is Exhibit DWR-1-corrected-errata presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
California Central Valley Flood Control Association	ATT 20	DWR-2-errata	This attachment is Exhibit DWR-2-errata presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
California Central Valley Flood Control Association	ATT 21	DWR-3	This attachment is Exhibit DWR-3 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
California Central Valley Flood Control Association	ATT 22	DWR-4-errata	This attachment is Exhibit DWR-4-errata presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
California Central Valley Flood Control Association	ATT 23	DWR-5-errata	This attachment is Exhibit DWR-5-errata presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
California Central Valley Flood Control Association	ATT 24	Testimony of Jennifer Pierre	This attachment is Exhibit DWR-51 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
California Central	ATT 25	Testimony of Maureen Sergent	This attachment is Exhibit DWR-53 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S.

Letter	Comment #	Comment	Relation to Final EIR/EIS
Valley Flood Control Association			Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
California Central Valley Flood Control Association	ATT 26	Testimony of John Bednarski	This attachment is Exhibit DWR-57 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
California Central Valley Flood Control Association	ATT 27	Testimony of Parviz Nader-Tehrani	This attachment is Exhibit DWR-66 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
California Central Valley Flood Control Association	ATT 28	Testimony of Armin Munevar	This attachment is Exhibit DWR-71 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.