

Letter	Comment #	Comment	Relation to Final EIR/EIS
Environmental Water Caucus	1	<p>The Environmental Water Caucus (EWC) submitted comments on the Bay Delta Conservation Plan (BDCP) Draft Environmental Impact Report/Statement (DEIR/S) in June 2014 (Comment Letter 778, Volume II, Appendix A), comments on the BDCP Implementing Agreement in July 2014 (Comment Letter 1803, Volume II, Appendix A), and comments on the California WaterFix Recirculated Draft Environmental Impact Report/Supplemental Environmental Impact Statement (RDEIR/SDEIS) in October 2015 (Comment Letter 2653, Volume II, Appendix B). EWC has also participated as signatories to numerous other letters about the various forms of this project since 2012.</p> <p>EWC continues to object to and reject approval of the California WaterFix project and its predecessor, Conservation Measure 1 in the Bay Delta Conservation Plan.</p> <p>In summary, this letter provides EWC comments on Master Responses contained in Volume II of the Final EIR/EIS. Generally, we find that they tend to repeat talking points and unfounded assertions we have already commented on in the above mentioned letters earlier in this environmental review process.</p> <p>In addition to comments on the Master Responses, we incorporate by reference letters and their attachments concerning the Final EIR/EIS submitted by California Sportfishing Protection Alliance, California Water Impact Network, and AquAlliance; Local Agencies of the North Delta and Friends of Stone Lakes; Friends of the River; and the case in chief submitted to the State Water Resources Control Board's change petition by the Pacific Coast Fishermen's Federations Association/Institute for Fishery Resources, as well as narrative materials provided by California Water Research (see Attachment 3).</p> <p>Finally, EWC's letter further incorporates as its own content the cases in chief submitted to the California WaterFix change petition proceeding before the State Water Resources Control Board by Restore the Delta as integral to our collective response to the BDCP/California WaterFix Final Environmental Impact Report/Environmental Impact Statement Master Responses to Comments released in December 2016. Reference to RTD's testimony and exhibits will occur as part of our comments on the selected Master Responses provided herein.</p> <p>We format quoted passages from Master Responses in italics. EWC comments on the quoted passages are presented in regular typeface.</p>	<p>This comment is a summary of comments on Master Responses below. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p>
Environmental Water Caucus	2	<p>Master Response 3: Project Objective and Purpose and Need</p> <p><i>Page 1-29:29-32: "...the lead agencies have acted well within their discretion in defining the project's objectives, purposes, and need, which under state law have been informed by, and are intended to advance, the coequal goals set forth in the Sacramento-San Joaquin Delta Reform Act of 2009 (Delta Reform Act)."</i></p> <p>We note that the lead agencies for BDCP/California WaterFix have cherry-picked their preferred provisions of the 2009 Delta Reform Act, and have excluded analysis of and compliance with California Water Code Section 85021, which states in part that it is the policy of the State of California to reduce reliance on the Delta for California's future water needs. It also ignores Water Code Section 85020(f) which states in part that inhering in the co-equal goals it is the policy of the State of California to achieve the objective of improving the water conveyance system. Improving the water conveyance system does not in itself</p>	<p>This comment is an opinion about the adequacy of the project objectives and purpose and need statement indicating that other elements of the Delta Reform Act should be included in this chapter. The adequacy of the project objectives/P&amp;N is discussed in Final EIR/EIS, Volume 2, Master Response 3. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p>

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		<p>mean increasing conveyance capacity, but may mean improving the existing conveyance system's efficiency, reducing its ecological impact, and by reducing reliance on the existing conveyance system consistent with Section 85021. The Delta Reform Act should be read as an integral whole that not only seeks to balance the coequal goals of ecosystem recovery and water supply reliability, but does so in balance with the Act's command to reduce Delta reliance for the state's future water needs by applying the public trust and reasonable use legal doctrines as particularly applicable in the Delta.</p> <p><i>Page 1-29:36-39: "As stated in the State CEQA Guidelines, '[a] clearly written statement of objectives will help the Lead Agency develop a reasonable range of alternatives to evaluate in the EIR and will aide decision makers in preparing findings or a statement of overriding considerations if necessary. The statement of objectives should include the underlying purpose of the project."</i></p> <p>We have stated previously in EWC comments that it is clearly an underlying purpose of California WaterFix—and BDCP Conservation Measure 1 before it—to increase capacity of the state and federal water systems to conduct water transfers from north of Delta sellers to south of Delta buyers at times when contract amounts cannot be met.</p> <p>[In 2015], the RDEIR/SDEIUS continues to ignore water transfers as a crucial purpose of the Tunnels Project. They fail to describe it as a purpose in violation of CEQA and NEPA. In sum, the project would increase reliance on the Delta in flagrant defiance of the Delta Reform Act, and fails utterly to justify why the Tunnels Project is needed, a violation of NEPA and CEQA.</p>	
Environmental Water Caucus	3	<p>Master Response 4: Alternatives</p> <p><i>Page 1-43:16-20: "...the selection of alternatives for an EIR/EIS is directly linked to the project's objectives and purpose and need, and an EIR/EIS need not analyze alternatives that would not meet a project's basic goals or objectives. Accordingly the draft EIR/EIS, RDEIR/SDEIS, and Final EIR/EIS do not include alternatives that would not meet the purpose and need and most of the basic project objectives or alternatives that are beyond the scope of the project.</i></p> <p><i>"For example, the EIR/EIS does not include alternatives that require actions on a statewide basis from a variety of actors such as local governments. Despite their very substantial scope, their habitat benefits [in BDCP's case], and the very large geographic areas they cover and affect, neither the proposed project nor any of the other alternatives in the EIR/EIS are intended to—nor are they required to—function as the equivalent of a statewide plan for dealing with water supply or a comprehensive plan for addressing the numerous challenges facing the Delta. Rather statewide water issues are comprehensively addressed by DWR every five years through updating the California Water Plan."</i></p> <p>[and]</p> <p><i>Page 1-45:20-21: "DWR is not a statewide governing body that can impose a statewide water strategy on different parts of the state. Further, DWR lacks any statutory authority to make and implement localized decisions about water technology investments, to develop and impose investments for new water supply projects that serve particular geographic regions, or to mandate coordinated efforts among local and regional water suppliers. The 2009 Delta Reform Act appropriately recognizes DWR's limited role and does not assign such duties to</i></p>	This comment is an opinion that CWF should incorporate more of the Delta Reform Act requirements and an argument against Master Response 4 related to alternatives. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.

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		<p><i>DWR. The Act’s organizational structure makes this apparent. The policy regarding regional water self-sufficiency is contained in an early portion of the Act...that describes the policies of the state and does not mention the BDCP. The BDCP is addressed in later portions of the Act...in which California Water Code Section 85320 spells out specific criteria that must be met for the BDCP to be incorporated into the Delta Plan by operation of law....”</i></p> <p><i>[and]</i></p> <p><i>Page 1-45:31-40: “Furthermore, as noted in the Delta Stewardship Council’s Delta Plan, the responsibility for implementing most of the state’s water management strategies and achieving the state water objectives lies not only with DWR, but with ‘over 600 local water agencies, including several privately owned and operated companies, plus wastewater districts, community service districts, and other special districts’ [citation to Delta Plan, Chapter 3]. Again, neither DWR nor CDFW, USFWS, or NFMS [sic] has the regulatory authority to impose legal duties on any water agencies, local governments or individuals under the BDCP or the California WaterFix. Accordingly, any alternatives that would require the imposition of legal duties on non-applicants are beyond the scope of the proposed project, and are not considered reasonable alternatives.”</i></p> <p>In these passages, the Lead Agencies acknowledge that the California WaterFix is indeed a proposed project of statewide impact, but they argue that the project should not be saddled with statewide responsibilities. We think this reveals an improper asymmetry and an abuse of discretion on the part of DWR when it states that it lacks statutory authority.</p> <p>These passages are among the clearest expressions to date by DWR and other lead agencies on how they see their duties under the 2009 Delta Reform Act (DRA). Water Code Sections 85020 through 85023 are policies of the State of California, of which the Department of Water Resources is a department within the state’s Natural Resources Agency. These policies state direct intentions, policies, and that the “longstanding constitutional principle of reasonable use and the public trust doctrine shall be the foundation of water management policy and are particularly important and applicable to the Delta.” Yet DWR and the lead agencies, like Melville’s Bartleby the scrivener, would prefer not to shoulder the responsibilities imposed by the Delta Reform Act. Such a position is hidebound, unreasonable and incorrect on its face. DWR has ample powers of contract based in the Water Code with water service suppliers to implement such policies as are provided in the DRA, but it chooses not to use them. They choose not to even though the DRA does not provide them with agency discretion NOT to comply with the Delta policies of the DRA.</p> <p>While true that the DRA’s organizational provisions aim to enable and authorize responsibilities of the Delta Stewardship Council, the Delta Independent Science Board, and direct certain “early actions” of the State Water Resources Control Board, none of them detract from or otherwise limit DWR’s obligation as an agency of the State of California to carry out the Delta policies we cite in the previous paragraph.</p>	
Environmental Water Caucus	4	<p>During Part 1 of the California WaterFix change petition hearing, DWR has consistently avoided putting forward any recommendations for permit conditions for whatever order the State Water Resources Control Board might produce. This is consistent with an implicit DWR policy of refusing to engage with Delta policies of the Delta Reform Act, which require state agencies, including DWR, to reduce reliance on the Delta for California’s future water supplies, for example. It is under the Delta policies in the DRA that DWR and CDFW will find</p>	<p>This comment is an opinion about DWRs approach to the Delta Reform Act. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p>

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		<p>their authority for implementing such policies through contracting, prioritization of grant funds, and other potentially applicable powers. These authorities and responsibilities are provided to state agencies with Delta-related responsibilities (like DWR and CDFW) by the California legislature.</p> <p>These are pleadings of state agencies whose leadership and upper management are essentially captured by regulated interests—the most powerful and influential of those 600 or so local water agencies to which Master Response 4 points.</p>	
Environmental Water Caucus	5	<p>Master Response 5: Funding and Financing of the Project</p> <p>Page 1-67 through 1-75: “BDCP Chapter 8, Implementation Costs and Funding Sources.”</p> <p>Undiscounted current dollar estimates are the same as future spending plus inflation, not interest. Inflation represents a cost factor that accounts for overall changes in the economy through time of prices for all factors. Interest is a specific cost associated with credit and borrowing, and is not the same as inflation.</p> <p>The sole source of funding/financial information associated with California WaterFix is Chapter 8 of BDCP, specifically Table 8-5 (p. 8-14). This table shows that total capital costs for Conservation Measure 1 facilities would be \$14.571 billion. Annualized operations and maintenance costs would total another \$1.456 billion, for a total project cost of land acquisition, construction and operations/maintenance of \$16.03 billion. That is the principal that would be paid for by water contractors (see Table 8-37, pp. 8-65 to 8-66; and see Table 8-41, p. 8-74). These tables do not include any estimate of debt service, transaction costs, or interest costs. No one knows for sure, since after 10 years of planning, there is still no financing plan for various sources of funds for California WaterFix.</p>	<p>This comment is an opinion about funding and financing of the BDCP addressed in Master Response 5 and is not directly related to the content of the Final EIR/EIS impact analyses. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p>
Environmental Water Caucus	6	<p>But if the water contractors fund the project up front out of revenue bonds, then this principal amount (\$16.03 billion in 2013 dollars—the year of the estimate for Tunnels costs) would be used to estimate the overall payment of interest to bond holders over the life of the bonds. Bonding characteristics are suggested in BDCP on page 8-79, Table 8-43. These characteristics could have been, and could still be, applied to the project costs to arrive at an estimate of total debt service beyond the total cost of the project and for the term of the revenue bonds. None was provided.</p> <p>Providing such an estimate would be like receiving the full disclosure estimate when a person goes to purchase a house using a mortgage. Full disclosure requirements for mortgages require the lender to state what the principal of the loan is, the annual percentage rate (the effective interest rate charged on the loan), and what the total amount of interest that would be paid over the term of the loan. It is this last figure—the total amount of interest cost on the project—that the Lead Agencies appear quite unwilling to calculate and disclose to the public. Others have estimated these costs at around \$40 billion, raising the total cost of the Tunnels project (capital, operations/ maintenance, and total interest costs) to potentially over \$55 to \$60 billion. It is a simple idea we have been trying to get across, but one that DWR and the Lead Agencies apparently think is just too damaging to project prospects to admit to.</p>	<p>Please refer to comment 5.</p>
Environmental Water Caucus	7	<p>Most of the rest of this cost discussion in Master Response 5 appears to be deliberately confusing, when it could be simply and fully disclosed as one table that builds from the Tables identified from BDCP in the previous paragraph here. We apply this comment to the</p>	<p>This comment is an opinion about the clarity and adequacy of the discussion on debt financing in Master Response 5. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in</p>

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		<p>discussion of “Debt Financing” on pages 1-70 through 1-71. This section is absurdly abstract and confusingly written. Simple financial analysis can illustrate the project’s cost of debt service and add it to the capital and annual operating/maintenance costs of the project. Please use prevailing interest or discount rates applied to comparable infrastructure bonds for these estimates. Please do the calculation and disclose it to the public as part of a new recirculated Draft EIR/EIS.</p> <p>We note, that the \$114 million identified to pay for “legal and underwriting services” is not the same as debt financing (page 1-71:14-15). They are transaction costs, and do not add any value for ecosystem or water supply improvements associated with California WaterFix. Yet, if it is true that BDCP and California WaterFix planning costs to date amount to around \$250 million, then this estimate of transaction costs alone represent about 46 percent of the cost of the effort expended to date just to get BDCP and California WaterFix to this point. That is a great deal more money for no value added to either water users or ecosystem beneficial uses.</p>	<p>the Final EIR/EIS.</p>
Environmental Water Caucus	8	<p>Page 1-72, “Why Large Cost Overruns are Not Likely.”</p> <p>This portion of Master Response 5 strikes us as the height of presumption and hubris. While “commenters are correct that any large infrastructure project has the potential for cost overruns...the estimates of the cost of building and operating the proposed water conveyance facility have been designed to minimize these risks by including cost contingencies” (lines 17-20). We have not researched the Bay Bridge or Boston Big Dig projects, but it is likely that their original cost estimates at the outset included contingency allowances. Yet, as Master Response 5 acknowledges, there were still large cost overruns in these and many other projects. Such occurrences have been well documented elsewhere in our earlier comments.</p> <p>This portion of Master Response 5 also states “Furthermore, the organizational structure of the team that would manage construction of the conveyance facility will be designed to further minimize this cost overrun risk. One of the most important factors for a project of this scope to adhere to cost estimates is to ensure that the cost estimate itself is accurate and accounts for cost uncertainty.”</p> <p>To our knowledge, DWR and its project design engineers lack definite understanding about subsurface conditions for tunnel construction under the Delta. The Conceptual Engineering Report indicates some subsurface conditions in some locations, but it seems clear that with the project only 10 percent designed, much more subsurface study is necessary before cost estimates can incorporate uncertainties and reduce the risks that will attend inserting tunnel boring machines 150 feet below the surface to create a 35 mile-long, two-bore tunnel system. Until these conditions are better known, tunnel boring and other related cost estimates should not be considered settled.</p> <p>Cost and cost overruns are issues for determining how and whether the public interest would be served by the project’s construction and financing. The public interest is a decision criterion required by California’s Water Code of the State Water Resources Control Board in its decision making—including on water rights change petitions. Addressing public interest concerns in the Final EIR/EIS is entirely appropriate and reasonable since it is the premier document for informing public officials’ decisions on this project, and the Board is a responsible party with this project.</p>	<p>This comment indicates that public interest concerns regarding possible cost overruns should be addressed in greater detail and in other ways than currently discussed in Master Response 5. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p>

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		<p>condition, and that their water quality must be healthful and capable of supporting all beneficial uses (whether now recognized or under consideration as is the case with subsistence fishing and cultural uses of water) that enable human populations and their economies to thrive and grow. Those resources are to be held and protected in trust by our government for all our people. This does mean balancing these needs against other uses of water, but it does not mean balancing fish and good water quality out of existence so that economic beneficial uses are made paramount.</p> <p>Nowhere has the Final EIR/EIS performed a systematic and scientifically methodical balancing of public trust resources as compared with those beneficial uses, such as Delta exports, that are now privileged by existing water quality objectives and by extension, the proposed design and operation of the California WaterFix project. The BDCP/California WaterFix Final EIR/EIS is therefore inadequate and should not be certified until such time as an adequate and systematic balancing of public trust uses and resources is performed.</p> <p>We also appreciate that the Lead Agencies acknowledge “California WaterFix and the action alternatives in the Final EIR/EIS all involve proposals by which DWR and the Bureau [...] would add new points of diversion and alter the system operations” through which they supply water to their public customers (p. 1-114, lines 5-8). We think this is a common sense acknowledgement that will help the State Water Board make a reasonable determination concerning its hearing question that asked, “Will the changes proposed in the petition in effect initiate a new water right?” Here we have the Lead Agencies acknowledging that the diversions are in effect new, and that system operations will change as a result of the project. The answer to the Board’s question is “yes.”</p>	
Environmental Water Caucus	10	<p>Master Response 14: Water Quality</p> <p>Antidegradation Analysis</p> <p><i>Page1-134:27-29: “Water development and water conservation projects may be considered to be important social and economic developments that justify a lowering of water quality (see Water Code Section 13000). Similarly, environmental protection may constitute important social development, justifying a change in water quality, even if no other social or economic benefits to the community are demonstrated [citation]. Where there are two conflicting uses, the quality of water for one use may be reduced where the change improves water quality for the other, in appropriate circumstances (see 40 CFR Section 131.11(a)(1)). This latter analysis is outside the scope of CEQA and NEPA and necessarily requires evaluation of economic value and social issues associated with the existing beneficial uses, and the economic costs and changes in these conditions that may occur as a result of lowered water quality....The evaluate of socio- economic changes is not the purview of the water quality analysis, which is rightfully focused on providing the numerical and qualitative assessment of only the potential for implementation of the project alternatives to degrade existing water quality with respect to regulatory water quality objectives and beneficial uses. The socio-economic evaluation must be conducted based on the results of the EIR/EIS and the later stages of regulatory agency review and permitting of changes to the CVP and SWP water rights orders, or other regulatory actions.”</i></p> <p>This quote provides procedural and substantive distortion by the Lead Agencies. It represents the utmost in bad legal interpretation and bad decision making.</p>	This is a legal comment about Water Code Section 13000 indicating general disagreement. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.
Environmental Water Caucus	11	Water Code Section 13000 says precisely nothing about the legislature stating that water projects may be important social and economic development projects that justify lowering	This is a legal comment about Water Code Section 13000 indicating general disagreement. This comment does not raise any substantive new environmental

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		<p>water quality. This section states:</p> <p>13000. The Legislature finds and declares that the people of the state have a primary interest in the conservation, control and utilization of the water resources of the state, and that the quality of all the waters of the state shall be protected for use and enjoyment by the people of the state.</p> <p>The Legislature further finds and declares that activities and factors which may affect the quality of the waters of the state shall be regulated to attain the highest water quality which is reasonable, considering all demands being made and to be made on those waters and the total values involved, beneficial and detrimental, economic, and social, tangible and intangible.</p> <p>The Legislature further finds and declares that the health, safety and welfare of the people of the state requires that there be a statewide program for the control of the quality of all the waters of the state; that the state must be prepared to exercise its full power and jurisdiction to protect the quality of waters in the state from degradation originating inside or outside the boundaries of the state; that the waters of the state are increasingly influenced by inter basin water development projects and other statewide considerations; that factors of precipitation, topography, population, recreation, agriculture, industry and economic development vary from region to region within the state; and that the statewide program for water quality control can be most effectively administered regionally, within a framework of statewide coordination and policy. [emphasis added.]</p> <p>Read as a whole, Section 13000 offers no support for the Lead Agencies' strained reading. If the Porter-Cologne Water Quality Control Act, from which this section is excerpted, says anything about certain water projects justifying degradation of water quality, we challenge the Lead Agencies to find and disclose to the public the correct citation for that alleged authorization.</p> <p>We are aware that there is a process under federal water quality regulations through which projects must pass in order to justify degradation of water. It essentially is a benefit-cost analysis that must be performed to ascertain whether the project's benefits outweigh its detrimental effects and costs to address water quality degradation.</p>	<p>information or analysis that was not previously addressed in the Final EIR/EIS.</p>
Environmental Water Caucus	12	<p>The Lead Agencies contend that a full antidegradation analysis is beyond the scope of CEQA and NEPA and need not be performed for the Final EIR/EIS to be considered adequate.</p> <p>We disagree. CEQA Guidelines, for example, provide that economic analysis may be conducted to ascertain the causal relationship between the proposed project's physical effects and another physical effect that might occur through economic interactions. Water quality changes are such an instance. Since one area of the California WaterFix's effects stems from its potential changes to Delta water quality, then antidegradation is an issue to be addressed. Decision makers need information on whether water quality changes from the project would result in acute as well as long-term degradation, and the extent of such changes needs to be evaluated to ascertain for decision makers whether such water quality changes exceed the threshold for antidegradation policy compliance under state and federal clean water laws. To comply with state and federal full disclosure requirements, the California WaterFix Final EIR/EIS should provide analysis by the Lead Agencies that ascertains whether that compliance occurs.</p>	<p>This comment asserts that a full anti-degradation analysis is needed and that the Final EIR/EIS is inadequate because it excludes this analysis. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p>



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		<p>Instead, once again following Bartleby, the Lead Agencies would prefer not to. By adhering rigidly and inflexibly to a narrow grasp of legal adequacy of CEQA and NEPA documents and of their scope for analysis, DWR and the Lead Agencies fail to provide an adequate antidegradation analysis of the California WaterFix project in the Final EIR/ EIS. Certification of the Final EIR/EIS should be withheld until such an analysis is prepared and included in this document. To wait and do them in “later stages of regulatory agency review and permitting of changes to the CVP and SWP water rights orders, or other regulatory actions,” is failure to inform the public and decision makers in a timely fashion.</p>	
Environmental Water Caucus	13	<p>Microcystis and Harmful Algal Blooms</p> <p><i>Page 1-136:5-39: “Alternative 4A would not be expected to substantially increase the frequency or geographic extent of Microcystis blooms in the Delta, relative to what would occur under the No Action Alternative.</i></p> <p><i>(35-39): “To ensure project operations do not create increased Microcystis blooms in the Delta, water flow through Delta channels would be managed through real-time operations, particularly the balancing of the north and south Delta diversions. By operating the south Delta pumps more frequently during periods conducive to increased Microcystis blooms, residence times could be substantially reduced when necessary.”</i></p> <p>This specific passage strains credulity as to how the Lead Agencies consider they will mitigate the potential for harmful algal blooms during dry seasons when the Delta has become more vulnerable to their occurrence. Tunnels operation will demonstrably lead to reduced flows throughout the western, central and south Delta. This passage suggests that DWR and the Bureau could operate the Delta export pumps in such a way as to reduce residence time and “mitigate” harmful algal blooms when the conditions conducive to their growth align. Does that mean the two pumping plants will increase pumping to increase flow in the south and central Delta when blooms grow? Or does it mean that they will increase reservoir releases to increase flushing inflows into and through the Delta so as to eliminate the threat of harmful algal blooms when they occur? Both? How will that occur while still complying with Export to Inflow ratios that apply, or Delta outflow requirements, or interior south Delta salinity objective compliance? Either option poses significant conflicts on the one hand with fishery agencies and environmentalists striving to protect fish populations in the Delta from the worst effects of Delta exports; or on the other hand “wasting” reservoir releases to San Francisco Bay and the Pacific Ocean to eliminate HAB threats in the Delta rather than provide export flows to thirsty irrigators and export-dependent urban regions. These conditions generally happen in the dry summer months of otherwise dry or droughty water years. Because neither of these options is seriously analyzed in Master Response 14 or elsewhere in the EIR/EIS, it appears to the Environmental Water Caucus that the underlying message of lines 35-39 here is simply “trust us.” But “trust us” has never been allowed under CEQA or NEPA as serious and adequate mitigation measures for substantive environmental impacts.</p>	<p>This comment does not provide new significant environmental information or raise a new issue regarding Microcystis impacts that was not addressed in the Final EIR/EIS. Multiple commenters raised concerns regarding microcystis. This commenter raised microcystis concerns in previous letters as well (DEIRS 778, RECIRC 465, RECIRC 650, RECIRC 2145, RECIRC 2641, RECIRC 2653) which were responded to within the Final EIR/EIS. As a result of the number of comments received regarding this topic, Master Response 14 was circulated in the Final EIR/EIS to address these concerns. Since preparation of the Final EIR/EIS, additional analysis has been conducted for the Change in Point of Diversion Petition process, which also confirms the conclusions in the Final EIR/EIS regarding effects of the project on Microcystis in the Delta. The Final EIR/EIS states that the residence time would be managed through balancing north and south Delta diversions. Additional reservoir releases that are mentioned in the comment are not identified in the analysis.</p>
Environmental Water Caucus	14	<p>Master Response 19: Climate Change and Greenhouse Gas Emissions</p> <p>EWC incorporates in full the content of the case in chief submitted to the California WaterFix change petition proceeding before the State Water Board by the Pacific Coast Federation of Fishermen’s Associations/Institute for Fishery Resources concerning climate change modeling and effects. See Attachment 3 for specific citations.</p>	<p>This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p> <p>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.</p>
Environmental	15	<p>Master Response 26: Area of Origin and Other Legal Water Users</p>	<p>This comment requests a citation for an area of origin law and provides alternative</p>

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Water Caucus		<p>Area-of-Origin Protections</p> <p>This portion of Master Response 26 mentions three area-of-origin laws in California by name, but a fourth is anonymous, mentioned only as having been enacted in 1984. We ask that DWR disclose to which statute this refers (p. 1-253, lines 2-4)</p> <p>This section also cites Tehama-Colusa Canal Authority v. U.S. Department of the Interior (819 F.Supp.2d 956, and 721 F.3d (9th Cir. 2013)) as representing more of a limitation on area-of-origin water rights than it may actually be. This discussion (p. 1-253:5-16) fails to mention that the courts found that Tehama-Colusa Canal Authority had contracted away its area-of-origin water rights when it executed a water service contract with the Bureau of Reclamation for water deliveries in Tehama-Colusa Canal. Having contracted its area-of origin rights away, the courts found that stored water is thus allocated based on the status of such contracts within Central Valley Project operations. But other parties in areas of origin for source waters of the state and federal water projects have not contracted away their area of origin rights.</p> <p><i>Page 1-253:17-22: "No measures or operating assumptions for the proposed project would affect protections under area-of-origin laws regarding rights to source water. Additionally, the CALSIM II modeling performed for conveyance facility operations takes into account projected future demand for water supply in areas upstream of the Delta (as part of the future No Action baseline) prior to calculating proposed project diversion estimates to ensure that no area-of -origin protections or water rights are affected by project conveyance facilities." Any truth of this legal point derives only from its reliance on CalSIM II modeling results. Elsewhere, DWR consistently has said in the EIR/EIS as well as at the Change Petition Proceeding that it and the Bureau operate the state and federal water projects in real time based on a number of considerations, but that project operators do not use CalSIM II modeling to decide operations. Thus, this passage above means only that water rights in the Delta would not be harmed in the virtual world of CalSIM II modeling, and provides no practical or genuine assurances that Delta beneficial uses of water would not be impaired by operation of new diversions in the north Delta.</i></p>	<p>interpretations for case law cited in Master Response 26. Master Response 26 was not intended to be a legal briefing of the area of origin issue. No new environmental issues are included in this comment.</p>
Environmental Water Caucus	16	<p><i>Page 1-253:23-28: "...the proposed project would not change current regulatory requirements that protect the beneficial use of water. When exporting water fro the Delta, DWR and Reclamation must comply with all current state and federal regulatory requirements in effect at the time of the export pumping, including numerous environmental standards, laws, and regulations relating to Delta inflow and outflow, Delta water quality, fish protection, environmental needs, water rights, and the needs of other users, including in-Delta users."</i></p> <p>Again, this statement is prospective rather than an assessment of how the Tunnels project would be operated in real-time. It is also based upon long-term annual and monthly averages, rather than highlighting more fine grained daily flow, stage, and salinity changes associated with modeled Tunnels project operations. Testimony and exhibits prepared by the Sacramento Valley Water Users (on upstream reservoir operations), East Bay Municipal Utilities District (on reverse flows), San Joaquin County, and South Delta Water Agency et al, presented analyses of CalSIM II modeling results made available to the proceeding by DWR reveal that more fine-grained daily flow, stage, and salinity changes would likely injure in-Delta water users.</p> <p>This passage also fails to take account of State Water Board considerations of flow increases</p>	<p>This comment is an opinion that Delta water users would be injured from operation of the CWF in contrast to the discussion in Master Response 26 and State Board testimony that legal users of water would not be injured by CWF operations. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p> <p>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.</p>

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		<p>called for or expected from in Phases 1 and 2 of the Board’s Bay-Delta water quality control plan update.</p> <p>The 1959 Delta Protection Act addresses “area-of-origin” water rights but also “beneficial use” as a concept applicable to Delta water use. The needs of Delta water beneficial users take priority under the Act over exports. These beneficial users can and should be reasonably interpreted, in the absence of any other definition, as those regulated in the State Water Board’s Bay-Delta Water Quality Control Plan, human and non-human alike, and for which demand should be estimated every year as part of water project delivery planning and operations.</p>	
Environmental Water Caucus	17	<p>Master Response 27: Environmental Justice</p> <p>Coordination with Environmental Justice Communities During the California WaterFix Planning Process</p> <p>See the incorporated testimony to the Change Petition Proceeding from Barbara Barrigan-Parrilla, executive director of Restore the Delta. Her testimony directly responds to Master Response 27 (pp. 1-254 to 1-256, points 1 through 6). While BDCP and California WaterFix public meetings were convened and an “environmental justice survey” was prepared, actual organized engagement with members of environmental justice communities in and around the Delta region was missing and would have required far greater effort by the Lead Agencies. They did not muster that effort. Ms. Barrigan-Parrilla’s incorporated testimony and exhibits address with personal experience, census and other data analysis, the location and make-up of environmental justice communities based on race and ethnic categories; poverty and income; and populations facing language barriers. In addition to identifying these populations in more geographic detail, her testimony also gives greater setting context to what these populations are up against: economic distress, food deserts, threats to drinking water quality (from both surface and groundwater sources), an epidemic of obesity, and rising costs of drinking water. None of these issues are recognized in the BDCP/California WaterFix Final EIR/EIS. Finally, her testimony details numerous shortcomings with DWR’s Environmental Justice Survey effort and report.</p> <p>Among the economically distressed cities in California during 2016, Stockton and its environmental justice communities rank first in the state and sixth nationally in economic distress. The Tunnels EIR/EIS fails to capture these facts. The city and several of its zip codes have high rates of adults with only high school educations, high vacancy rates, low labor force participation, and declining job growth and business starts. Many residents of Stockton rely for a portion of their weekly diets on subsistence fishing to supplement what they can afford to buy for food.</p> <p>In sum, we are deeply concerned that the Lead Agencies have failed to demonstrate that the Tunnels project would not cause direct significant economic impacts on the environmental justice communities of the Delta region, particularly in San Joaquin County communities, which comprise the largest geographical portion of the legal Delta. This is because Chapter 28 of the Final EIR/EIS obscures the setting, thus diffusing project environmental justice effects. These communities depend on access to a safe, good quality drinking water supply and on consumption of local fish. They recreate in Delta waters, the quality of which may be threatened in future summers with more frequent outbreaks of harmful algal blooms. These are all critical components of an accessible environment and healthy diet for economically</p>	<p>This comment asserts that the Environmental Justice analysis is inadequate and identifies deficiencies. Chapter 28 provides in great detail the potential effects on environmental justice populations and identifies potential effects. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p>

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Environmental Water Caucus	18	<p>disadvantaged communities. As such they should not be put further at risk.</p> <p>Master Response 31: BDCP/California WaterFix and 2009 Delta Reform Act</p> <p><i>Page 1-274:21-29: “The Delta Plan is currently the subject of ongoing litigation that would affect the its [sic] policies and recommendations or interpretation of the Delta Reform Act. On June 24, 2016, Sacramento Superior Court Judge Michael P. Kenny ruled the Delta Plan invalid [citation], pending the DSC’s remedying certain deficiencies identified in his ruling. Subsequently, the DSC filed notices of appeal in the four coordinated cases where petitioners prevailed in part. Those notices automatically stay the effect of Judge Kenny’s ruling, leaving the Delta Plan in place pending the outcome of the appeals in the coordinated cases. Thus, the Delta Plan and the DSC’s consistency certification process may undergo changes depending on the outcome of the litigation, including the resolution of all appeals.”</i></p> <p>Master Response 31 fails to state precisely the grounds Judge Kenny gives in his decision for invalidating the Delta Plan. The deficiencies of the Delta Plan lay primarily in its failure to set forth performance measures for a variety of Delta Plan policies, including flow criteria, reduced Delta reliance, and several other areas where quantified objectives and criteria should have been included in the Plan, but were not.</p>	<p>This comment is a suggestion that additional details about Judge Kenny’s Delta Plan ruling should have been included in the Master Response 31. No new environmental issues are raised in this comment.</p>
Environmental Water Caucus	19	<p>Responses to Comments by Specific Issue Raised</p> <p><i>Page 1-275: 29-34: “Some commenters suggest that neither the BDCP nor the California WaterFix are consistent with the coequal goals for the Delta, and therefore cannot be approved. There is no requirement in state law that the project achieve the coequal goals. Nevertheless, both the BDCP and California WaterFix would advance the coequal goals, consistent with state policy.” [Emphasis added.]</i></p> <p>Here, Lead Agencies stubbornly continue to read applicable state laws narrowly and in isolation rather than as part of an integrated, whole legislative program.</p> <p>Take for example, “There is no requirement in state law that the project achieve the coequal goals.” The coequal goals are a matter of state policy in the Delta legislation for 2009, and the term “coequal goals” finds its definition in the Delta Reform Act of 2009. The coequal goals are also referred to in the “Delta Policies” section, which provides a number of objectives by which state agencies (“it is the policy of the state of California to...”) are to work toward, to strive to achieve.</p> <p>Why would the Legislature set goals for our state agencies if the Legislature does not intend its executive departments to work towards achieving them? Consequently, we regard the Lead Agencies’ statement above in bold to be cynical: “You didn’t say we had to...” implying that the Lead Agencies will decline to try to meet these goals and comply with these Delta policies. Moreover, Master Response 31 also does not acknowledge that the objectives of Water Code Section 85020 state only “improve conveyance” not increase conveyance capacity, which is what the Tunnels (as either BDCP or California WaterFix) would do if constructed and operated, as discussed above under Master Response 3.</p>	<p>This comment is an opinion about interpretation of the Delta Reform Act and CWF requirements to address state policy. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p>
Environmental Water Caucus	20	<p><i>Page 1-277: 11-17: “Under Section 85021, it is the obligation of each region that relies on water from the Delta watershed, not DWR or the Bureau of Reclamation, to determine the best ways to meet this goal by improving regional self-reliance. Neither DWR nor any of the public water agency proponents of the proposed project have the legal authority or duty to</i></p>	<p>This is a legal comment about DPA Section 85021 indicating general disagreement with lead agency interpretation. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p>

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		<p><i>impose a statewide investment strategy on different regions of the state or individual water suppliers that depend on water from the Delta watershed. In addition, DWR lacks any legal authority or duty to make and implement localized decisions about water technology investments, to develop and impose investments for new water supply projects that serve particular geographic regions, or to mandate coordinated efforts among local and regional water suppliers.”</i></p> <p>In Master Response 31, DWR and the Bureau reject accepting any responsibility for enforcing Water Code Section 85021’s state mandate to reduce reliance on the Delta for California’s future water needs. This is a clear abuse of agency discretion. DWR is a state agency that owns and operates the State Water Project, and administers contracts for water service from the Project serving northern and southern California regions reliant on the Delta. As a state agency, it is responsible for enforcing the mandate to reduce Delta reliance by aligning its water service contracts and allocations of the State Water Project with Water Code Section 85021. The Bureau has similar capacity with respect to its owning, operating and administering contracts for water service within the service area of the Central Valley Project. The Bureau also has a duty laid out for it in the National Reclamation Act of 1902 to comply with state water laws in which the Bureau operates. This congressionally-mandated duty includes compliance with the Delta policies of the Delta Reform Act of 2009, including reducing Delta reliance. Master Response 31 also fails to accurately represent the verbatim language of Water Code Section 85021. This section is silent on whether any water agency has specific obligations under the law to achieve reduced Delta reliance. DWR construes this to mean that it and the Bureau have no responsibility for stimulating local and regional self-sufficiency in water supply separate from Delta reliance. Master Response 31 would let DWR and the Bureau continue to operate their projects without regard to the statutory command to reduce Delta reliance. A more logical and reasonable interpretation of 85021—consistent with this command—is that all state agencies should determine what authorities and funding they do have and apply them toward enforcing, encouraging, and assisting local and regional agencies with meeting the requirements of this section of the Delta Reform Act. We think that the contracting authorities of both DWR and Reclamation are sufficient to accomplish such changes as are required by the State Legislature to California water law.</p>	
Environmental Water Caucus	21	<p>But, like Bartleby, once again, DWR (and apparently Reclamation) would prefer not to. They want to construct and operate a massive conveyance project without any responsibility for meeting legal requirements in the Delta policies imposed by the State Legislature and enacted by the Governor of California in 2009.</p> <p>One of the purposes of the Tunnels Project—in either its BDCP or California WaterFix forms—is to maintain Delta exports while increasing water supply reliability of the state and federal water projects that export from the Delta. This purpose is, on its face, contrary to Water Code Section 85021 of the Delta Reform Act, which commands that reliance on the Delta for California’s future water needs be reduced.</p>	This is a legal comment about DPA Section 85021 indicating general disagreement with lead agency interpretation. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.
Environmental Water Caucus	22	<p>Master Response 32: Water Rights Compliance Issues for California WaterFix</p> <p>This master response (pages 1-280 to 1-285) describes in some detail the water rights associated with the state and federal water systems operating in and upstream of the Delta. It also describes hydrologic factors that influence salinity control in the Delta (inflows, net Delta outflow, exports, net in-Delta channel depletions for consumptive use, and tidal flux). All of this is material that should have been in the Draft EIR/EIS and/or the Recirculated Draft EIR/EIS. Master Response 32 also reiterates the Lead Agencies’ contention that the California</p>	This comment is a legal interpretation asserting the CWF would involve a new water right and the change petition should be withdrawn. No additional environmental issues are raised in this comment.

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		<p>WaterFix project's water rights need only be changed; the proposed project, they say, can and should be treated as a mere change in the point of diversion for state and federal project water rights permits, not as a new water right.</p> <p>We attach and incorporate the testimony and exhibits of Tim Stroshane, policy analyst with Restore the Delta, submitted to the State Water Board for the California WaterFix change petition proceeding. His testimony addresses the question posed by the State Water Resources Control Board, does the proposed change petition for California WaterFix in effect initiate a new water right? Mr. Stroshane argues that it does, and backs up his argument with a number of exhibits.</p> <p>Mr. Stroshane's testimony argues that the proposed project needs a new water right because:</p> <ol style="list-style-type: none"> <li>1) The three new points of diversion (see Page 1-114, lines 5-8 of the Master Responses in Volume 2 of the Final EIR/EIS) are not the same as the existing DWR water right permit that contains a single diversion at Hood;</li> <li>2) The single point of diversion at Hood was the basis for the Peripheral Canal proposal that was defeated by the California electorate in 1982. As a consequence, the diversion point at Hood has not complied with due diligence requirements of California prior appropriation doctrine;</li> <li>3) The existing water right permits are expired and should be licensed, since the rest of the facilities in the water right permits are completed and putting water to beneficial use;</li> <li>4) Consequently, the California WaterFix diversion points should be the subject of a new water right application with a priority date of when this new application is filed; and</li> <li>5) Finally, the nature of the diversion points for California WaterFix would take water out of Delta channels and isolate it from through-Delta flow, resulting in depletions in a different part of the Delta than now occurs. This too is a distinct difference in the nature of the diversion originally included in the state water right permits and therefore requires a new application to appropriate.</li> </ol> <p>In sum, the change petition should be withdrawn, and the Lead Agencies should file a new water right application, if the project is to move forward.</p>	
Environmental Water Caucus	23	<p>Master Response 33: Adaptive Management and Monitoring</p> <p>This master response treats adaptive management as isolated from key problems to which adaptive management scientific studies and monitoring efforts should be attached. At this time (January 2017) there remains no coherent adaptive management and monitoring program yet available for public review after 11 years of conveyance project planning. We are told in Master Response 33 that "A framework for the Adaptive Management and Monitoring Program is presented in Chapter 3, Description of Alternatives, and a final Adaptive Management and Monitoring Program plan document and/or Memorandum of Agreement will be completed and made available as part of the California WaterFix BiOps and prior to the Record of Decision." A framework is not a program. This release is still at least three months away.</p> <p>The Lead Agencies have made it clear that the actual proposed project would not be operated according to model algorithms or results. Instead, they would operate the Tunnels system in real time in coordination with the rest of both the Central Valley Project and State Water Project. But that takes having a considerable, well-understood scientific basis for</p>	This is a statement about CWF adaptive management and operations. No new environmental issues are raised in this comment.

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		<p>doing so, in a manner that enables project operators to avoid environmental, ecological and physical impacts of Tunnels operation. Otherwise, in the absence of having that understanding, the Tunnels would be operated according to essentially a trial-and-error approach. This is why “initial operating criteria” are used for modeling the project—they allow for the start of operations, as well as the need to change operations should bad environmental or other effects emerge with time and experience.</p> <p>Trial, error, new trial. That’s the process the California WaterFix poses now.</p>	
Environmental Water Caucus	24	<p>Apart from the lengthy delays associated with adaptive management planning for the California WaterFix project, we reiterate our EWC statement in October 2015 that:</p> <p>Given that the adaptive management research agenda of Appendix D to the RDEIR/SDEIS is replete with large numbers of studies to increase understanding of the water project and ecosystem interrelationships, EWC lacks confidence that [real-time operation’s] silver bullet role would succeed. Moreover, this is not the kind of “experiment” that is called for in the literature of adaptive management of natural resources. Even more important it is unlawful as a basis for mitigating significant, unavoidable impacts under CEQA and NEPA. For example, real-time operations and modeling were employed in 2014 and 2015 along the upper Sacramento River by the Bureau of Reclamation to manage and control temperature conditions, but failed to prevent large scale losses of winter-run and spring-run Chinook salmon while SWRCB staff and officials could only stand by helplessly. Real-time operations can create situations in which project operators can behave as they see fit, and apologize later. That is unacceptable now that listed fish species are so close to extinction. We doubt that real-time operations can be permitted sufficient margins of error to prevent catastrophe. This is why we advocate application of the precautionary principle for enforcing and complying with water quality objectives.</p> <p>Adjustments to water quality flow objectives and beneficial uses should err on the side of precaution. Designated beneficial uses should be protected as required under the [Clean Water Act] and its implementing regulations. The most sensitive of them will be endangered further by Tunnels project operating criteria that reduce and reverse Sacramento River flows, and bring more polluted San Joaquin River water to Delta channels. The precautionary principle must come to the fore in state and federal fisheries and water project operations management. Sound policy preventing extinction and restoring and enhancing the integrity of Bay-Delta Estuary waters must come before new plumbing and south of Delta export deliveries.</p> <p>This is not a call to end south of Delta exports, but an appeal to state and federal officials that they realistically assess how to protect fully all beneficial uses by protecting the most sensitive among them fully under the CWA before reasonable quantities of Delta exports can be determined and permitted. The Tunnels Project as proposed would put plumbing and exports first, which is neither an acceptable, lawful nor reasonable prioritization.</p> <p>The Adaptive Management and Monitoring framework that DWR put forward as part of its case in chief in the change petition proceeding was devoid of specific proposals for experimental studies and monitoring programs that would address the real time operational needs for scientific understanding that a project of such complexity as the California WaterFix Tunnels would require. This is deeply troubling. The Environmental Water Caucus has only very low confidence in the Lead Agencies’ capacity to produce an adequate adaptive</p>	<p>This comment is an opinion about EWC’s confidence about real time operations ability to protect listed fish species and beneficial uses. No new environmental issues are raised in this comment.</p>

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		management program for California WaterFix in a timely fashion and which would increase public confidence in their ability to operate a Tunnels project that would have only the most limited environmental effects.	
Environmental Water Caucus	25	Master Response 33 continues California WaterFix’s tradition of speaking of adaptive management and monitoring in blythe generalities rather than offering summaries of specific research areas that would have to be applied to construction period and early operational life of the California WaterFix project. Currently, this response only addresses broad research scope topics, as well as general organizational coordination issues. After 11 years of BDCP and California WaterFix planning, this is all the Lead Agencies have? It is all the more disturbing that “adaptive management” is what the Lead Agencies resort to for coping with or reducing significant unavoidable impacts of the proposed project which have no known mitigation. We are concerned that this corrupts adaptive management from something that should inform the design and operation of a proposed Tunnels project to a program that is intended to yield study results that comport with a predetermined design and operational program for it—or worse, scientific results that ratify operations after final damage to endangered species is a fait accompli. The message of the Lead Agencies continues to be: “Trust us.” We don’t and we won’t.	This comment is an opinion about the on-going development and content of the Adaptive Management Program and a legal argument about relying on adaptive management to reduce significant impacts. No additional environmental issues are raised in this comment.
Environmental Water Caucus	26	<p>Master Response 36: California WaterFix versus the Peripheral Canal</p> <p>The Lead Agencies apparently prepared this master response to highlight differences between the earlier Peripheral Canal proposal and the present California WaterFix proposal. While we are perplexed as to why this response was prepared, the decision by the Lead Agencies to discuss such a comparison is intriguing and unique.</p> <p>The three main differences described in the comparison are for goals, approaches and new information; facilities and footprint differences; and operations and adaptive management.</p> <p>Master Response 36 omits critical facts in this comparison. While it is true that state fisheries biologists supported such a canal as a way to eliminate the adverse environmental effects of south Delta export pumping, it is also true that other supporters of the canal also wanted improvements in export water quality—specifically, the lower salinity supplies available from the Sacramento River by the Hood diversion directly conveyed without mixing in the present through-Delta method of conveyance—that would come with construction and operation of a Peripheral Canal (page 1-309:10-12). This significant change in export water quality carries a direct likeness to the proposed California WaterFix project, a likeness that comes at the expense of the rest of the Delta’s in-channel water quality.</p>	This is a general comment that the peripheral canal and CWF would have adverse effects on Delta Water Quality. No new issues that are not discussed in Chapter 8, Water Quality, Final EIR/EIS are presented in this comment.
Environmental Water Caucus	27	The next paragraph erroneously states that “the proposed [California WaterFix] project is similar in that it proposes conveying water from a diversion point located in the north Delta to the existing CVP and SWP pumps located in the south Delta” (page 1-309:14-16). This sentence erroneously states that the proposed project would have a single diversion point in the north Delta, when the proposed project has since 2012 been described as having three separate north Delta diversion points. This error is later corrected on the next page where it states: “Relative to the Peripheral Canal with 23,300 cfs maximum diversion, the proposed project (Alternative 4A) would include three smaller intakes with a total maximum diversion capacity of 9,000 cfs...” (page 1-310:3-5). Please correct this error in an errata document issued to the public immediately.	The sentence has been revised via an errata to read, “The proposed project is similar in that it proposes conveying water from a <del>diversion point located in the north Delta</del> to the existing CVP and SWP pumps located in the south Delta.”



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Environmental Water Caucus	28	<p>What state fisheries biologists saw in the proposed Peripheral Canal facilities was a series of “release facilities” dotting the Canal’s alignment. (See attached map.) After initial diversion of flows at Hood for export, portions of these exported flows would be released along the eastern periphery of the Delta to supplement the flows of various sloughs and rivers like the San Joaquin. It is doubtful that these release points would have mitigated the effect of the Peripheral Canal being operated to divert “up to 9 million acre-feet of water per year at full development” at a rate of 23,000 cubic feet per second, as Master Response 36 states (page 1-310:15-16). Our point here is that these “release facility” design elements would have had operational criteria associated with them, contrary to Master Response 36’s statement that “While the Peripheral Canal would have been operated to meet water quality criteria, it did not include operational provisions explicitly intended to reduce effects on fish species” (page 1-310:17-19).</p> <p>This comparison is probably provided to make readers feel better about the California WaterFix, given the massive supplies of fresh water from the Delta the Peripheral Canal would have diverted. However, both projects are sow’s ears (and worse), both bad when compared with other more reasonable alternative paths to increased water supply reliability that do not rely on changes in Delta conveyance and export methods.</p>	This comment is an opinion that CWF and the peripheral canal are not good alternatives for the Delta. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.
Environmental Water Caucus	29	<p>Master Response 41: Transparency and Public Involvement</p> <p>The public process that the Lead Agencies created for BDCP and the California WaterFix have been far more about style and appearance than substance. A few examples should suffice. First, the myriad public meetings and workshops involved little or no outreach to environmental justice communities. The Lead Agencies reached out to known water-oriented communities while making little effort to actualize an environmental justice outreach plan they had formulated early in their process. (See Barbara Barrigan-Parrilla’s Testimony, attached.)</p> <p>Second, the Environmental Justice Community Survey acknowledged that it lacked a sound scientific methodology, yet DWR has relied on this survey to pass off lackluster analysis of environmental justice issues in Chapter 28 of the Final EIR/EIS.</p> <p>Third, Master Response 41 states that, “After the conclusion of scoping under CEQA and NEPA and prior to the release of BDCP and associated Draft EIR/EIS for public review and comment, the lead agencies sought to ensure transparency and public access throughout the interim planning years (2009-2013) by hosting public meetings, steering committee meetings, working group meetings and publication of preliminary and administrative drafts of both the BDCP and the EIR/EIS for informal public review online” (page 1-333:6-11).</p> <p>This period indeed saw the most transparency and public access to ideas and concerns about the proposed project; but it was also the least consequential period because no firm project concept was yet chosen for commenters to react to with substantive review and evaluation.</p>	This comment is a summary of deficiencies in the public involvement process, including environmental justice community outreach. No new environmental issues are identified in this comment.
Environmental Water Caucus	30	<p>The more consequential period for public process occurred once the Tunnels Project in BDCP was chosen as the initial preferred alternative in July 2012. This period was followed by closure and redesign of the Bay Delta Conservation Plan web site when the Draft EIR/EIS was released for public review at the end of 2012. Thereafter, all comments on the Draft EIR/EIS were held from public scrutiny. A project of such statewide importance as this one should have retained the transparency and public access to commentary on the proposed project, since it was the proposed project in the Draft EIR/EIS that mattered. This practice of</p>	This comment is an overview of deficiencies of the public review and outreach process. No new environmental issues are identified in this comment.

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		<p>withholding public comments from transparent sharing and scrutiny by any other party continued all the way through the closure of the public review period on the Recirculated Draft EIR/Supplemental Draft EIS in October 2015. Public comments on the Draft EIR/EIS were eventually obtained only after Friends of the River submitted a Public Act Request for their disclosure by DWR.</p> <p>Early on, the Lead Agencies attempted to be transparent. But as we see it, when they grew too uneasy with the volume and extent of substantive critical comments they faced, they ended their efforts in digital democracy. They not only jettisoned the habitat conservation plan component of the original project, they altered the conveyance proposal as well in response, from Conservation Measure 1 in BDCP to the California WaterFix.</p>	
Environmental Water Caucus	31	<p>Master Response 43: Water Transfers</p> <p><i>Page 1-338:22-40: "Beyond those currently expected to occur, water transfers are not proposed as part of the operations of the California WaterFix Project; neither the proposed project nor alternatives are expected to impact existing and future levels of water transfers..."</i></p> <p>The Tunnels project has always had the unstated purpose of increasing the capacity of the state and federal water projects to convey water transfers in dry years by giving the projects the ability to bypass Delta mixing with salt water. This is a significant obfuscation for the public by the Lead Agencies. This purpose does not fit so well with their talking points that seek to stifle and block critical thinking about the Tunnels project.</p>	<p>This is a general disagreement about the purpose of CWF to facilitate water transfers. No new environmental issues are identified in this comment.</p>
Environmental Water Caucus	32	<p><i>Page 1-338:31-40: "The Final EIR/EIS anticipates that compared to existing conditions, upstream Delta [sic] consumptive water use will increase in the future with or without the California WaterFix facilities, which will likely result in less water available for SWP and Central Valley Project (CVP) deliveries. This in turn could result in an increase in demand for water transfers from SWP/CVP contractors south of the Delta from sellers north-of-the-Delta. However, the increase in transfer demand under the No Action Alternative could be offset by increases in flexibility of SWP/CVP deliveries with the construction of the California WaterFix facilities, depending on specific operations and water year types. As a result, transfer abilities could improve, independent of the south- of-Delta transfer demand because of the new transfer capacity provided by the California WaterFix facilities and the removal of certain timing constraints limiting transfers."</i></p> <p>We incorporate and attach the October 30, 2015 comments of AquAlliance into this letter as representing those of EWC.</p> <p>The phrase "transfer abilities could improve" really means that water transfers could "increase" in the future with construction and operation of the Tunnels project. This seeks to divert readers from the likelihood that adding Tunnels capacity increases pressure for and ability to conduct water transfers. You don't build a massive and expensive new tunnels project to move water and then not use it as much as possible.</p> <p>Currently, when transfers occur, they are routed through the Delta, and contribute freshwater flows to the Delta typically during the irrigation season. They also contribute their fair share of the salinity-controlling hydraulic barrier that enables through Delta conveyance to the south Delta export pumps to work.</p>	<p>This commenter raised water transfer concerns in previous letters as well (DEIRS 778, RECIRC 2653). As described in Chapter 3, Description of Alternatives, of the Final EIR/EIS, the action alternatives considered in the EIR/EIS do not include specific water transfers. The Final EIR/EIS acknowledges that water transfers would continue in a similar manner as historic transfers and in accordance with State and Federal laws and regulations. The Final EIR/EIS also acknowledges that the use of water transfers between agencies could increase in the future as SWP, CVP, and other surface water supplies are reduced due to climate change, sea level rise, and increased water demand in the Delta watershed, as described in Appendix 1E and Appendix 5D of the Final EIR/EIS. Because specific agreements have not been identified for water transfers and other non-project voluntary water market transactions, project level analysis of impacts upstream of the Delta or in the Delta is highly speculative and future water transfers will require separate approvals. As described in Appendix 5A, Section B, salinity management in the Delta would continue under the action alternatives and the No Action Alternative, including releases of freshwater from SWP and CVP reservoirs to maintain regulated water quality criteria caused by the Project or sea level rise.</p> <p>No additional analysis or specific environmental issues are presented in this comment.</p>

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		<p>Increasing Delta conveyance capacity using the Tunnels would reduce, if not eliminate, the need for DWR and the Bureau to incorporate “carriage water” adjustments to transfer amounts in order to ensure that water added to the Delta common pool makes enough of a contribution to salinity control without causing the transferred water to be mixed with more saline tidal flows in Delta channels.</p> <p>With the Tunnels, those through-Delta flows would no longer occur at times when water transfers would occur. Water quality of the transfer water delivered for export would improve at the north Delta diversions, but transfer activity would no longer provide ancillary flow benefits to the rest of the Delta.</p>	
Environmental Water Caucus	33	<p><i>Page 1-340: “Practical considerations also made a project-level analysis of actual future transfers very difficult and perhaps impossible, to accomplish, as any attempt to determine the actual sources of water that would be used for particular future transfers would necessarily be speculative at this time. Which entities, if any, may be willing to act as sellers for water transfers in a particular year in the future is uncertain because sellers may need to use the water themselves or may not have water available to transfer. Moreover, their interest in selling is likely to be contingent on the price and the hydrologic and regulatory conditions existing at the time, which are variable and uncertain. Likewise, buyers’ interest in participating in transfers in any given year is dependent in large part on price, water supply conditions, and cross-Delta conveyance availability. Estimating the exact sources and amounts of water that would actually be provided by willing sellers in any future year would thus be speculative. In addition, the environmental conditions and regulatory requirements in effect at the time any new California WaterFix facilities in the north Delta become operative may differ at that future time as well. Taken together, these variables make project-level analysis of water transfers impractical.”</i></p> <p>Impracticality is in the eye of the beholder. The Lead Agencies would (yes, like Bartleby) simply prefer not to analyze the degree to which addition of Tunnels conveyance capacity under the Delta would influence the activity of a water transfer market. Water transfers simply do not fit the Lead Agencies preferred happy talk about the environmental benefits of its massive tunnels project.</p> <p>The analytic variables to which they point as involving excessive speculative complexity—price of water, price of crops that willing sellers in the Sacramento Valley grow; the hydrologic, water supply, and regulatory conditions that go into whether a water transfer market is triggered in any given year—are all susceptible of hydrologic and economic modeling. The Delta Economic Sustainability Plan of 2011 incorporated a multinomial logic model to simulate how farmers make cropping decisions based in part on water supply and quality conditions (which in Delta channels are closely related), as well as other factors like crop price, hydrologic conditions, and other factors of production. How a water transfer market forms when contractual deliveries suffer in dry years is readily susceptible of modeling with not a lot more complexity than was employed for the Delta Economic Sustainability Plan, had the Lead Agencies deemed it an analytic priority.</p> <p>We incorporate testimony and exhibits of Michael Machado, representing Restore the Delta, to document such modeling analysis for the record.</p> <p>Such similar modeling was not performed by the Lead Agencies, likely because “impractical” means that a conveyance facility whose purpose included making water transfers easier is</p>	<p>This comment suggests that project-level water transfer analysis is not speculative and could have been performed using economic modeling.</p> <p>The EIR/EIS acknowledges that water transfers would continue in a similar manner as historic transfers and in accordance with State and Federal laws and regulations. Because specific agreements have not been identified for water transfers and other non-project voluntary water market transactions, project level analysis of impacts upstream of the Delta is highly speculative and this EIR/EIS does not constitute the CEQA/NEPA coverage required for any specific transaction. Rather, it provides an analysis of how transfers relate to the BDCP facilities. As indicated in Appendix 5D, the analyses are conservative because it is not known if adequate water would be available from other water users for transfer. As shown in Table 5D-8, the maximum cross-Delta transfers under Alternatives 1 through 9 would be greatest under Alternative 8 because there would be the most available capacity. Any future water transfers will require separate approvals. The analysis of any potential upstream impacts is not a part of this EIR/EIS and must be covered pursuant to separate laws and regulations once the specific transfer has been proposed.</p> <p>This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p>

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		not such a sympathetic purpose for a massive public infrastructure investment for public viewing. But the element of alleged speculation on water transfer effects could be overcome through methodical scenario design and analysis for modeling use.	
Environmental Water Caucus	34	<p><i>Page 1-342:9-11: "In addition, Water Code Section 1810 provides that available unused capacity in any regional or local publicly owned water conveyance facilities, including in the California Aqueduct, must be made available for bona fide transfers, provided fair compensation is paid."</i></p> <p>Given this legal requirement in the California Water Code, it becomes even more clear that the Tunnels' importance lies in increasing conveyance capacity so that during droughts there would be even more unused capacity to facilitate transfers than exists today. Such framing of the tunnels' image notwithstanding, the easier the state and federal government make it to use water transfers, the easier it will be for SWP and CVP water contractors to employ market forces to incentivize the destruction of Sacramento Valley rivers and aquifers for the benefit of supplying San Joaquin Valley growers and south-of Delta urban water contractors. In these regards, the Tunnels project is contrary to the Sustainable Groundwater Management Act of 2014.</p>	Please see comment 33. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.
Environmental Water Caucus	35	<p>Master Response 47: Drought and EIR/EIS Modeling</p> <p><i>Page 1-351:11-28: "The CALSIM II model cannot simulate specific operational decisions that occur in real-time to meet regulatory requirements, including real-time operational decisions to avoid exceeding applicable water quality standards. In addition, the CALSIM II model does not reflect emergency operational criteria such as those approved on a case-by-case basis by the State Water Resources Control Board...in response to Temporary Urgency Change Petitions (TUCPs) filed by the Bureau of Reclamation (Reclamation) and the Department of Water Resources (DWR) to address the drought emergency in 2014 and 2015...[I]t is not reasonably foreseeable how the various agencies will respond to future droughts, with or without the proposed project, because each drought is different in scope, location and severity, the regulatory setting is likely to be different, and new or altered infrastructure and improved scientific knowledge will all inform future responses to drought. However, the proposed project, the California WaterFix, is not expected to affect how frequently Reclamation and DWR may file TUCPs to address future drought conditions, so it has no impact relative to Existing Conditions in that regard.</i></p> <p><i>"Operational decisions modeled in CALSIM II are based upon monthly mathematical relationships that do not reflect real-time decisions that occur on a daily or weekly basis by SWP and CVP operations. Nor do they reflect operations approved under the TUCP Orders issued by the State Water Board for the 2014 and 2015 water years."</i></p> <p>We agree with this statement by the Lead Agencies. We agree in particular that modeling in the Final EIR/EIS does not reflect real-time operations of the water projects with the new Tunnels system. There should be some realistic, if qualitative, assessment by the Lead Agencies about what specific ways real-time operations would differ in drought years from modeled operations, and why such actions would be taken by project operators. With a project of such massive scale, magnitude, and duration, the absence of such an analysis is troubling, and raises questions about the role of real-time operations and adaptive management that are treated as "wild cards" the Lead Agencies employ to avoid mitigation of significant direct and indirect project impacts to fish, water quality, and the Delta economy.</p>	<p>This is a comment on modeling assumptions. The EIR/EIS and Biological Assessment are based upon a wide range of hydrologic conditions over an 82-year long hydrologic period with extended wet periods and dry/critical dry periods. The analyses were not conducted to evaluate operations during short-term emergency situations, such as during the recent drought. During the recent drought when Temporary Urgency Change Petitions were submitted to the SWRCB, separate NEPA and CEQA analyses and separate ESA consultations were conducted and submitted by DWR and Reclamation to the SWRCB. The same procedure would occur if future Temporary Urgency Change Petitions were submitted during future emergency situations. Therefore, this EIR/EIS and the associated Biological Assessment only addressed non-emergency operations of the SWP and CVP.</p> <p>This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p>

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		<p>We incorporate by reference the letter by California Water Research on this matter. CWR has been in the forefront of providing cogent evaluations of the limitations of CALSIM II as a modeling application for purposes of analyzing effects of California Water Fix and BDCP.</p>	
Environmental Water Caucus	36	<p><i>Page 1-351:33-40; 1-352:1-9: “Modeling of action alternatives and the No Action Alternative with projected climate change and sea level rise effects at 2025 and 2060 shows that changes in climate and sea level could result in “dead pool” conditions in SWP and CVP reservoirs upstream of the Delta under both the No Action Alternative as well as the action alternatives. [footnote defining “dead pool” as the surface elevation in a reservoir at which no more water can be drained by gravity through the reservoir’s outlet works.] The dead pool conditions presented in the CALSIM II model results in the Final EIR/EIS are based on modeled SWP and CVP water operations under current regulations, future demand assumptions, climate change and sea level rise. When system wide storage levels are at or near dead pool, also described as stressed water supply conditions, the CALSIM II model results should only be an indicator of stressed water supply conditions and should not be understood to reflect what would occur in the future under a given scenario. For instance there may be operational changes and physical solutions that could be implemented to avoid dead pool conditions, but the modeling does not assume such actions would occur because it is not known how regulatory agencies with jurisdiction over the CVP and SWP or other agencies that own and operate reservoirs will respond to climate change, sea level rise, and increased water demands.</i></p> <p><i>“Instead, consistent with the requirements in CEQA and NEPA to disclose and analyze the reasonable foreseeable project-specific and cumulative impacts of a project, the action alternatives evaluation is a comparative analysis to determine the incremental differences between conditions under the action alternatives and conditions under Existing Conditions and the No Action Alternative.”</i></p> <p>Master Response 47 asks readers to pay little attention to how bad these modeled results are, by suggesting that we, first, merely think of “dead pool” as “not dead pool” — they are instead opportunities by which real-time project operations would find other solutions to the conditions that face operators that would be less serious. At the same time, the Lead Agencies contend that “it is not known” or even speculative how regulators and operators would handle a given drought situation. Second, the Lead Agencies in Master Response 47 remind us that CALSIM II results should be treated as representing an analysis comparing scenarios rather than any sort of absolute set of results.</p> <p>It is not a matter of speculation how water regulators and project operators handle droughts in California. Droughts since the mid-1970s are a ready empirical basis by which scenarios could be developed that are reasonable and based on Lead Agencies’ direct experience. We understand that their actions may be contingent in real time and that determining real-time operations will depend on specific conditions. But broad regulator actions like implementing water conservation regulations and TUCPs are matter of recent and historical record across a range of timing, duration, and scope of drought experiences.</p> <p>The entire second section of Master Response 47 (entitled “Past Responses to Drought Emergencies...”) undermines this claim that modeling of emergency responses is speculative. This section goes into great detail about various actions taken in 1976-1977 and 1987-1992 by DWR and Reclamation, other state and federal agencies, state and federal water contractors, the legislature, the governor, and others, to address drought. It might be more</p>	<p>This is a comment on modeling assumptions. The CALSIM II model includes assumptions for long-term conditions of the SWP and CVP over an 82-year long hydrologic period with extended wet periods and dry/critical dry periods. The evaluation is a comparative analysis to determine the incremental differences between conditions under the action alternatives and conditions under the Existing Conditions and the No Action Alternative. The analyses were not conducted to identify specific values or to respond to short-term emergency situations, such as the ongoing drought. Separate engineering and environmental studies have been and will continue to be prepared when water quality criteria and other regulations are modified in emergencies. The No Action Alternative and all of the action alternatives include climate change and sea level rise assumptions. These changes would result in SWP and CVP operational conditions that generally would not occur because operators of the projects would make real-time decisions. For example, the “dead pool” conditions presented in the CALSIM II model results in the EIR/EIS are developed from calculated monthly average reservoir volumes. Because the model only calculates and reports SWP and CVP water operations at an average monthly basis, the model cannot simulate changes that occur on a weekly basis by water users and SWP and CVP operations. In addition, the model cannot make decisions that occur in real-time, such as drought operations during the ongoing drought. Instead the model includes average operating criteria for all dry periods, and does not reflect specific changes. The dead pool conditions occur in the No Action Alternative as compared to the Existing Conditions because the model includes changes in precipitation without making changes in water diversion patterns. As stated above, future environmental documentation would need to be completed for all changes in SWP and CVP operations in response to climate change or regulatory changes not analyzed under the action alternatives in this EIR/EIS.</p> <p>This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p>

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		<p>difficult than just letting Shasta, Oroville, Folsom, and/or New Melones go to dead pool in CALSIM II, but modelers could have been directed to develop a representative set of scenario conditions representing a composite of emergency responses that would have affected supply, demand, Delta rock barriers, conveyance timing and rate, and other parameters in CALSIM II. It is misleading and disingenuous to call it speculative.</p> <p>For lack of including a plausible composite of emergency responses to drought conditions into CALSIM II modeling, the comparative analysis unrealistically allowed modeling of major reservoirs in the state and federal water projects to go to dead pool during dry years. Comments from Sacramento Valley Water Users, and the California Water Impact Network, et al, make similar arguments. They have stated—and in the Sacramento Valley Water Users’ case produced alternative modeling assumptions and results—that unrealistic operational assumptions in the Lead Agencies modeling lead to inaccurate representations of operational outcomes in these major reservoirs.</p>	
Environmental Water Caucus	37	<p><i>Page 1-352:20-35: “There are many ways that drought can be defined. Some ways can be quantified, such as meteorological drought (period of below normal precipitation) or hydrologic drought (period of below average runoff); others are more qualitative in nature (shortage of water for a particular purpose). There is no universal definition of when a drought begins or ends, nor is there a state statutory process for defining or declaring drought.</i></p> <p><i>“Drought is a gradual phenomenon and can best be thought of as a condition of water shortage for a particular user in a particular location. Although persistent drought can be an emergency, it differs from other emergency events such as wildfires and floods insofar as droughts occur over a period of months or years. But as with any emergency, each one is different, and requires an individualized response to lessen the impacts of drought on fish, wildlife and human health and safety. As a result, there is no universal definition of when a drought begins or ends, and no set response for every drought. Drought impacts increase with the length of a drought, as annual carry-over storage in reservoirs decrease and water levels in groundwater basins decline. Droughts that have occurred throughout California’s history shape the ways in which DWR and Reclamation meet the needs of both public health standards and urban and agricultural water demand, as well as protecting the ecosystem and its inhabitants.”</i></p> <p>This part of Master Response 47 represents a vague attempt to define drought as an emergency, neglecting the hydrologic reality that drought recurs with great frequency in California. They can and should be planned for. Moreover, if they are planned for, they need never be emergencies, except in the most exceptional circumstances. This is why there have been calls to make water conservation regulations permanent—that we make conservation a way of life in California because of the specter of increased drought frequency under climate change.</p> <p>The operations of the State Water Project and Central Valley Project need to change so that they take better account of the frequency of drought. Past water management and allocation decisions by DWR and the Bureau have contributed to water supply shortages in historical and recent drought experience.</p> <p>Restore the Delta looked into various indicators of previous droughts (1976-1977, 1987-</p>	<p>This is a comment on modeling assumptions. The CALSIM II model includes assumptions for long-term conditions of the SWP and CVP over an 82-year long hydrologic period with extended wet periods and dry/critical dry periods. The evaluation is a comparative analysis to determine the incremental differences between conditions under the action alternatives and conditions under the Existing Conditions and the No Action Alternative. Future water demands under the SWP and CVP water contract uses are consistent with water demand projections in Urban Water Management Plans submitted to DWR which include approaches to meet the 20 percent reduction in urban water use by 2020, and agricultural water management plans and conservation objectives for agricultural water use.</p> <p>The fundamental purpose of the proposed project and all action alternatives is to make physical and operational improvements to the SWP system in the Delta and water supplies of the SWP and CVP for users located south of the Delta, as described in Chapter 2, Project Objectives and Purpose and Need, of the EIR/EIS. Operation of the SWP and CVP facilities, including the proposed project facilities, would be in accordance with existing SWP and CVP water contracts and permits issued by the State Water Resources Control Board, U.S. Fish and Wildlife Service, National Marine Fisheries Service, and State Department of Fish and Wildlife. Changes in SWP and CVP water contract amounts were not addressed by the Project Objectives/Purpose and Need; therefore, the EIR/EIS did not analyze changes in SWP and CVP water contracts. Future analyses with separate environmental documentation will be completed for SWP and CVP contract renewal processes in the future.</p> <p>This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p>

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		<p>1994, 2007-2009, and 2012-2015) to discern patterns indicating how the state and federal water projects are operated during droughts.</p> <p>Figure 1 indicates the degree to which natural conditions played a role in reducing Delta inflow via the Sacramento and San Joaquin Rivers during each of four major drought periods since 1976. With Figure 1 we wish to illustrate that the current drought of 2012-2014 is similar to that of the 1970s, particularly with how low flows have become on the San Joaquin as of the end of water year 2014. Flows on the San Joaquin were similarly low near the end of water year (i.e., about September) of 1992.</p>	
Environmental Water Caucus	38	Attachment: Figure 1	This figure does not raise any new environmental issues that weren't raised in the Final EIR/S.
Environmental Water Caucus	39	<p>The behavior pattern by state and federal water project operators exhibit an overall management strategy first articulated in a DWR drought report from May 1976:</p> <p>The usual strategy described in discussions with Central Valley surface water project operators who are experiencing a below-normal supply is to serve all the water possible on demand of the users, carrying little or no water over to guard against a dry 1977 except in the Central Valley Project, the State Water Project, New Don Pedro Reservoir, and Lake McClure. This strategy is based on the belief that a good crop this year is desirable, since next year will probably be a near-normal or better water supply. In some areas, was needed and served early in the season to make up for the subnormal precipitation on nuts, fruit, and vineyards. In some instances, where the surface water shortage will be offset by pumping more ground water, surface water is being held for delivery during the peak months of water demand, July and August.</p> <p>While this early drought report exempted the CVP and SWP initially from "water use now" behavior, unfortunately, there is indication in these data that beginning with the 1976-1977 drought, holding carryover storage for the potential for subsequent dry years was not seriously practiced by DWR and the Bureau.</p> <p>Figure 2, below, shows the water year type designations the state has applied to the water years involved in the last four major drought periods, inclusive of the immediately previous wet year that led to reservoir conditions being full or nearly full in the state and federal reservoirs upstream of the Delta.</p>	<p>This is a comment on how SWP/CVP operations occur. The hydrologic analysis in the EIR/EIS considered operations during drought periods, including conditions similar to the 1928-1934, 1976-1977, and 1987-1992 droughts. The CALSIM II model was operated in a manner to meet senior water rights and conditions required by permits issued by the State Water Resources Control Board, U.S. Fish and Wildlife Service, National Marine Fisheries Service, and State Department of Fish and Wildlife prior to delivery of SWP and CVP water contract amounts. All of these permits were either initiated or modified following the 1976-1977 drought to address environmental conditions that had not been identified or analyzed in May 1976, including the Biological Opinion issued by the National Marine Fisheries Service, which includes minimum storage carryover requirements in some CVP reservoirs to support cold water criteria in the rivers downstream of the reservoirs.</p> <p>This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p>
Environmental Water Caucus	40	Attachment: Figure 2	This figure does not raise any new environmental issues that weren't raised in the Final EIR/S.
Environmental Water Caucus	41	As dry conditions unfolded in the years subsequent to 1986, 2006, and 2011, Figure 3 reveals the downward trend in state and federal water project allocations that ensued. (No water allocation data for the Central Valley Project in 1976 and 1977 were available for this analysis.) Senior water right holders (i.e., the San Joaquin River Exchange Contractors and the Sacramento River Settlement Contractors) received 100 percent or near 100 percent allocations in each drought period, in accord with governing water right priorities, as well as by contractual obligations of the Bureau of Reclamation to provide water service to these	This is a comment on water operations. As described in Appendix 5A, Section B, of the EIR/EIS, the water allocation process for the SWP and CVP begins in the fall when preliminary assessments are made of the next year's water supply possibilities, given current storage conditions combined with a range of hydrologic conditions. These preliminary assessments are refined as the water year progresses. During the first months of the new calendar year, forecasts of water year runoff are prepared using precipitation to date, snow water content

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		entities during dry periods. Only in 1991, 1992, 1994, 2014, and 2015 did these senior water right holders receive less than 100 percent allocations from the Central Valley Project. Junior water contractors of the CVP experienced these drought periods very differently, but it is important to note that in the first year of each drought period (and in the 1987-1989 period) these junior water contractors received full allocations. Only in subsequent years were they cut back. Only in 2007 and 2012 were south of Delta CVP contractors cut back to less than 100% allocations in first years of drought periods. It is not clear how much of that cutback was due to climatic conditions, greater north of Delta development (combined with their contractual seniority over south-of-Delta contractors), and material effects of biological opinion restrictions on Delta exports. The pattern of practice by the Bureau of Reclamation was to provide full allocations in the first year in hopes that next year would as likely as not be a normal to wet year that would provide full supplies. When those years (and other years following) were not, allocations were cut back, and most recently in 2014 and 2015, allocations by the Bureau for the CVP junior water contractors north and south of the Delta were zero.	<p>accumulation, and runoff to date are considered. The water year type designation are defined by SWRCB Decision 1641. The water year designations and water allocation decisions are informed by actual data prior to and during a water year. It is not possible to accurately predict conditions for the following water year. DWR and Reclamation do not have the authorization to change non-SWP and non-CVP water rights, including deliveries to Feather River and Sacramento River water rights settlement contractors whose pre-SWP/CVP water rights must be delivered in accordance with State law.</p> <p>This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p>
Environmental Water Caucus	42	Attachment: Figure 3	This figure does not raise any new environmental issues that weren't raised in the Final EIR/S.
Environmental Water Caucus	43	For the State Water Project, less historical allocation data are available, but what is available shows a similar pattern (Figure 4). Wet years in 2006 and 2011 are followed by only moderate cutbacks in the next year to 60 to 65 percent of total Table A amounts. Successive dry years are followed by deeper cuts in allocation amounts, to the point where in 2014 State Water Project contractors received just 5 percent of their Table A amounts. This year, SWP contractors are scheduled to receive 20 percent after only modest rainfall and the worst Sierra snowpack on record.	Please see comment 41. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.
Environmental Water Caucus	44	Attachment: Figure 4	This figure does not raise any new environmental issues that weren't raised in the Final EIR/S.
Environmental Water Caucus	45	Attachment: Figure 5	This figure does not raise any new environmental issues that weren't raised in the Final EIR/S.
Environmental Water Caucus	46	Attachment: Figure 6	This figure does not raise any new environmental issues that weren't raised in the Final EIR/S.
Environmental Water Caucus	47	<p>Figures 5 and 6 indicate that, rather than take steps to preserve reservoir storage over time during droughts, the state and federal reservoirs are managed in such a way that storage decreases over time during droughts as a consequence of liberal allocations to contractors. Figure 5 shows that the upstream-of-Delta reservoirs of the state and federal projects tend to be managed to lower rather than preserve storage conditions during drought periods, while southern California storage is only the whole preserved over the course of the drought periods for the 1970s and 1990s.</p> <p>Figure 6 reveals that over time in recent drought (2007-2009 and the current drought) has led to decreased storage in both the upstream-of-Delta reservoirs of the state and federal projects as well as the southern California reservoirs included in our analysis. In the 2007-2009 period, upstream Central Valley reservoir depletions over approximately three years come to nearly 7 million acre-feet (MAF) after peaking at 12 MAF around April 2007. In the same period, southern California storage peaked in August 2007 peaked at over 1.4 MAF.</p>	Please see comment 41. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.



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		<p>In our recent drought period (2012-2015), upstream Central Valley storage peaked at over 13 MAF in April 2012, but has seen cumulative depletions of about 9.5 MAF by about November 2014, before December 2014 storms raised storage levels to back about 7 MAF upstream of the Delta. Southern California storage in the current drought peaked also in the spring of 2012 at about 1.4 MAF but has seen depletions since then of nearly 0.6 MAF by March 2015.</p> <p>Figure 7 compares fall quarter (October 1 through December 31) exports with annual water year exports (October 1 through September 30) for the state and water projects during drought periods. These charts reveal that the pattern of export behavior is to maximize Delta exports early in the dry period, apparently on the assumption that wet conditions will materialize in the next water year. Yet the longer the dry period goes, the lower fall and annual exports become. The pattern and practice is to divert and export water as much as possible, with little apparent heed for the possibility—even likelihood—that the following year could continue dry or dryer.</p> <p>The way to best serve the public interest through this drought and future droughts is to require state and federal water project operations and management to place a greater weight in annual decision making on allocations, reservoir storage, and Delta exports on the likelihood of drought every year, not just in the second or third consecutive dry year unlike what has occurred with this and previous droughts.</p> <p>Figures 1 through 7 strongly suggest that operation of state and federal water projects have been handled as though the probability of dry years are random events, equivalent to coin tosses. Increasingly scientists and other climate professionals warn society that climate change is instead upon us, and that dryer and warmer years are more likely over time than are wet years; this means that 50-50 odds, which hold with coin tosses, do not reasonably apply with California’s climate. Instead, we are in a “new normal,” to which state and federal water system operators have yet to adapt.</p>	
Environmental Water Caucus	48	Attachment: Figure 7	This figure does not raise any new environmental issues that weren’t raised in the Final EIR/S.
Environmental Water Caucus	49	<p>Conclusion</p> <p>Project operation behaviors revealed in these data indicate that project operators and their customers have learned little about how to preserve and steward surface water supplies during California’s short and long droughts. If surface water management may be analogous to use of a checking account, and groundwater supplies a savings account, then EWC suggests that the Tunnels project is analogous to a line of credit or sub-prime loan that would encourage greater transfers of surface water through cross-Delta (north-to-south) water transfers at the expense of groundwater without the reliable prospect of surface recharge to the Sacramento Valley aquifers in the future. The Tunnels would encourage consumptive uses of imported water south-of-Delta that would not be sustainable.</p>	<p>The hydrologic analysis in the EIR/S considered operations during drought periods, including conditions similar to the 1928-1934, 1976-1977, and 1987-1992 droughts. The CALSIM II model was operated in a manner to meet senior water rights and conditions required by permits issued by the State Water Resources Control Board, U.S. Fish and Wildlife Service, National Marine Fisheries Service, and State Department of Fish and Wildlife prior to delivery of SWP and CVP water contract amounts, including the biological opinion issued by the National Marine Fisheries Service that includes minimum storage carryover requirements in some CVP reservoirs to support cold water criteria in the rivers downstream of the reservoirs.</p> <p>As described in Appendix 5A, Section B, of the EIR/EIS, the water allocation process for the SWP and CVP begins in the fall when preliminary assessments are made of the next year’s water supply possibilities, given current storage conditions combined with a range of hydrologic conditions. These preliminary assessments are refined as the water year progresses using precipitation to date, snow water content accumulation, and runoff to date are considered. The water allocation decisions are informed by actual data prior to and during a water year. It is not</p>

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			<p>possible to accurately predict conditions for the following water year. DWR and Reclamation do not have the authorization to change non-SWP and non-CVP water rights, including deliveries to Feather River and Sacramento River water rights settlement contractors whose pre-SWP/CVP water rights must be delivered in accordance with State law, including in drier water years.</p> <p>As described in Chapter 3, Description of Alternatives, the alternatives considered in the EIR/EIS do not include specific water transfers. The EIR/EIS acknowledges that water transfers would continue in a similar manner as historic transfers and in accordance with State and Federal laws and regulations. Because specific agreements have not been identified for water transfers and other non-project voluntary water market transactions, project level analysis of impacts upstream of the Delta is highly speculative and this EIR/EIS does not constitute the CEQA/NEPA coverage required for any specific transaction. Any future water transfers will require separate approvals. The analysis of any potential upstream impacts is not a part of this EIR/EIS and must be covered pursuant to separate laws and regulations once the specific transfer has been proposed.</p> <p>This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p>
Environmental Water Caucus	ATT 1	See also the studies of large infrastructure projects: Bent Flyvbjerg, Massimo Garbuio, and Dan Lovallo, "Delusion and Deception in Large Infrastructure Projects: Two Models for Explaining and Preventing Executive Disaster," California Management Review 51(2): 170-192, Winter 2009; and Bent Flyvbjerg, Nils Bruzelius, and Werner Rothengatter, Megaprojects and Risk: An Anatomy of Ambition, New York, NY: Cambridge University Press, 2003.	This attachment does not raise any substantive new environmental issues that were not previously addressed in the Final EIR/EIS.
Environmental Water Caucus	ATT 2	State Water Resources Control Board. 2010. Development of Flow Criteria 6 for the Sacramento-San Joaquin Delta Ecosystem. August 3	This attachment does not raise any substantive new environmental issues that were not previously addressed in the Final EIR/EIS.
Environmental Water Caucus	ATT 3	Mr. Strohane's exhibits may be accessed at <a href="http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/exhibits/restore_the_delta.shtml">http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/exhibits/restore_the_delta.shtml</a>	This attachment is Exhibit RTD-10-Rev2 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 Resources Control Board hearing materials.
Environmental Water Caucus	ATT 4	Mr. Strohane's exhibits may be accessed at <a href="http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/exhibits/restore_the_delta.shtml">http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/exhibits/restore_the_delta.shtml</a>	This attachment is Exhibit RTD-11-Rev 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 Resources Control Board hearing materials.
Environmental Water Caucus	ATT 5	This analysis was originally submitted to the State Water Board as protest 13 comments on a Temporary Urgency Change Petition issued in May 2015. Accessible at <a href="http://www.waterboards.ca.gov/waterrights/water_issues/programs/drought/comments_tu_cp2015/docs/rtd_strohane05052015.pdf">http://www.waterboards.ca.gov/waterrights/water_issues/programs/drought/comments_tu_cp2015/docs/rtd_strohane05052015.pdf</a> .	This attachment does not raise any substantive new environmental issues that were not previously addressed in the Final EIR/EIS.
Environmental	ATT 6	Letter of USEPA to US Bureau of Reclamation, January 18, 2017 - First page of letter	This attachment was received during the NEPA 30-day comment period. Please see

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Water Caucus			comment table for; Letter of USEPA to US Bureau of Reclamation, January 18, 2017.
Environmental Water Caucus	ATT 7	Map of Peripheral Canal with release points for environmental flows - Source: California DWR, Bulletin 76: Delta Water Facilities, July 1978	This attachment is a map of the peripheral canal from 1978 and does not raise any environmental issue related to the Final EIR/EIS.
Environmental Water Caucus	ATT 8	AquAlliance comment letter, October 30, 2015	This attachment was received during a previous comment period and does not raise any substantive new environmental issues that were not previously addressed in Volume 2, response to comment letter 2575 of the Final EIR/S.
Environmental Water Caucus	ATT 9	California Water Research citations presented to State Water Board	This attachment was received during the NEPA 30-day review period. Please see the California Water Research comment table.
Environmental Water Caucus	ATT 10	RTD-1. Tim Strohane qualifications	This attachment is Exhibit RTD-1 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.
Environmental Water Caucus	ATT 11	RTD-10-Rev Tim Strohane Revised Testimony	This attachment is Exhibit RTD-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.
Environmental Water Caucus	ATT 12	RTD-101. Report on Feasibility of Feather River Project and Sac-San Joaquin Delta Diversion Projects Proposed as Features of the California Water Plan (May, 1951)	This attachment is Exhibit RTD-101 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.
Environmental Water Caucus	ATT 13	RTD 102. Report by CA Dpt Public Works - Financing and Constructin the Feather River Project (Feb, 1955)	This attachment is Exhibit RTD-102 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.
Environmental Water Caucus	ATT 14	RTD-103. Bulletin No. 76 Delta Water Facilities (DWR, Dec. 1960)	This attachment is Exhibit RTD-103 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.
Environmental Water Caucus	ATT 15	RTD-104. SWRCB Technical Report on Scientific Basis for Alternative SJR Flow and Southern Delta Salinity objectives. (Feb. 2012)	This attachment is Exhibit RTD-104 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

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			State Water Recourses Control Board hearing materials.
Environmental Water Caucus	ATT 16	RTD-105. Trinity Division Central Valley Project (USBR 1996)	This attachment is Exhibit RTD-105 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.
Environmental Water Caucus	ATT 17	RTD-106. Shasta Division CVP (USBR 1996)	This attachment is Exhibit RTD-106 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.
Environmental Water Caucus	ATT 18	RTD-107. Sacramento River Division CVP (USBR 1994)	This attachment is Exhibit RTD-107 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.
Environmental Water Caucus	ATT 19	RTD-108. CVP American River Division (USBR 1994)	This attachment is Exhibit RTD-108 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.
Environmental Water Caucus	ATT 20	RTD-109. Delta Division CVP (USBR 1994)	This attachment is Exhibit RTD-109 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.
Environmental Water Caucus	ATT 21	RTD-11-revised. Testimony of Tim Stroshane	This attachment is Exhibit RTD-11 revised 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.
Environmental Water Caucus	ATT 22	RTD-110. Info on New Melones Unit Project, Project History, Project Data from USBR website.	This attachment is Exhibit RTD-105 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.
Environmental Water Caucus	ATT 23	RTD 111. San Luis Unit CVP (USBR)	This attachment is Exhibit RTD-110 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.

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Environmental Water Caucus	ATT 24	RTD 112. San Felipe Division CVP (USBR 1994)	This attachment is Exhibit RTD-112 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.
Environmental Water Caucus	ATT 25	RTD 113. Friant Division CVP (USBR 1994)	This attachment is Exhibit RTD-113 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.
Environmental Water Caucus	ATT 26	RTD 114. Summary of CVP Divisions Start and Completion Dates with Exhibit citations	This attachment is Exhibit RTD-114 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.
Environmental Water Caucus	ATT 27	RTD 115. Ca SWP Atlas (DWR, June 1999)	This attachment is Exhibit RTD-115 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.
Environmental Water Caucus	ATT 28	RTD 116. Summary of SWP Divisions Start and Completion Dates with exhibit citation	This attachment is Exhibit RTD-116 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.
Environmental Water Caucus	ATT 29	RTD 117. Management of the CA SWP, Bulletin 132-10 (DWR, June 2013)	This attachment is Exhibit RTD-117 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.
Environmental Water Caucus	ATT 30	RTD 118. DWR Petition for Extension of Time (filed Dec. 31, 2009)	This attachment is Exhibit RTD-118 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.
Environmental Water Caucus	ATT 31	RTD 119. All CVP Deliveries 1985-2014	This attachment is Exhibit RTD-119 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.
Environmental	ATT 32	RTD 120. Letter to Tim Strohane from Erick Soderland, DWR attorney in response to CWIN	This attachment is Exhibit RTD-120 presented for the hearing proceedings

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Water Caucus		and AquaAlliance protest of DWR Petition for Extension of Time of WR Pemit. Feb. 10, 2011	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.
Environmental Water Caucus	ATT 33	RTD 121. Notice fo Petition for Extension of Time for CVP of USBR (Sept. 3, 2009)	This attachment is Exhibit RTD-121 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.
Environmental Water Caucus	ATT 34	RTD 128. Bureau Permit Face Amounts (2/4/16)	This attachment is Exhibit RTD-128 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.
Environmental Water Caucus	ATT 35	RTD 129. DWR Permit Face Amounts	This attachment is Exhibit RTD-129 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.
Environmental Water Caucus	ATT 36	RTD 130. Environmental Caucus Comments on RDEIR/EIS for BDCP/CWF (Oct. 30, 2015)	This attachment is Exhibit RTD-130 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.
Environmental Water Caucus	ATT 37	RTD 131. CWIN and AquaAlliance Testimony by Stroshane on Water Availability Analysis for Trinity, Sacramento, and SJR Basis Tributary to Delta (Oct. 26, 2012)	This attachment is Exhibit RTD-131 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.
Environmental Water Caucus	ATT 38	RTD 132. USDOJ ROD Trinity River Mainstem Fishery Resotration Final EIS/EIR (Dec. 2000)	This attachment is Exhibit RTD-132 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.
Environmental Water Caucus	ATT 39	RTD 138. CVRWQCB Salinity in the Central Valley (May 2006)	This attachment is Exhibit RTD-138 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.
Environmental Water Caucus	ATT 40	RTD 139. Voter information on Prop 9 (periph canal)	This attachment is Exhibit RTD-139 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of

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			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.
Environmental Water Caucus	ATT 41	RTD 140. Prop 9 info	This attachment is Exhibit RTD-140 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.
Environmental Water Caucus	ATT 42	RTD 142. List of Commenting Parties on draft BDCP EIR/S July 29, 2014	This attachment is Exhibit RTD-142 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.
Environmental Water Caucus	ATT 43	RTD 143. EBMUD Comments on RDEIR/S BDCP/CWF (Oct. 28, 2015)	This attachment is Exhibit RTD-143 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.
Environmental Water Caucus	ATT 44	RTD 144. EBMUD Protest on CWF Petition for Change in POD (Jan. 4, 2016)	This attachment is Exhibit RTD-144 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.
Environmental Water Caucus	ATT 45	RTD 145. USBS report gw availability	This attachment is Exhibit RTD-145 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.
Environmental Water Caucus	ATT 46	RTD 146. E. SJ gw basin plan	This attachment is Exhibit RTD-146 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.
Environmental Water Caucus	ATT 47	RTD 147. SJ County Report	This attachment is Exhibit RTD-147 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.
Environmental Water Caucus	ATT 48	RTD-148. California Department of Water Resources, Quantity and Quality of Waters Applied to and Drained from the Delta Lowlands, Report No. 4, July 1956.	This attachment is Exhibit RTD-148 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.

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			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.
Environmental Water Caucus	ATT 49	RTD-152. Screen shots of search results from DWR-117.	This attachment is Exhibit RTD-152 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.
Environmental Water Caucus	ATT 50	RTD-153. Contra Costa Water District, Comments on Bay Delta Conservation Plan and Draft EIR/EIS, July 25, 2014, including attachments.	This attachment is Exhibit RTD-153 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.
Environmental Water Caucus	ATT 51	RTD-154. Contra Costa Water District, Partially Recirculated Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement (RDEIR/SDEIS) for the Bay Delta Conservation Plan/WaterFix, October 30, 2015, including attachments.	This attachment is Exhibit RTD-154 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.
Environmental Water Caucus	ATT 52	RT-2. Barbara Barrigan-Parrilla Qualifications	This attachment is Exhibit RTD-2 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.
Environmental Water Caucus	ATT 53	RTD 20. Testimony of Barbara Barrigan-Parrilla on Change in Point of Diversion for CWF (Aug 30, 2016)	This attachment is Exhibit RTD-20 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.
Environmental Water Caucus	ATT 54	RTD 202-209. several doc on EJ	This attachment is Exhibits RTD-202 through RTD-209 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.
Environmental Water Caucus	ATT 55	RTD 21. Power Pt of Testimony by B. Barrigan-Parrilla	This attachment is Exhibit RTD-21 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.
	ATT 56	RTD 211 - 212 More doc on EJ	This attachment is Exhibits RTD-211 through RTD-212 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,



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			Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
	ATT 57	RTD-213. Thomas H. Means, Salt Water Problem, San Francisco Bay and Delta of Sacramento and San Joaquin Rivers, April 1928.	This attachment is Exhibit RTD-21 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.
	ATT 58	RTD-215 . W. Turrentine Jackson and Alan M. Paterson, The Sacramento-San Joaquin Delta: The Evolution and Implementation of Water Policy, an Historical Perspective, Caliofrnia Water Resources Center, Contribution No. 163, June 1977.	This attachment is Exhibit RTD-21 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.
	ATT 59	RTD-216. University of the Pacific Eberhardt School of Business, Center for Business and Policy Research, May 2016 California and Metro Forecast.	This attachment is Exhibit RTD-21 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.
	ATT 60	RTD-217. City of Stockton Water Service Area Map	This attachment is Exhibit RTD-21 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 materials.
	ATT 61	RTD-218. City of Stockton, Draft Urban Water Management Plan, 2015, May 2016.	This attachment is Exhibit RTD-21 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.
	ATT 62	RTD-219. California Water Service Company, 2015 Urban Water Management Plan, Stockton District, June 2016.	This attachment is Exhibit RTD-21 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.
	ATT 63	RTD-220. State Water Resources Control Board, Transmittal of Water Supply Permit to City of Stockton, July 21, 2015.	This attachment is Exhibit RTD-220 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.
	ATT 64	RTD 221-222. Stockton Comments on Draft BDCP and DEIR/S and RDEIR/S.	This attachment is Exhibits RTD-221 through RTD-222 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

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			Report, for discussion on State Water Recourses Control Board hearing materials.
	ATT 65	RTD-223. Stockton Petition Protesting CWF CPOD	This attachment is Exhibit RTD-223 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.
	ATT 66	RTD-224. City of Stockton, Municipal Utilities Department, May 2016 Water Rate Study	This attachment is Exhibit RTD-224 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.
	ATT 67	RTD-225. Stockton Retail Water Sources, 2015.	This attachment is Exhibit RTD-225 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.
	ATT 68	RTD-227. City of Stockton, Water Quality Report for 2015, June 2016.	This attachment is Exhibit RTD-227 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.
	ATT 69	RTD-228. California Water Service Company, 2015 Water Quality Report.	This attachment is Exhibit RTD-228 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.
	ATT 70	RTD-229. Methodology for Estimating Population of Delta Region Subsistence Anglers from Fishing License Data	This attachment is Exhibit RTD-229 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.
	ATT 71	RTD-230. Methodology for Estimating Delta Counties Subsistence Anglers from Angling Intensity (Hours) Data	This attachment is Exhibit RTD-230 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.
	ATT 72	RTD-231. F. Shilling, A.White, L. Lippert, and M. Lubell, 2010. Contaminated fish consumption in California's Central Valley Delta. Environmental Research 110(2010): 334-344.	This attachment is Exhibit RTD-231 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.

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	ATT 73	RTD-232. J.A. Davis, B.K. Greenfield, G. Ichikawa, and M. Stephenson, 2008. Mercury in sport fish from the Sacramento-San Joaquin Delta region, California, USA. Science of the Total Environment 391: 66-75.	This attachment is Exhibit RTD-232 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.
	ATT 74	RTD-233. F. Shilling, 2003. Background Information for a Central Valley Fish Consumption Study	This attachment is Exhibit RTD-233 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.
	ATT 75	RTD-234. California Department of Fish and Game, Automated License Data System, Catalog Item Activity by Customer Geographical Area - Data Point (License Data by County) - 11/15/2013 to 12/31/2014.	This attachment is Exhibit RTD-234 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.
	ATT 76	RTD-235. Silver, E., J. Kaslow, D. Lee, S. Lee, M.L. Tan, E. Weis, and A. Ujihara, 2007. Fish consumption and advisory awareness among low-income women in California's Sacramento-San Joaquin Delta.	This attachment is Exhibit RTD-235 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.
	ATT 77	RTD 236. Factors Affecting Growth of Cyanobacteria with emphasis on Delta. (Aug 2015)	This attachment is Exhibit RTD-236 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.
	ATT 78	RTD-237. P.W. Lehman, K. Marr, G.L. Boyer, S. Acuna, and S.J. The, 2013. Long-term trends and causal factors associated with Microcystis abundance and toxicity in San Francisco Estuary and implications for climate change impacts. Hydrobiologia 718: 141-158. DOI 10.1007/s10750-013-1612-8.	This attachment is Exhibit RTD-237 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.
	ATT 79	RTD-238. United States Department of Agriculture, Economic Research Service, Food Access Maps and documentation, accessed July 24, 2016.	This attachment is Exhibit RTD-238 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.
	ATT 80	RTD-239. United States Department of Agriculture, Economic Research Service, Food Access Summary Data for Delta County Census Tracts.	This attachment is Exhibit RTD-239 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.
	ATT 81	RTD-240. Valley Vision, Inc., A Community Health Needs Assessment of San Joaquin County,	This attachment is Exhibit RTD-240 presented for the hearing proceedings

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		conducted on behalf of San Joaqui County Community Health Assessment Collaborative, March 2013.	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 Resources Control Board hearing materials.
	ATT 82	RTD-241. BDCP Steering Committee Outreach Work Group to BDCP Steering Committee, regarding Public Outreach Process for BDCP (for Steering Committee Action), June 29, 2007.	This attachment is Exhibit RTD-241 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 Resources Control Board hearing materials.
	ATT 83	RTD-242. BDCP Steering Committee Meeting, BDCP Delta Workshop Report, October 22, 2009.	This attachment is Exhibit RTD-242 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 Resources Control Board hearing materials.
	ATT 84	RTD-243. Department of Water Resources, Delta Habitat Conservation and Conveyance Program, Environmental Justice Community Survey Summary Report, 1/25/2010, Standard Agreement No. 4600008104, Task Order No. 7, Subtask 7.2, Document Number 9AA-06-13-110-001.	This attachment is Exhibit RTD-243 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 Resources Control Board hearing materials.
	ATT 85	RTD-244. Summary Table of Environmental Justice Survey Respondents to DWR's 2010 environmental justice survey. Prepared by Restore the Delta.	This attachment is Exhibit RTD-244 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 Resources Control Board hearing materials.
	ATT 86	RTD 245. Comments from several NGO (RTD, Env Justice Coalition, EWC, others) requesting extending comment period with more languages for EJ	This attachment is Exhibit RTD-245 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 Resources Control Board hearing materials.
	ATT 87	RTD-246. San Joaquin County 2016 Community Health Needs Assessment.	This attachment is Exhibit RTD-246 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 Resources Control Board hearing materials.
	ATT 88	RTD-3. Michael Machado Qualifications	This attachment is Exhibit RTD-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 Resources Control Board hearing materials.
	ATT 89	RTD 30 erratum. Testimony of Michael Machado on CPOD CWF (2016), see also RTD 31 Power Point slides of this testimony.	This attachment is Exhibit RTD 30 erratum presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of

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			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.
	ATT 90	RTD 301 - 305 Reports and Doc on Economic Sustainability Plan for Delta.	This attachment is Exhibit RTD 301 through RTD-305 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.
	ATT 91	RTD-31. Michael Machado presentation slides	This attachment is Exhibit RTD-31 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.
	ATT 92	RTD-4. Esperanza Vielma qualifications	This attachment is Exhibit RTD-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.
	ATT 93	RTD 40 rev. Revised Testimony Esperanza Vielma (Aug. 11, 2016)	This attachment is Exhibit RTD 40 rev 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.
	ATT 94	RTD-401. Declaration of Don Aguillard, Central Valley Neighborhood Harvest	This attachment is Exhibit RTD 401 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.
	ATT 95	RTD-402. Declaration of Eric Firpo, In Season	This attachment is Exhibit RTD 402 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.
	ATT 96	RTD-403. Declaration of Paul Marsh, Mile Wine Company	This attachment is Exhibit RTD 403 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.
	ATT 97	RTD-404. Declaration of Subash Sil, TAPS Bar & Grill, Stockton	This attachment is Exhibit RTD 404 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.

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			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.
	ATT 98	RTD-406. PUENTES Business Plan, submitted to San Joaquin County Administrator Manuel Lopez, April 10, 2012.	This attachment is Exhibit RTD 406 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.
	ATT 99	RTD-407. Daniel Thigpen, "Stockton man grows, buys backyard produce for resale," Stockton Record, March 14, 2010.	This attachment is Exhibit RTD 407 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.
	ATT 100	RTD-408. Sonya Herrera, "PUENTES offers courses for urban farmers," The Delta Collegian, March 21, 2014.	This attachment is Exhibit RTD 408 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.
	ATT 101	RTD-409. "PUENTES: Giving people the means to grow health food," Stockton Record, December 13, 2015.	This attachment is Exhibit RTD 409 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.
	ATT 102	RTD 41. Power Point Presentation for Testimony of Esperanza Vielma	This attachment is Exhibit RTD-41 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.
	ATT 103	RTD-410. San Joaquin Certified Farmers' Markets web pages and regulations.	This attachment is Exhibit RTD-410 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.
	ATT 104	RTD-411. Visit Stockton web pages, "Farmers' Markets In and Around Stockton," as of July 26, 2016.	This attachment is Exhibit RTD-411 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.
	ATT 105	RTD-412. Black Urban Farmers Association Facebook pages, as of July 22, 2016.	This attachment is Exhibit RTD-412 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

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			Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
	ATT 106	RTD-413. Almendra Carpizo, "Black Urban Farmers' Association," Stockton Record, June 20, 2015.	This attachment is Exhibit RTD-413 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.
	ATT 107	RTD-414. StartUp Town, "Dr. Gail Myers, Anthropologist & Urban Farmer," posted September 8, 2015.	This attachment is Exhibit RTD-414 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.
	ATT 108	RTD-6. Ixtzel Reynoso Qualifications	This attachment is Exhibit RTD-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.
	ATT 109	RTD60 erratum. Testimony Ixtzel Reynoso for CPOD CWF.	This attachment is Exhibit RTD-60 erratum 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.
	ATT 110	RTD-61. Ixtzel Reynoso presentation slides	This attachment is Exhibit RTD-61 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.
	ATT 111	RTD (No Number). Opening Statement of Restore the Delta Part 1B - for Hearing of DWR and USBR Change in Point of Diversion for CWF	This attachment is the opening statement of Restore the Delta Part 1B 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.