

Letter	Comment #	Comments	Relation to Final EIR/EIS
Friends of Stone Lakes National Wildlife Refuge	1	This letter is being submitted on behalf of the Friends of Stone Lakes National Wildlife Refuge ("Friends," formerly known as the Stone Lakes National Wildlife Refuge Association). Friends is a volunteer, nonprofit organization dedicated to the conservation, protection, enhancement, and promotion of the Stone Lakes National Wildlife Refuge ("Stone Lakes NWR" or "Refuge"). The comments in this letter are solely those of the Friends and are independent of Stone Lakes NWR staff and the U.S. Fish and Wildlife Service ("USFWS").	The comment is introductory language introducing Friends of Stone Lakes National Wildlife Refuge and does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S.
Friends of Stone Lakes National Wildlife Refuge	2	Stone Lakes NWR is one of the largest complexes of wetlands, lakes and riparian areas remaining in the Sacramento-San Joaquin Delta and provides critical habitat for waterfowl and other migratory birds of international concern as well as a number of endangered plant and animal species. The Refuge and surrounding foraging acreage is "ground zero" for the impacts of the water conveyance facilities proposed as the California WaterFix Tunnels project. Because of this fact, the Friends have been actively engaged in the BDCP process since submitting Scoping comments in May of 2008.	The comment is introductory language introducing Friends of Stone Lakes National Wildlife Refuge and does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S.
Friends of Stone Lakes National Wildlife Refuge	3	<p>With the split away from the BDCP, the Tunnels must meet a zero-"take" performance standard for greater sandhill cranes to avoid running afoul of the crane's status as a California Fully Protected Species. (See Fish &amp; G. Code, §§ 3511, 2835.) Friends submitted comments on both the 2013 Draft EIR/EIS ("DEIR/S") and the 2015 Partially Recirculated Draft EIR/Supplemental Draft EIS ("RDEIR/S") for the project. In these comments, Friends expressed, among other things, concern that the lead agencies had not adequately demonstrated that Preferred Alternative 4A would not result in "take" of greater sandhill cranes under California Fish and Game Code Section 86. The standard reply to these concerns was that there would be no "take" of greater sandhill cranes, and that Avoidance and Minimization Measure 20 ("AMM20") contains sufficient measures to ensure that impacts on greater sandhill cranes will be less than significant. Friends considers the lead agencies' responses to be inadequate in at least two respects. With this letter we seek to explain such inadequacies as best we can given the inordinately short period between just prior to Christmas and today for parties to submit additional information related to the project and its environmental review.</p> <p>First, the lead agencies have not adequately supported their determination that modifications to crane habitat on the northern portion of the Refuge will prevent "take" in the form of range reduction. In its current form, AMM20 proposes moving the northernmost roost site on the Refuge farther away from the site of active construction, and "super charging" available forage, to hopefully encourage the cranes not to abandon roosting in that portion of the Refuge. (RDEIR/S, RTC 2629-16.) Friends was active in originally suggesting this combination of approaches, and we were pleased that they were incorporated into AMM20. (DEIR/S, Comment 1562-47.)</p> <p>However, though we suggested these improvements, we were consistently clear that they are experimental, and that there is no literature citation or previous example of this technique having succeeded in the past in keeping cranes from abandoning the geography of their current roost site and complementary foraging areas within two miles of that roost site. The northernmost roost site is already quite constrained by urban development to the north and to the east; the additional constraint of a large-scale industrial construction project slated to take more than a decade could well be the final pressure that results in abandonment, even with the new roost site installed and the provision of enhanced foraging. While the contemplated habitat modifications will hopefully help to minimize "take" by preventing range reduction, there is insufficient evidence to support a</p>	<p>The comment questions whether the proposed project has adequately demonstrated that it would not result in any "take" of greater sandhill crane. Although this issue relates to a regulatory prohibition that is different than CEQA's requirement to address potentially significant impacts to a particular environmental resource, the Final EIR/EIS discusses the AMMs that are applied to the alternatives that would avoid take of GSC as a result of the proposed project and alternatives.</p> <p>Master Response 17, within the Final EIR/EIS, also explains why AMM20 and mitigation measures will ensure no take of greater sandhill crane, as defined by Section 86 of the California Fish and Game Code.</p> <p>The commenter presents no new environmental information that would change the conclusions in the Final EIR/EIS related to the potential for significant impacts related to GSC, or related to the potential for "take" (as defined by FGC Section 86) of GSC. This comment does not raise any new environmental issues that weren't raised in the Final EIR/S.</p>

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		claim that these modifications will result in zero “take”. Thus, the lead agencies’ responses asserting that AMM20 would result in no “take” of greater sandhill cranes are inadequate and unsupported.	
Friends of Stone Lakes National Wildlife Refuge	4	Second, the lead agencies’ determination that installing flight diverters on existing power lines meets the zero-“take” performance standard is also incorrect and unsupported. The lead agencies have stated that the installation of flight diverters will reduce bird strike risk by at least 60%. (DEIR/S RTC 1562-84; RDEIR/S RTC 2629-16.) However, available evidence does not show that flight diverters are effective at preventing all bird strikes. A detailed study of flight diverters in similar refuge environments found that diverters did not reduce bird strikes from nearby powerlines. (See Ventana Wildlife Society Study, 2007, attached as Exhibit 1.) Regardless, even if the flight diverters did reduce strike risk by 60% for greater sandhill cranes, this reduction would not meet the 100% reduction required for there to be no “take,” as is now claimed, particularly at night. The aforementioned habitat modifications arguably exacerbate the risk by enticing cranes to stay in the vicinity of the construction so as not to abandon an existing roost site. Even if installing flight diverters reduces increases in strikes from construction-related flushing, the lead agencies have provided no analysis demonstrating that flight diverters would prevent strikes altogether. (DEIR/S, Comment 1562-115, 1562-246, 1562-255; RDEIR/S Comment 2629-16, 2629-18; see also DEIR/S RTC 1562-25 [conceding increased risk of bird strike but declining to quantify that risk].)	<p>This comment again questions the adequacy of the Final EIR/EIS in documenting the avoidance of take as it relates to compliance with the California ESA (and not CEQA). The commenter identifies a single study to refute the conclusions of dozens of studies that state diverters are highly effective at reducing avian collisions. The 2007 study cited was not discussed in the Final EIR/EIS; however, the study does not present any new information that would warrant a change in the significance conclusions regarding GSC. The study does not use direct evidence to compare strikes by Greater Sandhill Cranes with and without the use of diverters (in relation to the AMMs associated with the proposed project and alternatives) , but rather utilizes behavior observations to support its conclusions. The researchers in the 2007 study did not find a single Sandhill Crane carcass during the study, and found only one Sandhill Crane carcass during the study year, but did not indicate the subspecies (mostly Lessers in the study area) or whether the crane had hit a marked or unmarked line. The study states that Sandhill Cranes were the most behaviorally reactive to transmission lines, supporting the conclusion that they are unlikely to collide with them if they see them, lending support to the effectiveness of diverters. The study also states that the transmission lines’ proximity to used habitat, and the relocation of habitat away from transmission lines also reduces likelihood of collisions; that strategy is included in the proposed AMMs, in addition to the use of flight diverters. The commenter does not provide any new information to reject Final EIR/EIS conclusions that the combination of avoidance measures in AMM20 will result in a less-than-significant impact to the GSC (and avoid of take of GSC).</p> <p>Furthermore, AMM20 was updated in the Final EIR/EIS, and now allows for one or a combination of minimization and mitigation measures (including undergrounding transmission lines, using natural gas generators in lieu of new transmission lines in high risk zones etc.) to meet the performance standard of no take of greater sandhill crane (as defined by F&amp;G code) associated with new transmission lines. Master Response 17, within the Final EIR/EIS, also explains why AMM20 and mitigation measures will ensure no take of greater sandhill crane, as defined by Section 86 of the California Fish and Game Code.</p> <p>This comment does not raise any new environmental issues that weren’t raised in the Final EIR/S.</p>
Friends of Stone Lakes National Wildlife Refuge	5	Friends also disputes the adequacy of mitigation measures for other impacts on the Refuge and the species for which it provides habitat.	This comment takes issue with the adequacy of mitigation measures. This paragraph does not raise any new environmental issues that weren’t raised in the Final EIR/S.
Friends of Stone Lakes National Wildlife Refuge	6	Friends continues to believe that mitigation components that are now part of the project description in the form of Environmental Commitments must be mitigation measures to be effective and enforceable. (CEQA Guidelines, § 15126.4.)	This comment takes issue with the adequacy of the Environmental Commitments. This paragraph does not raise any new environmental issues that weren’t raised in the Final EIR/S.
Friends of Stone Lakes National Wildlife Refuge	7	Friends disagrees with the responses to these comments. In addition, Friends disagrees that it is appropriate to defer development of mitigation for significant impacts affecting the Refuge, such as mitigation of traffic safety and noise on Hood Franklin Road, among other concerns.	Only one portion of the proposed mitigation, Mitigation Measure TRANS-1c, relies on future coordination with affected jurisdictions. The remainder of Mitigation Measures TRANS-1 and TRANS-2 detail specific actions to mitigate transportation and noise impacts. This comment does not raise any new environmental issues that weren’t raised in the Final EIR/S.

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Friends of Stone Lakes National Wildlife Refuge	8	<p>Consequently, the agencies' responses to the Friends' comments on the 2013 DEIR/S and the 2015 RDEIR/S are inadequate. In addition to these specific deficiencies, the lead agencies' responses to comments broadly reflect a disappointing penchant for pre-formed language, conclusory statements, and vague references with no specific citations. (See, e.g., RDEIR/S RTC 2629-3, 2629-11, and 2629-18.) This constitutes a failure to proceed in the manner required by law (CEQA Guidelines, § 15088); furthermore, substantial evidence supporting the lead agencies' conclusions is lacking.</p> <p>These deficiencies must be corrected before any action on the Tunnels is taken, and we request the courtesy of a prompt written response to this correspondence.</p> <p>Thank you for your immediate attention to this matter.</p>	This comment takes issue with the responses to the public comments made on the previous environmental documents. This comment does not raise any new environmental issues that weren't raised in the Final EIR/S.
Friends of Stone Lakes National Wildlife Refuge	ATT 1	Exhibit 1, Ventana Wildlife Society Study, 2007	Please see comment 4 of this letter for a discussion on Ventana Wildlife Society Study, 2007. This attachment does not raise any new environmental issues that weren't raised in the Final EIR/S.