

| Letter                            | Comment # | Comments   | Relation to Final EIR/EIS  |
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| Natural Resources Defense Council | 1         | <p>On behalf of the Natural Resources Defense Council, Defenders of Wildlife, and The Bay Institute, we are writing to provide additional scientific information that was not available during the public comment period, which provides substantial evidence that the WaterFix Final EIS/EIR fails to accurately disclose likely adverse environmental impacts of Alternative 4A.</p> <p>First, the U.S. Fish and Wildlife Service and National Marine Fisheries Service recently released to the public draft biological opinions regarding the effects of construction and operation of WaterFix Alternative 4A. These public draft biological opinions, which were not available during the public comment period, provide substantial evidence that WaterFix Alternative 4A is likely to cause significant adverse environmental impacts that were not disclosed in the Final EIS/EIR, including the following effects:</p> <ul style="list-style-type: none"> <li>•AQUA-5: the U.S. Fish and Wildlife Service’s draft biological opinion demonstrates that Alternative 4A will cause significant adverse effects on Delta Smelt rearing habitat, which the draft biological opinion indicates will have to be mitigated in the future through unspecified changes to Project design and/or operations. However, unspecified deferred mitigation of these effects is unlawful under CEQA, CESA, and the ESA. In addition, because the draft biological opinion demonstrates that the project will reduce the abundance and survival of Delta Smelt, a species listed under CESA, and will substantially reduce its range, this results in a mandatory finding of significance under CEQA. CEQA Guidelines § 15065(a)(1). The Final EIS/EIR fails to inform the public and decision-makers that Alternative 4A will result in these significant adverse environmental impacts.</li> <li>•AQUA-37, AQUA-40, AQUA-41, AQUA-42: the National Marine Fisheries Service’s draft biological opinion demonstrates that Alternative 4A will cause significant adverse environmental impacts on winter run Chinook salmon, including adverse impacts from construction of water conveyance facilities (AQUA-37), operational effects on spawning and egg incubation habitat (AQUA-40), operational effects on rearing habitat (AQUA-41), and operational effects on migration conditions (AQUA-42). The draft biological opinion demonstrates that Alternative 4A is likely to substantially reduce the abundance of winter run Chinook salmon by 8-25%, depending on the model that is used. Winter run Chinook salmon are listed under CESA and these adverse effects from construction, upstream operations, and operations of the new North Delta Diversion facility result in a mandatory finding of significance under CEQA. CEQA Guidelines § 15065(a)(1). The Final EIS/EIR fails to inform the public and decision-makers that Alternative 4A will result in these significant adverse environmental impacts.</li> </ul> <p>The draft biological opinions are posted online at <a href="http://www.westcoast.fisheries.noaa.gov/central_valley/WaterFix/WaterFixPeerReview2BMaterials.html">http://www.westcoast.fisheries.noaa.gov/central_valley/WaterFix/WaterFixPeerReview2BMaterials.html</a> and are hereby incorporated by reference. The draft biological opinions disclose additional adverse environmental effects of Alternative 4A that were not disclosed in the Final EIS/EIR, including adverse effects of upstream operations on spring run Chinook salmon and fall run Chinook salmon. We anticipate that the final biological opinions and CESA permits will provide substantial evidence that Alternative 4A results in additional adverse environmental impacts that were not disclosed in the Final EIS/EIR. The draft and final biological opinions and CESA permits must be included in the administrative record under CEQA, and the Final EIS/EIR must be revised to disclose the adverse</p> | <p>Since the start of the planning process back in 2006 for the BDCP and, subsequently, the California WaterFix, DWR and Reclamation have been and continue to work closely with USFWS, NMFS, and CDFW to examine potential adverse impacts on aquatic resources through the consultation process and to resolve such potential issues identified in the biological opinions. New information is specified in Public Resources Code Section 15162(a)(3); however, this comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS (refer to Chapter 11-Fish and Aquatic Resources). If changes in the project are required to meet permit requirements, subsequent CEQA and NEPA analysis will be performed as appropriate. See Section 5, Endangered Species Compliance, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on the BiOp and 2081(b) processes.</p> |

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|                                   |           | environmental impacts that these biological opinions and CESA permits identify.   |  |
| Natural Resources Defense Council | 2         | Second, on January 19, 2017 the National Marine Fisheries Service issued its amendment to the Shasta Reasonable and Prudent Alternative in the 2009 biological opinion. This document, which was not available during the public comment period on the WaterFix draft EIS/EIR, provides substantial evidence that upstream operations as proposed in the Final EIS/EIR are likely to cause substantial adverse environmental impacts on winter run Chinook salmon that will substantially reduce their abundance and increase the risk of extinction, as well as substantial new scientific information showing that the methods of analysis in the Final EIS/EIR fail to disclose likely adverse effects of water temperatures on winter run Chinook salmon. Because winter run Chinook salmon are listed under CESA, this results in a mandatory finding of significance. CEQA Guidelines § 15065(a)(1). The Final EIS/EIR neither discloses this substantial adverse environmental impact (AQUA-40) nor analyzes the effects of the mitigation measure in the RPA amendment. | This is new information and was not available prior to Final EIR/EIS release. The proposed project would operate to the draft proposed RPA amendment, if adopted. However this amendment does not affect the proposed project. See Section 5, Endangered Species Compliance, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on the BiOp and 2081(b) process.   |
| Natural Resources Defense Council | 3         | Third, with respect to the adverse effects of Alternative 4A on Longfin Smelt, subsequent to the close of the public comment period, the peer-reviewed scientific journal publication Transactions of the American Fisheries Society published the article by Dr. Rosenfield and Mr. Nobriga that was referenced in our written comments. The article, entitled Population Dynamics and Distribution Patterns of Longfin Smelt in the San Francisco Estuary, is attached hereto and should be included in the administrative record.  | The article by Nobriga and Rosenfield (2016) was incorporated into the California WaterFix CESA incidental take permit application submitted in October 2016. See Section 5, Endangered Species Compliance, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on the BiOp and 2081(b) processes. This comment does not raise any substantive new environmental information or analysis that would result in a new significant environmental impact.   |
| Natural Resources Defense Council | 4         | Finally, subsequent to the close of the public comment period, detailed comments and analyses of the WaterFix draft EIS/EIR prepared by the U.S. Environmental Protection Agency were made available to the public pursuant to a Freedom of Information Act request. These documents were downloaded from the website at: <a href="https://foiaonline.regulations.gov/foia/action/public/home">https://foiaonline.regulations.gov/foia/action/public/home</a> . These documents provide substantial evidence that Alternative 4A is likely to cause substantial adverse environmental impacts that were not disclosed in the Final EIS/EIR, including adverse impacts to water quality and native fisheries. They also provide substantial evidence that the SDEIR/SDEIS analyzed an unreasonable range of alternatives and that the NEPA baseline used in the final EIS/EIR failed to disclose the likely significant adverse impacts of Alternative 4A.   | <p>Responses to the DEIR/S comments provided by USEPA (comment letter 2006) are provided at <a href="http://baydeltaconservationplan.com/Libraries/Dynamic_Document_Library/DEIRS_Comment_Responses_Letters_1950-2100.sflb.ashx">http://baydeltaconservationplan.com/Libraries/Dynamic_Document_Library/DEIRS_Comment_Responses_Letters_1950-2100.sflb.ashx</a>.</p> <p>Responses to the RDEIR/SDEIS comments provided by USEPA (comment letter 2577) are provided at <a href="http://baydeltaconservationplan.com/Libraries/Dynamic_Document_Library/RECIRC_Comment_Responses_Letters_2570-2599.sflb.ashx">http://baydeltaconservationplan.com/Libraries/Dynamic_Document_Library/RECIRC_Comment_Responses_Letters_2570-2599.sflb.ashx</a>.</p> <p>This comment does not raise any substantive new environmental information or analysis that would result in a new significant environmental impact.</p> |

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| Natural Resources Defense Council | ATT 1     | EPA briefing memo 8-20-15      | This attachment is an EPA briefing paper describing review of the California WaterFix RDEIR/SDEIS. Many of the of issues raised in this briefing paper were addressed in response to comment letter 2577, in Volume 2, of the Final EIR/EIS and additionally through ongoing regulatory processes. This attachment does not raise any substantive new environmental information or analysis that would result in a new significant environmental impact. |
| Natural Resources Defense Council | ATT 2     | EPA detailed WaterFix Comments | This attachment was submitted 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 2006 and comment letter 1683 of the Final EIR/S.   |

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| Natural Resources Defense Council | ATT 3     | EPA email re detailed comments 10-23-15.pdf    | This attachment is an e-mail regarding cover letter revisions and does not raise any environmental issue related to the Final EIR/EIS. This attachment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S. |
| Natural Resources Defense Council | ATT 4     | EPA email re eliminating detailed comments.pdf | This attachment is an e-mail regarding posting an EPA letter and does not raise any environmental issue related to the Final EIR/EIS.   |
| Natural Resources Defense Council | ATT 5     | EPA email re rating 7-6-2015.pdf               | This attachment is an EPA briefing paper describing review of the California WaterFix RDEIR/SDEIS. Issues raised in this briefing paper were addressed in response to comment letter 2577, in Volume 2, of the Final EIR/EIS and additionally through ongoing regulatory processes.   |

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| Natural Resources Defense Council | ATT 6     | NMFS cwf_draft_bo_section2.5.1.2_effecsanalysis_patc_operations-delta_for_peer_review.pdf | This attachment relates to the Section 7 and Biological Opinion process and associated analyses, which are separate from the CEQA/NEPA process. See Section 5, Endangered Species Compliance, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on the BiOp and California Endangered Species Act section 2081(b) processes. |
| Natural Resources Defense Council | ATT 7     | NMFS cwf_draft_bo_section2.5.1.2_effecsanalysis_patc_operations-delta_for_peer_review.pdf | This attachment relates to the Section 7 and Biological Opinion process and associated analyses, which are separate from the CEQA/NEPA process. See Section 5, Endangered Species Compliance, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on the BiOp and 2081(b) processes.   |
| Natural Resources Defense Council | ATT 8     | NMFS section_2.1_analytical_approach_cwf_draft_bo.pdf                                     | This attachment relates to the Section 7 and Biological Opinion process and associated analyses, which are separate from the CEQA/NEPA process. See Section 5, Endangered Species Compliance, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on the BiOp and 2081(b) processes.   |
| Natural Resources Defense Council | ATT 9     | NMFS section_2.2_rangewide_status_of_species_and_hab_cwf_draft_bo.pdf                     | This attachment relates to the Section 7 and Biological Opinion process and associated analyses, which are separate from the CEQA/NEPA process. See Section 5, Endangered Species Compliance, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on the BiOp and 2081(b) processes.   |

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| Natural Resources Defense Council | ATT 10    | NMFS section_2.4_environmental_baseline_cwf_draft_bo.pdf       | This attachment relates to the Section 7 and Biological Opinion process and associated analyses, which are separate from the CEQA/NEPA process. See Section 5, Endangered Species Compliance, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on the BiOp and 2081(b) processes. |
| Natural Resources Defense Council | ATT 11    | NMFS section_2.5.1.1_effectsanalysis_parta_construction.pdf    | This attachment relates to the Section 7 and Biological Opinion process and associated analyses, which are separate from the CEQA/NEPA process. See Section 5, Endangered Species Compliance, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on the BiOp and 2081(b) processes. |
| Natural Resources Defense Council | ATT 12    | NMFS section_2.5.1.2_effectsanalysis_partb_operations_upstream | This attachment relates to the Section 7 and Biological Opinion process and associated analyses, which are separate from the CEQA/NEPA process. See Section 5, Endangered Species Compliance, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on the BiOp and 2081(b) processes. |

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| Natural Resources Defense Council | ATT 13    | NMFS section_2.5.1.2_effectsanalysis_partb_operations_upstream | This attachment relates to the Section 7 and Biological Opinion process and associated analyses, which are separate from the CEQA/NEPA process. See Section 5, Endangered Species Compliance, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on the BiOp and 2081(b) processes. |

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| Natural Resources Defense Council | ATT 14    | NMFS section_2.5.1.2_effectsanalysis_partb_operations_upstream | This attachment relates to the Section 7 and Biological Opinion process and associated analyses, which are separate from the CEQA/NEPA process. See Section 5, Endangered Species Compliance, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on the BiOp and 2081(b) processes. |
| Natural Resources Defense Council | ATT 15    | NMFS section2.3_action_area_cwf_draft_bo.pdf                   | This attachment relates to the Section 7 and Biological Opinion process and associated analyses, which are separate from the CEQA/NEPA process. See Section 5, Endangered Species Compliance, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on the BiOp and 2081(b) processes. |
| Natural Resources Defense Council | ATT 16    | NMFS section2.5.2_effecsanalysis_critical_habitat.pdf          | This attachment relates to the Section 7 and Biological Opinion process and associated analyses, which are separate from the CEQA/NEPA process. See Section 5, Endangered Species Compliance, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on the BiOp and 2081(b) processes. |



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| Natural Resources Defense Council | ATT 17    | NMFS section2.5.2_effecsanalysis_critical_habitat.pdf         | This attachment relates to the Section 7 and Biological Opinion process and associated analyses, which are separate from the CEQA/NEPA process. See Section 5, Endangered Species Compliance, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on the BiOp and 2081(b) processes. |
| Natural Resources Defense Council | ATT 18    | nmfs_s_draft_proposed_2017_rpa_amendment_-january_19_2017.pdf | This attachment relates to the Section 7 and Biological Opinion process and associated analyses, which are separate from the CEQA/NEPA process. See Section 5, Endangered Species Compliance, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on the BiOp and 2081(b) processes. |
| Natural Resources Defense Council | ATT 19    | nmfs_s_draft_proposed_2017_rpa_amendment_-january_19_2017.pdf | This attachment relates to the Section 7 and Biological Opinion process and associated analyses, which are separate from the CEQA/NEPA process. See Section 5, Endangered Species Compliance, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on the BiOp and 2081(b) processes. |

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| Natural Resources Defense Council | ATT 20    | nmfs_s_draft_proposed_2017_rpa_amendment_-january_19_2017.pdf | This attachment relates to the Section 7 and Biological Opinion process and associated analyses, which are separate from the CEQA/NEPA process. See Section 5, Endangered Species Compliance, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on the BiOp and 2081(b) processes. |
| Natural Resources Defense Council | ATT 21    | nmfs_s_draft_proposed_2017_rpa_amendment_-january_19_2017.pdf | This attachment relates to the Section 7 and Biological Opinion process and associated analyses, which are separate from the CEQA/NEPA process. See Section 5, Endangered Species Compliance, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on the BiOp and 2081(b) processes. |
| Natural Resources Defense Council | ATT 22    | nmfs_s_draft_proposed_2017_rpa_amendment_-january_19_2017.pdf | This attachment relates to the Section 7 and Biological Opinion process and associated analyses, which are separate from the CEQA/NEPA process. See Section 5, Endangered Species Compliance, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on the BiOp and 2081(b) processes. |

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| Natural Resources Defense Council | ATT 23    | Nobriga and Rosenfield 2015 longfin smelt population dynamics.pdf                                 | This attachment relates to the Section 7 and Biological Opinion process and associated analyses, which are separate from the CEQA/NEPA process. See Section 5, Endangered Species Compliance, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on the BiOp and 2081(b) processes. |
| Natural Resources Defense Council | ATT 24    | Bay Delta Conservation Plan ("Water-Fix") Supplemental Draft EIS Briefing Paper- October 14, 2015 | This attachment is a Briefing Paper from October 14, 2015 . This attachment does not raise any environmental issues related to the Final EIR/EIS.   |

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| Natural Resources Defense Council | ATT 25    | Evaluating the Effect of the North Delta Diversion on Flow Reversals and Entrainment of Juvenile Chinook Salmon into Georgiana Slough and the Delta Cross Channel. (2016) | This attachment relates to the Section 7 and Biological Opinion process and associated analyses, which are separate from the CEQA/NEPA process. See Section 5, Endangered Species Compliance, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on the BiOp and 2081(b) processes. |

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| Natural Resources Defense Council | ATT 26    | section_2.5.1.2.7.4.2.1_effectanalysis_partc-operations_delta_survival.pdf | This attachment relates to the Section 7 and Biological Opinion process and associated analyses, which are separate from the CEQA/NEPA process. See Section 5, Endangered Species Compliance, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on the BiOp and 2081(b) processes. |

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| Natural Resources Defense Council | ATT 27    | summary_of_methods_for_cal_waterfix_survival_analysis_21dec2016_.pdf | This attachment relates to the Section 7 and Biological Opinion process and associated analyses, which are separate from the CEQA/NEPA process. See Section 5, Endangered Species Compliance, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on the BiOp and 2081(b) processes. |

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| Natural Resources Defense Council | ATT 28    | Draft Partial Biological Opinion For the California Water Fix (Dec 2016) | This attachment relates to the Section 7 and Biological Opinion process and associated analyses, which are separate from the CEQA/NEPA process. See Section 5, Endangered Species Compliance, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on the BiOp and 2081(b) processes. |