

Letter	Comment #	Comment	Relation to Final EIR/EIS
North Coast Rivers Alliance	1	<p>North Coast Rivers Alliance, San Francisco Crab Boat Owners Association, Inc., Pacific Coast Federation of Fishermen’s Associations, and the Institute for Fisheries Resources (collectively “Conservation Groups”) hereby comment on the Final Environmental Impact Report/Final Environmental Impact Statement (“FEIR/FEIS”) for the California WaterFix prepared for the California Department of Water Resources (“DWR”), the United States Bureau of Reclamation (“Reclamation”), the National Marine Fisheries Service (“NMFS”), and the U.S. Fish and Wildlife Service (“USFWS”). As the U.S. Environmental Protection Agency (“EPA”) has made clear, the FEIR/FEIS is inadequate to inform the public and decisionmakers of the disastrous environmental consequences of the WaterFix. The WaterFix is a boondoggle that will destroy a unique environmental resource – the Sacramento-San Joaquin River Delta – upon which all Californians depend. It should be rejected. At a minimum, an adequate environmental impact report and statement must be prepared.</p>	<p>This section describes the commenter’s view that the Final EIR/EIS inadequate. The Final EIR/EIS is complete and adequate and satisfies all requirements of NEPA and CEQA. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p>
North Coast Rivers Alliance	2	<p>I. INTRODUCTION</p> <p>California’s growing and improvident dependence on cheap, publicly-subsidized water – despite climate change’s inexorable reduction in that supply – threatens to destroy the Delta and its commercial and sports fisheries, and permanently extirpate irreplaceable endangered species. The purpose of Alternative 4A – the formal name for the WaterFix – is to enable more water deliveries by removing large quantities of water from the Sacramento River before it can flow through the Delta ecosystem. Doing so will jeopardize the ecological well-being of the Delta to increase deliveries of publicly subsidized water to private agricultural interests in the Central Valley. Removing water from the Delta will cause saline waters to intrude, irreparably harming water quality, and increase the temperature of and pollution in the small quantity of water that remains, with dire effects on fish, wildlife, and surrounding communities.</p> <p>Conservation Groups have repeatedly pointed out the many ways in which the DEIR/DEIS and RDEIR/SDEIS violate the California Environmental Quality Act (“CEQA”), Public Resources Code section 21000 et seq., and the National Environmental Policy Act, 42 U.S.C. section 4321 et seq., including in their DEIR/DEIS comments dated July 29, 2014 (comment letter DEIRS-1735), and their RDEIR/SDEIS comments dated October 30, 2015 (comment letter RECIRC-2836). Conservation Groups noted – among a long list of woeful deficiencies – that the project description is inadequate; no alternatives that would substantially reduce Delta exports were studied; impacts on public trust resources were ignored; the analysis of impacts to water resources, biological resources, and land use is deficient; and cumulative impacts and the effects of global climate change were overlooked. The FEIR/FEIS fails to correct the many flaws pointed out in Conservation Groups’ prior comments. Conservation Groups incorporate those comments by reference as if fully set forth herein</p>	<p>This section describes background material or previous comments provided by the commenter. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p>
North Coast Rivers Alliance	3	<p>The FEIR/FEIS is itself inadequate for the seven additional reasons discussed below.</p> <p>First, review of the WaterFix by USFWS and NMFS under the Endangered Species Act (“ESA”) is incomplete, but under both NEPA and CEQA the public is entitled to review and comment upon the adequacy and consequences of the mitigation measures that Reclamation and DWR propose to reduce impacts to endangered species. <i>San Luis & Delta-Mendota Water Authority v. Jewell</i>, 747 F.3d 581, 645-655 (9th Cir. 2014); 40 C.F.R. §1508.25(a)(1); <i>Communities for a Better Environment v. City of Richmond</i> (2010) 184 Cal.App.4th 70, 93.</p> <p>Second, and similarly, the FEIR/FEIS is unlawful because it does not include information and</p>	<p>Please see individual comments below.</p>

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		<p>alternatives sufficient for the responsible and cooperating agencies that will rely on it in the future to discharge their duties. <i>Habitat & Watershed Caretakers v. City of Santa Cruz</i> (2013) 213 Cal.App.4th 1277, 1298.</p> <p>Third, the FEIR/FEIS' treatment of global climate change is inadequate. It contains inaccurate assumptions about sea level rise and fails to analyze the manner in which a warming climate will exacerbate the environmental impacts of the WaterFix.</p> <p>Fourth, the FEIR/FEIS' analysis of the impacts on the Trinity River is inadequate.</p> <p>Fifth, substantial new information regarding the project's impacts has come to light since publication of the RDEIR/SDEIS, rendering the RDEIR/SDEIS inadequate to inform the public about those impacts, so the FEIR/FEIS must be recirculated.</p> <p>Sixth, the FEIR/FEIS fails to sufficiently respond to public comments.</p> <p>Seventh, the WaterFix cannot be approved under the Delta Reform Act.</p>	
North Coast Rivers Alliance	4	<p>The "heart of CEQA" is the environmental impact report. <i>Citizens for Goleta Valley v. Board of Supervisors</i> (1990) 52 Cal.3d 553, 564. "The EIR, with all its specificity and complexity, is the mechanism prescribed by CEQA to force informed decision making and to expose the decision making process to public scrutiny." <i>California Native Plant Society v. City of Santa Cruz</i> ("California Native Plant Society") (2009) 177 Cal.App.4th 957, 978 (quoting <i>Planning & Conservation League v. Department of Water Resources</i> (2000) 83 Cal.App.4th 892, 910). Similarly, the environmental impact statement "serves NEPA's 'action-forcing' purpose" by ensuring that the agency "will have available, and carefully consider, detailed information concerning significant environmental impacts" and "guarantee[ing] that the relevant information will be made available to the larger audience." <i>Robertson v. Methow Valley Citizens Council</i>, 490 U.S. 332, 349 (1989). But here, the FEIR/FEIS cannot serve these lofty purposes because it deliberately postpones consideration of the environmental impacts of many aspects of the WaterFix.</p> <p>The FEIR/FEIS's analysis of impacts to endangered species is inadequate, as Conservation Groups have repeatedly pointed out. E.g., DEIR/DEIS comments (DEIRS-1735) at 8-11; RDEIR/SDEIS comments (RECIRC-2836) at 8-10. The WaterFix threatens to cause the extinction of numerous species. See <i>id.</i> But the FEIR/FEIS merely states that adverse effects on endangered species will be prevented through a future process that will lead to the issuance of Biological Opinions under section 7 of the Endangered Species Act. E.g., Response to Comment RECIRC2836-13 (under the future section 7 consultation process, "impacts to critical habitat will be avoided, minimized and mitigated"); Response to Comment RECIRC2836-20 ("ESA compliance . . . would be achieved solely through section 7. . . [¶¶] A biological opinion is not required prior to the release of the . . . EIR/EIS"). But the public is entitled to review and comment upon the adequacy of the mitigation measures that DWR and the Bureau use to avoid impacts to endangered species. Moreover, these mitigation measures may themselves have impacts, as the EPA noted in its RDEIR/SDEIS comments. Comment Letter RECIRC2577 at 4 ("Biological Opinions and Incidental Take Permits . . . could result in environmental impacts that have not been analyzed"). Postponing the formulation of mitigation measures until after approval of the project is a form</p>	For more information, please see the response to RDERI/SDEIS Comment Letter 2836, Volume 2, Final EIR/EIS. Latter half raises legal issues of deferred analysis and piecemealing. 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>of subterfuge that obscures the impacts of the WaterFix and hinders environmental review.</p> <p>Case law under both NEPA and CEQA makes clear that deferred analysis and disclosure of a project’s impacts violates these statutes. The Ninth Circuit Court of Appeals recently ruled that Reclamation violated NEPA when it failed to prepare an EIS about its adoption and implementation of Biological Opinions for CVP/SWP operations. <i>San Luis & Delta-Mendota Water Authority v. Jewell</i>, 747 F.3d 581, 645-655 (9th Cir. 2014). “[I]t is beyond dispute that Reclamation’s implementation of the BiOp has important effects on human interaction with the natural environment.” <i>Id.</i> at 653. Under NEPA it is not sufficient to postpone until later what should be studied now; NEPA regulations require “connected actions” – defined as actions that “automatically trigger other actions which may require environmental impact statements” – to be analyzed “in a single impact statement.” 40 C.F.R. § 1508.25(a)(1); see also 40 C.F.R. § 1502.25(a) (“agencies shall prepare draft environmental impact statements concurrently with and integrated with environmental impact analyses and related surveys and studies required by the . . . Endangered Species Act”). To assure that all environmental impacts are considered during the decision-making process, the “NEPA process” must “be integrated with agency planning ‘at the earliest possible time’; that “purpose cannot be fully served if consideration of the cumulative impacts of successive, interdependent steps is delayed until the first step is already taken.” <i>Thomas v. Peterson</i>, 753 F.2d 754, 760 (9th Cir. 1985) (overruled on other grounds as stated in <i>Cottonwood Environmental Law Center v. U.S. Forest Service</i>, 789 F.3d 1075 (9th Cir. 2015)).</p> <p>Here, approval of the WaterFix will “automatically trigger” preparation of Biological Opinions – “which . . . require environmental impact statements” as made clear by <i>Jewell</i> – so the actions are related and must be analyzed together and not successively as the FEIR/FEIS claims is proper. See, e.g., <i>Response to Comment RECIRC2836-20</i> (“A biological opinion is not required prior to the release of the . . . EIR/EIS” because in the future agencies will complete the “environmental review process, such as . . . NEPA” that applies to issuance of biological opinions). Moreover, the ESA also independently requires consultation to occur before project approval. <i>Karuk Tribe of California v. United States Forest Service</i>, 681 F.3d 1006, 1030 (9th Cir. 2012) (“The Forest Service therefore had a duty under Section 7 of the ESA to consult with the relevant wildlife agencies before approving the” project in question).</p> <p>Similarly, under CEQA segmentation of projects is improper and agencies are forbidden from deferring the formulation of mitigation measures. CEQA’s “requirements cannot be avoided by chopping up proposed projects into bite-size pieces.” <i>Plan for Arcadia, Inc. v. City Council of Arcadia</i> (1974) 42 Cal.App.3d 712, 726. Successively analyzing related projects runs the risk that some environmental impacts produced by the way the two matters combine or interact might not be analyzed in the separate environmental reviews. Furthermore, if the two matters are analyzed in sequence . . . and the combined or interactive environmental effects are not fully recognized until the review of the second matter, the opportunity to implement effective mitigation measures as part of the first matter may be lost. This could result in mitigation measures being adopted in the second matter that are less effective than what would have been adopted if the matters had been analyzed as a single project.</p> <p><i>Tuolumne County Citizens for Responsible Growth, Inc. v. City of Sonora</i> (2007) 155 Cal.App.4th 1214, 1230. And allowing agencies to defer formulating mitigation measures until “after</p>	

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		<p>completion of the CEQA process significantly undermines CEQA's goals of full disclosure and informed decision making" because "the development of mitigation measures, as envisioned by CEQA, is not meant to be a bilateral negotiation . . . but rather, an open process that also involves other interested agencies and the public." <i>Communities for a Better Environment v. City of Richmond</i> (2010) 184 Cal.App.4th 70, 93. Neither DWR nor Reclamation nor any members of the public can fully apprise themselves of the environmental impacts of approving the WaterFix project if DWR and Reclamation are permitted to postpone developing the measures meant to ensure protected species do not go extinct until after the WaterFix project is approved. The public is entitled to review these mitigation measures to determine their environmental impacts and efficacy before project approval.</p>	
North Coast Rivers Alliance	5	<p>It is also independently unlawful for DWR and Reclamation to substitute ESA review for NEPA and CEQA review, as the FEIR/FEIS does, because the standards under the two statutes are entirely different. The ESA is concerned with avoiding jeopardy to endangered species, whereas NEPA and CEQA mandate the disclosure of all significant impacts whether or not they also cause jeopardy. For the "purposes of NEPA, a project need not jeopardize the continued existence of a threatened or endangered species to have a 'significant' effect on the environment." <i>Klamath-Siskiyou Wildlands Center v. U.S. Forest Service</i>, 373 F.Supp.2d 1069, 1080 (E.D.Cal. 2004).</p> <p>By segmenting related approvals, postponing the development of mitigation measures meant to avoid impacts to endangered species until after approval of the Project, and improperly equating a significant impact with jeopardy to a species, DWR and Reclamation prevented informed public participation and agency decisionmaking, and thereby violated both NEPA and CEQA.</p>	<p>This comment does not raise any new issues not considered in the Final EIR/EIS. Although the proposed project triggers CEQA and NEPA, as well as ESA Section 7 and CESA Section 2081(b), these are separate statutory schemes and processes. The agencies are proceeding with ESA/CESA compliance, in addition to CEQA/NEPA review, and the various documents prepared pursuant to the respective statutory schemes will be completed and made available consistent with the applicable legal requirements. Neither NEPA nor the ESA includes a legal requirement to make the Section 7 biological opinions or biological assessments available at the time the Draft EIR/EIS and RDEIR/SDEIS were made available for public review. As discussed above, separate statutory schemes govern preparation of these documents and there is no requirement that USFWS and NMFS publicly circulate biological opinions or biological assessments. Instead, the project proponents coordinated CEQA and NEPA review with the ESA studies and created a process to develop the California WaterFix that is consistent with the general timing principles governing Section 7 consultation. For additional detail about the relationship between the ESA and NEPA/CEQA processes, please see Master Response 29, Volume 2, Final EIR/EIS. Mitigation measures are described in detail in specific resources chapters of the Final EIR/EIS.</p> <p>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.</p>
North Coast Rivers Alliance	6	<p>III. THE FEIR/FEIS DOES NOT INCLUDE SUFFICIENT INFORMATION TO ALLOW RESPONSIBLE AGENCIES TO DISCHARGE THEIR DUTIES UNDER NEPA AND CEQA</p> <p>Responsible agencies rely upon lead agencies' environmental documents when determining whether to issue a later approval for a project. For this reason, the FEIR/FEIS must include sufficient information and analysis for other agencies, like the SWRCB, to discharge their duties. E.g., <i>Habitat and Watershed Caretakers</i>, 213 Cal.App.4th at 1298 ("the EIR was required to provide both [the lead agency] and [the responsible agency] with information about the environmental consequences of the decisions that they would be making with regard to the whole project"); see also <i>State of Idaho v. Interstate Commerce Commission</i>, 35 F.3d 585, 595-596 (D.C.Cir. 1994) (agencies cannot avoid environmental review by conditioning approval on compliance with environmental mandates of state and federal agencies because such an "attempt to rely entirely on the environmental judgments of other agencies" is "in fundamental conflict with the basic purpose of NEPA").</p> <p>Here, the FEIR/FEIS fails to do so. As EPA noted in its comment letter dated October 30, 2015 (RECIRC-2577 at 3-4), two of the SWRCB's future planning processes will have substantial effects on the shape of the WaterFix: an update to water quality standards, and a petition by DWR and</p>	<p>This comment describes the commenter's view that the Final EIR/EIS is insufficient. The Final EIR/EIS is complete, adequate, and satisfies the requirements of NEPA and CEQA. For more information, please see responses to RDEIR/SDEIS Comment Letter 2577, Volume 2, Final EIR/EIS. 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>Reclamation to add points of diversion for the WaterFix, both of which could lead to higher flow requirements and have environmental consequences “that have not been analyzed in the” EIR/EIS. Comment letter RECIRC-2577 at 4. But as Conservation Groups and others have pointed out repeatedly, the FEIR/FEIS completely fails to study any alternatives that would substantially increase in-stream flows, and it does so on the basis that only other agencies have the authority to mandate such actions. See, e.g., FEIR/FEIS at 1-44 to 1-45 (alternatives that would significantly increase instream flows were excluded because DWR and Reclamation lack the legal authority to make such changes); see also FEIR/FEIS at Response to Comment RECIRC2577-1 (“It would . . . be speculative to estimate that [increased] flows might be imposed as part of . . . the SWRCB’s Bay Delta [Water Quality Control Plan] update”). Similarly, the FEIR/FEIS postpones resolution of all issues connected to the need for a Clean Water Act section 404 permit. Comment letter RECIRC-2577 at 2. Because the FEIR/FEIS contains no analysis of how these future regulatory processes will affect the environmental impacts of the WaterFix, “any attempt to describe the environmental impacts of the project is necessarily incomplete.” Id. at 4.</p> <p>The failure of the FEIR/FEIS to provide information sufficient for all responsible and cooperating agencies to discharge their duties violates both NEPA and CEQA. Habitat and Watershed Caretakers, 213 Cal.App.4th at 1298; State of Idaho, 35 F.3d at 595-596; 40 C.F.R. § 1501.6 (cooperating agencies).</p>	
North Coast Rivers Alliance	7	<p>IV. THE ANALYSIS OF GLOBAL CLIMATE CHANGE IS INADEQUATE</p> <p>A. The FEIR/FEIS Uses Outdated Sea Level Rise Assumptions</p> <p>The modeling used to determine the environmental impacts of the WaterFix assumed sea level rise of six inches by approximately 2030 and eighteen inches by approximately 2065. FEIR/FEIS at 1-194. But as explained in detail by scientific expert Deirdre Des Jardins on pages 5-9 of her testimony attached hereto as Exhibit 1, and in the references to which she refers, these assumptions are dangerously out-of-date and fail to account for ice sheet melting. Exhibit 1 at 5-9. The National Oceanic and Atmospheric Administration (“NOAA”) estimates indicate that sea level rise of up to 79 inches may occur by 2100. Id. at 7.</p> <p>NOAA guidance mandates that for major new infrastructure projects like the WaterFix, where there is little tolerance for risk, the highest levels of projected sea level rise must be used. And “NOAA’s 2035 high estimate is 8.8 inches higher than the 6 inch (15 cm) assumption used for WaterFix . . . modeling. NOAA’s high estimate of 34.56 inches by 2060 is almost double the 18 inches used for the project engineering design.” Exhibit 1 at 8. Moreover, because the most recent data indicates that sea level rise is accelerating, even NOAA’s estimates may significantly understate actual sea level rise. The Delta Independent Science Board was correct to conclude that the WaterFix sea level rise assumptions are “dangerously unrealistic.” Accurate assumptions about future sea level rise are essential to correctly understand the environmental impacts of the WaterFix, and the EIR/EIS’s incorrect premise renders its analysis of the environmental impacts of climate change useless. Worse, the freshwater intakes for WaterFix could be under saltwater during the project’s projected life, defeating its claimed purpose.</p>	<p>Sea level rise is considered in two different portions of the analysis of action alternatives as compared to the No Action Alternative in the EIR/EIS. First, sea level rise is considered in the numerical modeling based upon results from the CALSIM II and DSM2 models. With respect to these model results, the analysis of operations of the action alternatives are compared using model runs that include identical sea level rise and climate change assumptions in the action alternatives and the No Action Alternative. The difference in model results between each action alternative and the No Action Alternative is due to the changes in operations of the alternative, and not due to sea level rise and/or climate change. If the sea level rise values were changed based upon different assumptions, those modified values would be included in both the action alternatives and the No Action Alternative; therefore, the incremental differences between the action alternatives as compared to the No Action Alternative would be similar to the results presented in the EIR/EIS. It should be recognized that any additional increase in sea level rise would cause increased salinity in SWP and CVP deliveries under both the No Action Alternative and action alternatives.</p> <p>As described in SWRCB CWF hearing part rebuttal testimony DWR-86, the sea level rise assumptions for the CVP-SWP operations modeling for CWF are within the range of projections and appropriate values selected based on the best available science.</p> <p>As noted in Section A.7.6 of BDCP DEIRS (SWRCB-4) Appendix 5A, given considerable uncertainty in the sea level rise projections and the state of sea level rise science, BDCP used the mid-range estimates. For BDCP/CWF a 15 cm sea level rise was assumed by 2025-2030, and a 45 cm sea level rise was assumed by 2060 based on the Rahmstorf (2007), in considering the effects of sea level rise on the CVP-SWP operations with and without CWF. These assumptions were also consistent with Vermeer and Rahmstorf (2009), the USACE 2011 guidance for incorporating sea level change in civil works programs, and the National Research Council sea level rise projections from 2012 (SWRCB-4, Table 29-2).</p> <p>In addition to considering the 15 cm and 45 cm sea level rise projections, several other sea level</p>

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			<p>rise values were simulated using UnTRIM, a three-dimensional Bay-Delta hydrodynamics and salinity model to capture the uncertainty in the sea level rise projections and to understand the potential impact on the Delta hydrodynamics and salinity intrusion. UnTRIM was simulated for sea level rise values including 15 cm, 30 cm, 45 cm, 60 cm, 140 cm and 140 cm with 5% tidal range amplification. UnTRIM results for the simulated sea level rise scenarios were included in the SWRCB-4, Appendix 5A Section D Attachment 3.</p> <p>It should be noted that there are differences in environmental conditions that would occur under the No Action Alternative as compared to the Existing Conditions; however, these changes are not mitigated under the Project because they would occur with or without the Project. Second, sea level rise is considered in the analysis of the design assumptions presented in the Conceptual Engineering Report (CER) for the proposed facilities. As described in the July 2015 CER, all facilities would be designed to be protected against a 200-year flood event with the sea level rise for Year 2100. The CER also describes that the flood levels, sea level rise, and wind-wave run-up values will be further refined during the design phase in the upcoming engineering phases, which will provide more accurate water surface elevation information. The determination of the sea level rise values will be in accordance with the requirements at the time of design as adopted by the State of California and U.S. Army Corps of Engineers.</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>
North Coast Rivers Alliance	8	<p>The FEIR/FEIS' failure to account for ice sheet melting is particularly egregious. The issue is completely ignored in the Master Comment Response about sea level rise. FEIR/FEIS at 1-194. Rather than respond to criticisms about its inadequate assumptions, the FEIR/FEIS states that its analysis is sufficient because it used the "best available science at the time of the analysis." Id. But that is not true. As shown, the best available science predicts seal level rise double or triple the modest increase that the FEIR/FEIS erroneously assumes.</p> <p>DWR and Reclamation also violate their obligation to consider, disclose, and respond to opposing scientific views. See, e.g., Center for Biological Diversity v. U.S. Forest Service, 349 F.3d 1157, 1167 (9th Cir. 2003) ("Because the commenters' evidence and opinions directly challenge the scientific basis upon which the Final EIS rests and which is central to it, we hold that [the Forest Service was] required to disclose and respond to such viewpoints in the final impact statement itself"). The FEIR/FEIS' apparent belief that its outdated scientific conclusions are immune from criticism and frozen at the moment the first DEIR is prepared clearly contravenes this settled rule.</p>	Please see comment #7.
North Coast Rivers Alliance	9	<p>B. The FEIR/FEIS Fails to Account for the Future Effects of Climate Change</p> <p>Climate change is likely to reduce flows in the Delta, increase water temperatures, reduce dissolved oxygen, increase salinity, and reduce the populations of fish species. Overall, climate change will add numerous stressors to already compromised Delta fish and wildlife. But the FEIR/FEIS does not adequately analyze whether and how global climate change will exacerbate the environmental impacts of the WaterFix. That violates NEPA, as recent guidance from the Council on Environmental Quality ("CEQ") makes clear. On August 1, 2016, the CEQ issued its official guidance governing agencies' analysis of greenhouse gases, titled "Guidance on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in National</p>	As described in SWRCB CWF hearing part rebuttal testimony DWR-86, extensive analyses were performed for BDCP/CWF recognizing the uncertainties associated with climate change and sea level rise. As noted in SWRCB-4, Appendix 5A, DWR and Reclamation in coordination with federal and state resource agencies developed climate change and sea level rise projections at 2025-2030 and 2060 for use in the BDCP/CWF. 112 climate projections from the CMIP3 database formed the basis for the five BDCP/CWF projections. The 112 projections were bias corrected and statistically downscaled to better reflect the local conditions. The five (Q1-Q5) climate projections were developed using ensembles of the 112 projections. The five ensemble informed projections captured the range (Q1-Q4) and the central tendency (Q5) of the 112 projections. Obviously, the five climate projections were developed by DWR and Reclamation to

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		<p>Environmental Policy Act Reviews,” which is attached hereto as Exhibit 2. The CEQ’s Guidance emphasizes that agencies have an obligation to disclose how the environmental impacts of their actions will be exacerbated by climate change:</p> <p>For example, a proposed action may require water from a stream that has diminishing quantities of available water because of decreased snow pack in the mountains, or add heat to a water body that is already warming due to increasing atmospheric temperatures. Such considerations are squarely within the scope of NEPA and can inform decisions on whether to proceed with, and how to design, the proposed action to eliminate or mitigate impacts exacerbated by climate change.</p> <p>Exhibit 2 at 21. This guidance applies perfectly, yet Reclamation and DWR claimed they could ignore this issue on the irrelevant ground that climate change would occur regardless of whether the WaterFix project is approved. E.g., FEIR/FEIS at 1-195 (Master Comment Response 19 states that the EIR/EIS is adequate because “sea level rise and climate change conditions are considered the same under both” the proposed action and no-action alternatives); FEIR Response to Comment RECIRC2836-17 (“The anticipated hydrologic changes due to climate change . . . will constrain and challenge future water management practices across the state, with or without the proposed project”). This assumption fails to address whether aspects of the proposed project would be worse than the no action alternative due to alterations in water availability and flows. Further, it is impossible for decisionmakers and the public to review the EIR/EIS and ascertain the extent to which the WaterFix’s environmental impacts will be exacerbated by climate change, because as discussed the EIR/EIS is entirely lacking in substantive detail.</p>	<p>study the sensitivity of the CWF under a wide range of climate change conditions.</p> <p>Over the years, several analyses were performed using the Q1-Q5 climate projections at 2025 and 2060 for several variations of BDCP/CWF preferred alternative. In 2010, all five Q1 – Q5 projections were used to analyze changes expected under BDCP DEIRS Alternative 1 at 2025 and 2060 compared to the No Action Alternative. This analysis showed that incremental changes in the CVP-SWP system response due to CWF under all five climate projections was consistent. This analysis was documented in the SWRCB-4, Appendix 5A Section D.3.3. Given the consistency in findings across all the climate projections most of the subsequent CWF analyses used the Q5 projection.</p> <p>More recently, in 2015, Q0 (current climate), Q2 (drier-warmer), Q4 (wetter-warmer) and Q5 (central tendency) projections were used to study the sensitivity of the incremental changes in the CVP-SWP system response due to CWF H3+ compared to No Action Alternative under the CWF BA. This analysis also provided the same conclusions as the 2010 analysis for Alternative 1. Key outputs resulting system response were included in the CWF BA Section 5A.A.3 (SWRCB-104).</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>
North Coast Rivers Alliance	10	<p>V. THE FEIR/FEIS’ ANALYSIS OF IMPACTS TO THE TRINITY RIVER IS INADEQUATE</p> <p>The FEIR/FEIS’ claim that the proposed action will not affect the Trinity River or other upstream operations such as Shasta Reservoir is disingenuous at best, and defies logic. Part of the project’s purpose and need is to meet full CVP contractual commitments, and upstream operations will necessarily be affected by that goal through depleted reservoir storage and an increase in dead pool frequency, even without considering the effects of climate change.</p> <p>As stated in comments by the Environmental Water Caucus comment DEIRS778-64, “total consumptive water rights claims for the Sacramento and Trinity River basins exceed annual average unimpaired flows by a factor of 5.6 acre-feet of claims per acre-foot of flow. Indeed, Table 32-2 in Master Response 32 (FEIR/FEIS at 1-284) shows that the Trinity River water permits issued to Reclamation allow storage and diversion of many times more water than is available annually in the Trinity River, even in the wettest of years.</p> <p>The risk of dropping water levels to dead pool in Trinity Reservoir with resultant catastrophic fish mortality from lack of cold water resources is thus well documented, even without climate change. Existing minimum instream flows in Reclamation’s Trinity River water permits require the release of 120,500 AF, while the weighted average annual release to the Trinity River under the 2000 Trinity River Record of Decision is nearly five times greater – 594,500 AF. This large amount of “paper water” demand from CVP water contracts for the Trinity River could lead to Trinity Reservoir dead pool – even without climate change – particularly since the SWRCB has consistently favored carryover storage in Folsom and Shasta Reservoirs over cold water storage</p>	<p>This section describes the commenter’s view that the Trinity River impact analysis in the Final EIR/EIS is inadequate. The Final EIR/FEIS is adequate and complete, including the impact analysis on the Trinity River.</p> <p>As shown in Chapter 5 and Appendix 5A, Section C, of the EIR/EIS, storage in Trinity Lake would be less under the No Action Alternative than under Existing Conditions due to climate change, sea level rise, and population growth that would occur with or without the project. These changes do result in more occurrences of dead pool conditions under the No Action Alternative as compared to the Existing Conditions; and therefore, are not mitigated because these changes are not caused by the Proposed Project. Storage in Trinity Lake would be similar under action alternatives and the No Action Alternative, as shown in Appendix 5A, Section C, of the EIR/EIS. Master Response 25, Upstream Reservoir Effects and Master Response 30, Modeling Approach, also address treatment of dead pool conditions.</p> <p>The occurrences of dead pool conditions in the CALSIM II model results occurred because 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. Instead the model includes average operating criteria for all dry periods, and does not reflect specific changes.</p> <p>This comment does not raise any substantive new environmental information or analysis that</p>

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		<p>in Trinity Reservoir. See SWRCB Water Right Order WR 2015-0043 (requiring 2016 minimum carryover storage in Folsom and Shasta but not Trinity). Indeed, Trinity Reservoir was drawn down very close to dead pool in 1977 (228,000 AF). Had 2016 been drier, it is likely that Trinity Reservoir would have been drawn down to dead pool last year, since storage was at its second lowest on December 8, 2015 (470,176 AF), and WR Order 2015-0043 maintains storage only in Shasta and Folsom, and not Trinity. Since the WaterFix will increase water demand on the Trinity River, this project's impacts clearly pose a far greater risk of drawing Trinity Reservoir down to dead pool.</p>	<p>was not previously addressed in the Final EIR/EIS.</p>
North Coast Rivers Alliance	11	<p>In order to mitigate these impacts, after an adequate FEIR/FEIS is prepared the following mitigation measure should be considered for adoption:</p> <p>The following terms and conditions will be incorporated into Reclamation's eight Trinity River water permits, as directed in SWRCB Water Quality Order 89-18:</p> <ol style="list-style-type: none"> 1.Conformance with the instream fishery flows contained in the Trinity River Record of Decision. 2.Provision for release of Humboldt County's 50,000 AF in addition to fishery flows per the 1955 Trinity River Act. 3.Inclusion of permit terms and conditions to require Reclamation to comply with the Trinity River temperature objectives contained in the Water Quality Control Plan for the North Coast Region (NCRWQCB) for all relevant time periods and for all uses of Trinity water diverted to the Sacramento River. 4.A requirement for a minimum of cold water storage in Trinity Reservoir adequate to preserve and propagate all runs of salmon and steelhead in the Trinity River below Lewiston Dam during a multi-year drought. 5.Require Reclamation to solve the temperature issue in Lewiston Reservoir through a feasibility study and environmental document to follow up on the 2012 preliminary technical memorandum by Reclamation. 	<p>This section suggests mitigation measures for what the commenter feels are impacts to the Trinity River. There would be no significant impacts to Trinity River fisheries. As a result, no mitigation measures are required. Mitigation measures have been provided throughout the impact analysis when significant impacts were found. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p>
North Coast Rivers Alliance	12	<p>As discussed throughout this comment, the FEIR/FEIS requires substantial revision and recirculation. The FEIR/FEIS' conclusion that the Trinity River will not be affected by the WaterFix is unsupported and unsupportable on the existing record. Consideration and adoption of the foregoing mitigation measure would go a long way toward providing long overdue protection for this vital river system and its fisheries.</p>	<p>This section describes the commenter's view on conclusions regarding Trinity River impacts in the Final EIR/EIS. The Final EIR/FEIS is correct, supportable, adequate, and complete, including the impact analysis on the Trinity River, and therefore does not require revision or recirculation. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p>
North Coast Rivers Alliance	13	<p>VI. THE FEIR/FEIS MUST BE RECIRCULATED</p> <p>NEPA and CEQA both require recirculation where an EIS or EIR is so inadequate and conclusory in nature that meaningful public review was precluded. CEQA Guidelines § 15088.5(a)(3) (recirculation is required where the DEIR "was so so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded"); 40 C.F.R. § 1502.9(a) ("If a draft statement is so inadequate as to preclude meaningful analysis, the agency shall prepare and circulate a revised draft of the appropriate portion").</p> <p>These regulations require recirculation here because, as the EPA has repeatedly made clear, the RDEIR/SDEIS was vague and conclusory and did not provide sufficient "information. . . for a</p>	<p>This section describes the commenter's view that the Final EIR/EIS be recirculated. The Final EIR/FEIS is adequate and complete and satisfies the requirements of NEPA and CEQA, and therefore does not require recirculation. 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>complete evaluation of environmental impacts.” EPA FEIS comments dated January 18, 2017, at 1; see generally EPA RDEIR/SDEIS comments dated October 30, 2015. Because the FEIS “do[es] not reflect the real world operational scenarios likely to” occur, “the amount of water that will actually be available for diversion . . . may differ significantly from what was assumed.” Id. at 2. The comments of Conservation Groups, other concerned citizens, and expert agencies like EPA have demonstrated in detail the many ways that the EIR/EIS’s vapid analysis prevented informed public review. The EIR/EIS must be recirculated.</p>	
North Coast Rivers Alliance	14	<p>In addition, the EIR/EIS must be recirculated because the circumstances surrounding the WaterFix have significantly changed since the issuance of the RDEIR/SDEIS in a manner that may affect its impacts. CEQA Guidelines § 15088.5(a); 40 C.F.R. § 1502.9(c)(1). Numerous highly pertinent legal and administrative developments have occurred since that date, including (1) EPA’s October 2015 and January 2017 comments indicating that the environmental impacts of the WaterFix are dramatically understated in the EIR/EIS; (2) Reclamation’s August 2, 2016, determination in its most recent Biological Assessment that approval of the WaterFix is likely to adversely affect a variety of endangered and threatened species and their habitat; (3) the State Water Resources Control Board’s October 2016 conclusion on page 1-4 of its Working Draft Scientific Basis Report for New and Revised Flow Requirements on the Sacramento River and Tributaries, Eastside Tributaries to the Delta, Delta Outflows, and Interior Delta Operations that existing flow “requirements are insufficient to protect fish and wildlife”; (4) the Sacramento Superior Court’s June 24, 2016 ruling invalidating the Delta Plan because it did not comply with the environmental restoration goals of the Delta Reform Act; and (5) the Ninth Circuit’s July 25, 2016 ruling invalidating Reclamation’s approval of numerous interim contracts for the delivery of Central Valley Project water in <i>Pacific Coast Federation of Fishermen’s Associations v. United States Department of the Interior</i>, 655 Fed. Appx. 595, 598 (9th Cir. 2016), because Reclamation had failed to consider the alternative of reducing water deliveries and improperly compared the project to itself.</p> <p>These significant developments make clear that the EIR/EIS dramatically understates the environmental impacts of the WaterFix and does not consider a reasonable range of alternatives as required by CEQA and NEPA, so recirculation of the EIR/EIS is required. CEQA Guidelines § 15088.5(a); 40 C.F.R. § 1502.9(c)(1).</p>	<p>This section describes the commenter’s view that the Final EIR/EIS be recirculated. See, <i>Developments after Publication of the Proposed Final Environmental Impact Report</i>, for a discussion on why new issues don’t change conclusions in the Final EIR/EIS.</p>
North Coast Rivers Alliance	15	<p>VII. THE FEIR/FEIS’ RESPONSE TO COMMENTS IS INADEQUATE</p> <p>CEQA and NEPA both mandate that agencies consider and respond fully to all public comments. <i>State of California v. Block</i>, 690 F.2d 753, 773 (9th Cir. 1982) (“there must be good faith, reasoned analysis in response” to public comment); <i>Santa Clarita Organization for Planning the Environment v. County of Los Angeles</i>, 106 Cal.App.4th 715, 723 (“It is not enough for the EIR simply to contain information submitted by the public and experts. Problems raised by the public and responsible experts require a good faith reasoned analysis in response”).</p> <p>Here, the FEIR/FEIS fails to provide “good faith, reasoned analysis” in response to public comment, and thus violates NEPA and CEQA. For example, in response to comment DEIRS795-24, in which the commenter asked for the adoption of a mitigation measure preventing Reclamation from augmenting CVP supplies with 50,000 acre-feet of water that is supposed to flow through the Trinity River to Humboldt County, the FEIR/FEIS merely states that past</p>	<p>This section describes the commenter’s view that the responses to comments in the Final EIR/EIS were inadequate. Appendix 3A includes a detailed discussion of the alternatives screening criteria, as well as the many alternatives which were considered for analysis but ultimately screened out. Master Response 4, Volume 2, Final EIR/EIS, also discusses the range of alternatives that were selected for analysis.</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>deliveries to Humboldt County “have only been conducted on an annual and interim basis,” which is not a reason that they could not be guaranteed in the future. FEIR/FEIS at Response to Comment 795-24. The modeling related to CVP reservoir storage, water availability, and contract deliveries is inaccurate and misleading because it fails to include modeling of Humboldt County’s 50,000 AF water contract, and the FEIR/FEIS is inadequate because it fails to provide good faith, reasoned analysis in response to public concerns about that exclusion.</p> <p>Similarly, the FEIR/FEIS fails to provide good faith, reasoned analysis in response to public comments about the unduly narrow scope of alternatives. Conservation Groups repeatedly pointed out that the EIR/EIS unlawfully failed to consider an alternative that would significantly reduce exports from the Delta, and specifically suggested adoption of the Environmental Water Caucus’ “Responsible Exports Plan.” Comment DEIRS1735-8. But in response, the FEIR/FEIS simply refers the reader to Master Response 4 (id.), which contains no specific discussion of the Environmental Water Caucus’ suggested alternative. See generally FEIR/FEIS at 1-42 through 1-46.</p> <p>These inadequate responses are emblematic of DWR and Reclamation’s serial disregard of their obligation to give serious and meaningful consideration to public comments. By failing to provide “good faith, reasoned analysis in response” to public comment, DWR and Reclamation violated CEQA and NEPA. Block, 690 F.2d at 773; Santa Clarita Organization for Planning the Environment, 106 Cal.App.4th at 723.</p>	
North Coast Rivers Alliance	16	<p>VIII. THE WATERFIX CANNOT BE APPROVED UNTIL A DELTA PLAN IS PREPARED</p> <p>As noted above, and as reflected in Exhibit 3, the Delta Plan was invalidated last year by the Sacramento Superior Court. The Court concluded that the Delta Plan failed to comply with the provisions of the Delta Reform Act, Water Code section 85000 et seq. Specifically, the Delta Plan was inadequate because it did not contain the requisite measurable targets necessary to achieve statutory objectives, including reduced reliance on the Delta, reduced environmental harm from invasive species, more natural flows, and increased water supply reliability. Exhibit 3 at 26. Moreover, the Delta Plan also failed to promote options for water conveyance and storage systems. Exhibit 3 at 72.</p> <p>The Delta Reform Act requires that agencies make findings that all projects implemented within the Delta, including the WaterFix, are consistent with the Delta Plan. Water Code § 85225. While the BDCP was required to be incorporated into the Delta Plan if certain conditions were met, the WaterFix cannot be so incorporated unless it is consistent with the Delta Plan. Water Code § 85320 (if the BDCP is an NCCP and HCP – which the WaterFix is not – and certain other conditions are met, “the [Delta Stewardship] Council shall incorporate the BDCP into the Delta Plan”). For this reason, the FEIR/FEIS states that DWR “will fully comply with the Delta Reform Act” and will “file a certification of consistency for the proposed project . . . at the appropriate time.” FEIR/FEIS at 1-277.</p> <p>But filing a certification of consistency at some later date after project approval is not enough. Since the current Delta Plan is invalid and the form of the future Delta Plan is unknown, DWR cannot know whether the WaterFix is consistent with the Delta Plan. Because approval of the WaterFix would reduce flows in the Delta, it is likely to be inconsistent with numerous components of any adequate Delta Plan. For example, reducing the Delta's flows will conflict</p>	<p>This section described the commenter’s view that the California Water Fix cannot be approved until a Delta Plan is prepared. It does not raise any new issues not already considered in the Final EIR/EIS.</p> <p>The California Department of Water Resources (DWR) recognizes and intends to fully comply with its obligations under the 2009 Delta Reform Act, but the legal requirements and the precise manner of compliance varies between the BDCP alternatives and non-HCP alternatives. As discussed in Appendix 3I, <i>BDCP Compliance with the 2009 Delta Reform Act</i>, Alternatives 1A through 9 in the Draft EIR/EIS were developed in a manner to comply with the BDCP-specific habitat conservation plan (HCP)/natural community conservation plan (NCCP) requirements set forth in Water Code Sections 85320 et seq. As discussed in Appendix 3J, <i>Alternative 4A (Proposed Project) Compliance with the 2009 Delta Reform Act</i>, the proposed project (Alternative 4A) and Alternatives 2D and 5A are not being proposed to fulfill the requirements of an HCP/NCCP, meaning Water Code Sections 85320 et seq. would not apply to these non-HCP alternatives. The proposed project (Alternative 4A) and Alternatives 2D and 5A would follow a different path to demonstrate consistency with the Delta Plan, The Delta Plan is currently the subject of ongoing litigation that could affect the its 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 (<i>Delta Stewardship Council Cases</i>, JCCP 4758), 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.</p>

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		<p>with the Delta Plan's required -but as yet, unadopted -quantified targets to restore -rather than further diminish and degrade -its natural flows. The only way for DWR to ensure that the WaterFix is consistent with the Delta Plan is for DWR to wait until the Delta Plan is revised and made lawful before determining how the WaterFix will be operated to conform its Delta flows to the Delta Plan.</p> <p>Under CEQA, a lead agency must ensure that the requirements for subsidiary approvals are met before approving the project, in order to allow members of the public to fully consider the environmental consequences of an action and thereby avoid wasting everyone's time by approving projects that cannot obtain necessary permits. E.g., Habitat and Watershed Caretakers, 213 Cal.App.4th at 1298 ("the EIR was required to provide both City decision makers and LAFCO decision makers," whose later approval would be necessary for project implementation "with information about the environmental consequences of the decisions that they, would be making with regard to the whole project"). Accordingly, DWR may not approve the WaterFix until it ensures that the WaterFix is consistent with a lawful Delta Plan.</p> <p>IX. CONCLUSION</p> <p>For each of these reasons, the FEIR/FEIS is inadequate and must be rejected as such.</p> <p>No lawful decisions regarding management of the Delta can be based on this deficient and illegal document.</p>	<p>Prior to initiating implementation of the proposed project, Alternative 4A (California WaterFix), DWR must submit a written certification that the project is consistent with the applicable policies in the Delta Plan (Water Code Section 85225; 23 California Code of Regulations [CCR] Section 5002, subd. (b)). In addition, under the Delta Plan regulations, if consistency with one or more individual policies in the Delta Plan is infeasible, DWR may certify that the California WaterFix is, on the whole, consistent with the coequal goals themselves (23 CCR Section 5002, subd. (b)(1)). See Master Response 24, <i>Delta as Place</i>, for a more specific response to comments regarding Delta as Place.</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>
North Coast Rivers Alliance	ATT 1	Re: Comments of North Coast Rivers Alliance, San Francisco Crab Boat Owners Association, Inc., Pacific Coast Federation of Fisherman's Associations, and the Institute for Fisheries Resources on the BDCP/WaterFIX FEIR/FEIS	Pages 39-72 are the final CEC guidance on addressing GHG emissions and climate change in NEPA documents. The final guidance does not present any new issues not addressed through compliance with the draft guidance, which was cited in the Final EIR/S. Please note on March 28, 2017, President Trump signed an executive order directing the CEC to rescind the final guidance.
North Coast Rivers Alliance	ATT 2	Exhibit 1	This attachment is testimony from Deirdre Des Jardins 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.
North Coast Rivers Alliance	ATT 3	Exhibit 2	This attachment is a 2016 Memorandum for Heads of Federal Departments and Agencies relating to greenhouse gas emissions and climate change and does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S.
North Coast Rivers Alliance	ATT 4	Comments on the BDCP/WaterFIX FEIR/FEIS	This attachment is a cover letter and does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S.
North Coast Rivers	ATT 5	Grapphs, Deirdre Des Jardins, Climate Change Modeling for the BDCP/Water Fix, Figure 1-21 Exhibit PCFFA-78, Graphs, Deirdre Des Jardins, Climate Change Modeling for the BDCP / WaterFix, Figures 1-21. Available at	This attachment is Exhibit PCFFA-78 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

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Alliance		http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/exhibits/docs/PCFFA&IGFR/PCFFA_78_DDJg.pdf	Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
North Coast Rivers Alliance	ATT 6	United States Army Corps of Engineers, table of Regionally corrected sea level rise estimates for Port Chicago, August 16, 2016. Exhibit PCFFA-78, Graphs, Deirdre Des Jardins, Climate Change Modeling for the BDCP / WaterFix, Figures 1-21. Available at http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/exhibits/docs/PCFFA&IGFR/PCFFA_78_DDJg.pdf	This attachment is Exhibit PCFFA-64 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.
North Coast Rivers Alliance	ATT 7	United States Army Corps of Engineers, graph of regionally corrected sea level rise estimates for Port Chicago. August 16, 2016. http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/exhibits/docs/PCFFA&IGFR/PCFFA_65_graph.pdf	This attachment is Exhibit PCFFA-65 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.
North Coast Rivers Alliance	ATT 8	United States Army Corps of Engineers, Port of Chicago sea level gauge data. August 16, 2016 http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/exhibits/docs/PCFFA&IGFR/PCFFA_66_guage.pdf	This attachment is Exhibit PCFFA-66 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
North Coast Rivers Alliance	ATT 9	September 6, 2007 Letter from Mike Healy to John Kirilin Re: Projections of Sea Level Rise for the Delta P Projections of Sea Level Rise for the Delta. http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/exhibits/docs/PCFFA&IGFR/PCFFA_66_guage.pdf	This attachment is Exhibit PCFFA-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.
North Coast Rivers Alliance	ATT 10	May 15, 2014 Letter from Delta Independent Science Board to Randy Firoini Re: Review of the Draft EIR/EIS for the Bay Delta Conservation Plan. http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/exhibits/docs/PCFFA&IGFR/PCFFA_66_guage.pdf	This attachment is Exhibit PCFFA-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.
North Coast Rivers Alliance	ATT 11	National Oceanic and Atmospheric Administration Technical Report: Global Sea Level Rise scenarios for the United States National Climate Assessment. http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/exhibits/docs/PCFFA&IGFR/PCFFA_66_guage.pdf	This attachment is Exhibit PCFFA-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.
North Coast Rivers Alliance	ATT 12	Sutterly, T.C., I. Valicogna et al. Mass loss of the Amundsen Sea Embayment of West Antarctica from four independent techniques. http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/exhibits/docs/PCFFA&IGFR/PCFFA_63_Sutt.pdf	This attachment is Exhibit PCFFA-63 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.
North Coast	ATT 13	J. Hansen, et al. Ice melt, sea level rise and superstorms: evidence from Paleoclimate data, climate modeling and modern observations that 2 degrees C global warming is highly dangerous.	This attachment is Exhibit PCFFA-67 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change

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Rivers Alliance		http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/exhibits/docs/PCFFA&IGFR/PCFFA_63_Sutt.pdf	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.
North Coast Rivers Alliance	ATT 14	Gregory Flato et al. Climate Change 2013 The physical science Basis, Chapter 9: evaluation of climate models. http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/exhibits/docs/PCFFA&IGFR/PCFFA_68_Flato.pdf	This attachment is Exhibit PCFFA-68 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.
North Coast Rivers Alliance	ATT 15	Climate Change Scenarios And Sea Level Rise estimates for the California 2009 Climate change scenarios assessment, A paper from the California climate change center. http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/exhibits/docs/PCFFA&IGFR/PCFFA_69_Cayan.pdf	This attachment is Exhibit PCFFA-69 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.
North Coast Rivers Alliance	ATT 16	Sarah Null and Josh Viers, Water and Energy Sector vulnerability to climate warming in the Sierra Nevada: water year classification in non-stationary climates, July 31, 2012 http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/exhibits/docs/PCFFA&IGFR/PCFFA_72_Null.pdf	This attachment is Exhibit PCFFA-72 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.
North Coast Rivers Alliance	ATT 17	David M. Meko, Matthew D. Therrell et al. Sacramento River Flow Reconstructed to Ad. 869 From tree Rings journal of the american water resources associaiton. http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/exhibits/docs/PCFFA&IGFR/PCFFA_74_Meko01.pdf	This attachment is Exhibit PCFFA-74 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.
North Coast Rivers Alliance	ATT 18	David M. Meko. Central Valley Droughts over Last 1,000 years, 2009 extremem precipitation symposium http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/exhibits/docs/PCFFA&IGFR/IFR-1_Meko.pdf	This attachment is Exhibit IFR-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.
North Coast Rivers Alliance	ATT 19	March 2013, Revised Administrative Draft, Bay Delta Conservation plan, Appendix 2.C, Climate change implication assumptions. http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/exhibits/docs/PCFFA&IGFR/PCFFA_62_BDCP2C.pdf	This attachment is Exhibit PCFFA-62 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.
North Coast Rivers Alliance	ATT 20	Department of Water Resources, perspectives and guidance for climate change analysis http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/exhibits/docs/PCFFA&IGFR/PCFFA_62_BDCP2C.pdf	This attachment is Exhibit PCFFA-70 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.
North	ATT 21	Francis Chung et al., Using Future Climate Projections to support water resources decision	This attachment is Exhibit PCFFA-71 presented for the hearing proceedings regarding petition

Letter	Comment #	Comment	Relation to Final EIR/EIS
Coast Rivers Alliance		making in Ca. May 2009 http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/exhibits/docs/PCFFA&IGFR/PCFFA_71_Chung.pdf	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.
North Coast Rivers Alliance	ATT 22	Abdul Khan and Andrew Schwarz Climate change characterization and analysis in California Water Resources Planning studies Dec 2010. http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/exhibits/docs/PCFFA&IGFR/PCFFA_73_Khan.pdf	This attachment is Exhibit PCFFA-73 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.
North Coast Rivers Alliance	ATT 23	Close et al., 2003, A strategic review of CalSim II and its use for water planning. http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/exhibits/docs/PCFFA&IGFR/PCFFA_73_Khan.pdf	This attachment is Exhibit PCFFA-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.
North Coast Rivers Alliance	ATT 24	Review Panel Report San Joaquin River Valley CalSIM II Model Review, 2006. http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/exhibits/docs/PCFFA&IGFR/PCFFA_73_Khan.pdf	This attachment is Exhibit PCFFA-79 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.
North Coast Rivers Alliance	ATT 25	PEER REVIEW RESPONSE: A report by DWR/Reclamation in reply to the peer review of the CALSIM-II model. Dec 2003 http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/exhibits/docs/PCFFA&IGFR/PCFFA_80_PR2004.pdf	This attachment is Exhibit PCFFA-80 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.