

Letter	Comment #	Comments	Relation to Final EIR/EIS
North Delta Water Agency	1	<p>These comments on the Final Environmental Impact Report/Environmental Impact Statement (Final EIR/EIS) for the Bay Delta Conservation Plan/California Water Fix Project (Water Fix or Project) are submitted on behalf of North Delta Water Agency (NDWA) and districts within its boundaries (see Exhibit A for submitting parties, collectively referred to herein as "NDWA").</p> <p>NDWA incorporates herein all of its comments previously submitted in connection with the Project, including those comments submitted on the 2013 Draft Environmental Impact Report/Draft Environmental Impact Statement for the Bay Delta Conservation Plan (DEIR/ DEIS), the 2015 Partially Recirculated Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement for the California WaterFix (RDEIR/SDEIS), this Final EIR/EIS, and comments submitted in NDWA's role as a Cooperating Agency with the U.S. Bureau of Reclamation and as a member of the BDCP Steering Committee. (See Exhibit B for a list of all incorporated prior comments.) Many of those comments have not been adequately responded to and the Final EIR/ EIS is flawed in the ways described in those comment letters and attachments.</p>	This comment summarizes comments below. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.
North Delta Water Agency	2	<p>Finally, NDWA incorporates evidence submitted to the State Water Resources Control Board (SWRCB) in connection with the water right change petition filed by the Department of Water Resources (DWR) and the Bureau of Reclamation. (See Exhibit C for a list of all incorporated evidence from that proceeding.) The evidence submitted to the SWRCB regarding injury to legal users of water resulting from the Project is further evidence that impacts to NDWA and the land owners within its boundaries have not been appropriately addressed.</p>	This comment summarizes content of the comment letter. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.
North Delta Water Agency	3	<p>Background</p> <p>In 1981, DWR and NDWA executed a Contract for the Assurance of a Dependable Water Supply of Suitable Quality (1981 Contract), which remains in full force and effect. The crux of the 1981 Contract is a guarantee by the State of California that, on an ongoing basis, DWR will ensure through the operation of the SWP that suitable water will be available to satisfy all agricultural and other reasonable and beneficial uses in all channels within NDWA's boundaries, including the State furnishing "such water as may be required within the Agency to the extent not otherwise available under the water rights of water users."</p> <p>The 1981 Contract contains certain year-round water quality criteria, as well as provisions pertaining to physical hydrologic changes that obligate DWR to provide specific remedies, including limitations on the operations of the SWP. In return for the benefits received, NDWA makes an annual payment to DWR. NDWA further expressly consents to the export of water from the Delta "so long as this contract remains in full force and effect and the State is in compliance herewith." Crucially, through the 1981 Contract provides neither a minimum nor a maximum volume of water to which NDWA is contractually entitled. See 1981 Contract Art. 8(a).</p> <p>NDWA has a clear statutory mandate to assure that the lands within the North Delta have a dependable supply of water of suitable quality sufficient to meet present and future needs, in accordance with the 1981 Contract. For this reason, NDWA has repeatedly asserted during the various Delta planning processes that any projects,</p>	This comment provides background/history of NDWA's involvement. 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>programs, and actions pursued in the name of coequal goals, including the BDCP and WaterFix must: 1) be based on the best available science; 2) be consistent with the contractual obligations of the State under the 1981 Contract; and 3) be undertaken in compliance with all applicable state and federal law.</p>	
North Delta Water Agency	4	<p>I. The FEIR/EIS Fails To Adequately Analyze or Mitigate For the Impacts of the Project</p> <p>This project, if approved, would be one of the largest in the State's history and has tremendous potential for significant adverse environmental impacts on a regional basis. Many of those impacts would be felt directly within NDWA. Unfortunately, each iteration of the BDCP/Water Fix environmental review has been plagued by organizational flaws, rife with internal inconsistencies, suffering from an inadequate project description and analysis, and lacking in significant substantive areas. The result, as has been detailed in NDWA's prior comments, is a document that obscures and underestimates the impacts of the proposed change.</p>	<p>This comment is a general statement of the commenter's opinion of the project and environmental documentation. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p>
North Delta Water Agency	5	<p>The Final EIR/EIS further perpetuates these problems. In addition to the flaws already noted by NSWA, and raised by NDWA in its prior comments, we observe that the Final EIR/EIS:</p> <ul style="list-style-type: none"> <li>• Fails to provide a stable or finite project description, and in particular lacks any clear operational plan upon which analysis of the project's impacts could be based.</li> <li>• Fails to adequately analyze or mitigate for physical or economic impacts of the Project on users within NDWA, including increased costs of irrigation following construction, impacts to crops and soils from higher salinity levels, and economic costs of fallowing lands during the tunnels' construction.</li> <li>• Relies on flawed modeling which, among other inadequacies, fails to adequately account for the demands of the 1981 Contract.</li> <li>• Fails to adequately analyze or mitigate for impacts to local Reclamation Districts, which are likely to experience increased maintenance and drainage pumping costs associated with changing surface and groundwater levels and flood impacts in the Plan Area.</li> <li>• Fails to address the impacts to local agencies (including NDWA) as a result of decreased assessments during the construction period and following the Project's construction.</li> <li>• Does not meaningfully evaluate or quantify DWR's ability to continue meeting its contract obligation with NDWA or others.</li> <li>• Does not meaningfully address or quantify the economic, health, and agriculture impacts due to lowered groundwater elevations from extensive dewatering activities during the 10-14 year construction period.</li> <li>• Fails to provide sufficient accountability for the prevention of impacts, including mitigation measures that are too vague, deferred until studies are conducted in the future, or left to future non-binding discretionary decisions by the project proponents. Mitigation limited in this way does not provide the certainty required for NDWA or other stakeholders to determine whether those actions are adequate to comply with contract requirements or meaningfully mitigate for impacts.</li> <li>• Fails to offer any meaningful accountability or oversight to ensure that mitigation measures are properly implemented and effective in reducing impacts.</li> </ul>	<p>This comment includes general comments on the document. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p>
North Delta Water Agency	6	<p>An EIR is an "environmental 'alarm bell' whose purpose it is to alert the public and its</p>	<p>This comment raises concerns with the project description of the California WaterFix</p>

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		<p>responsible officials to environmental changes before they have reached ecological points of no return." Santiago County Water Dist. v. County of Orange (1981) 118 Cal. App.3d 818. It is intended "to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action." No Oil, Inc. v. City of Los Angeles (1974) 13 Cal.3d 68, 86; Guidelines, § 15003(d). To serve that purpose, the project description must provide the necessary detail to allow the public and decision-makers to make an informed decision about a project's impacts. San Joaquin Raptor Rescue Center v. County of Merced (2007) 149 Cal.App.4th 645, 672. When a project will cause potentially significant environmental impacts, the EIR must propose and describe mitigation measures to minimize or avoid those effects. East Sacramento Partnership for a Livable City v. City of Sacramento, 5 Cal. App. 5th 281, 303 (2016), citing Pub. Res. Code §§ 21002.1(a), 21100(b) (3); State CEQA Guidelines, 14 C.C.R. § 15126.4(a) (1).</p> <p>This Final EIR/EIS does not meet CEQA or NEPA's requirements. The same substantive, procedural and analytical flaws that plagued prior drafts infect the current document.</p> <p>Simply put, the FEIR/EIS violates CEQA and NEPA because the California WaterFix project description has never been stable enough to allow water users to understand the scope and severity of project impacts, because the FEIR/EIS contains an inadequate analysis of the project's impacts, and because to the extent that impacts have been identified, the FEIR/EIS fails to provide adequate, enforceable mitigation measures and monitoring programs to minimize or avoid those impacts.</p>	<p>and its compliance with CEQA and NEPA requirements. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p>
North Delta Water Agency	7	<p>II. The FEIR/EIS's Flaws are Exacerbated, Not Eliminated, By the Addition of Significant New Information</p> <p>This FEIR/EIS was released three days before Christmas; set for a 30-day review period that spanned multiple federal holidays; adds more than 70,000 pages of new material to the previously released public documents, including eighteen new substantive appendices or sub-appendices; applies entirely new modeling data to simulate the Project's potential operations; and, with the exception of a cursory two-page summary, fails to provide any information as to what materials have been added or altered in the final document. These flaws obfuscate public review and deprive the public of any meaningful opportunity to comment upon the changes reflected in the final document that may increase the scope, severity, and duration of project impacts. See Laurel Heights Improvement Assn. v. Regents of University of California (1993) 6 Cal.4th 1112, 1129-1130.</p> <p>Even in the face of these exacerbating circumstances, NDWA has identified changes to the document that go far beyond clarifying or amplifying the information contained in prior drafts, and therefore mandate recirculation and additional public review. For example, the FEIR/EIS adds new modeling for the Project, which it describes as an "impact analysis starting point." Final EIR/EIS, at ES-8, line 20-24. The Final EIR explains, without further specificity, that "hydrologic modeling was updated to include conditions under Alternative 4A ...this modeling translated into updated discussion in [Chapters 5, 6, 8, 11] and other chapters dependent on hydrodynamic changes." Final EIR/EIS, at ES-8. As we have explained in the NSWA Comments, this new modeling is</p>	<p>This comment raises concerns with the amount of new information in the Final EIR/EIS and the review period for the Final EIR/EIS. This comment also states that information in the Final EIR/EIS is new and goes beyond clarification of existing information and should therefore be recirculated for public review.</p> <p>The Final EIR/EIS does not raise any new or greater impacts than those in the Recirculated Draft EIR/EIS. New material was only used to supplement and enhance the existing analysis in the Recirculated Draft EIR/EIS, including model results for Alternative 4A. The model results provide confirmation that the effects of Alternative 4A as compared to the Existing Conditions and the No Action Alternative were consistent with the impact analyses presented in the Recirculated DEIR/Supplemental EIS which compared the results of Alternatives 4H3 and 4H4 which were also presented in the Draft EIR/EIS.</p> <p>The purpose of Appendix 6A was to describe guiding policies and legislation related to flood management in California, potential effects of climate change and seismic risk on levees with or without the project, and compile the information related to construction and operations methods for the Project that are presented in Chapters 3 and 10 and Appendix 3B, including environmental commitments and conservation measures. 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>forms the heart of the EIR/ EIS's impacts analysis, and it is flawed in significant ways. Those flaws infect the resulting analysis, and the public must be allowed an opportunity to review and comment upon this significant new information. See Spring Valley Lake Association v. City of Victorville (2016) 248 Cal. App. 4th 91, 108.</p>	
North Delta Water Agency	8	<p>Other significant new information abounds. For example, Appendix 6A addresses the potential impacts of the Water Fix project on levees and flood management in the Plan Area. Appendix 6A reveals for the first time potential impacts related to sedimentation, levee integrity, changes to drainage patterns, and risks of slope failure during rainfall (an effect, which, in the words of the FEIR/EIS "could be substantial"). Final EIR/EIS, at 6A-32, 34. While NDWA appreciates that some measure of flood impacts and analysis has been performed, this is the public's first opportunity to review that analysis. This late and cursory discussion of potential new impacts has the effective of depriving the public of any meaningful opportunity to review, comment on, and receive responses to comments on this material. This oversight is particularly troubling, given the significant public health and safety concerns associated with flood and levee impacts.</p> <p>As other commenters have noted, the lead agencies have provided almost no detail regarding what materials have been added, removed, or changed in this most recent version of the EIR/EIS. Our preliminary review reflects that the changes were substantial: more than 1000 new pages and two entirely new appendices added to Chapter 11( Fish and Aquatic Resources ); ten new appendices related to modeling; and significant new analysis pertaining to that additional modeling, flood control impacts, and other resource areas.</p> <p>DWR and Reclamation's last minute dump of material defies the purposes of NEPA and CEQA: revised documents like this one must "be subjected to the same critical evaluation that occurs in the draft stage...so that the public is not denied an opportunity to test, assess, and evaluate the data and make an informed judgment as to the validity of the conclusions to be drawn therefrom." Save Our Peninsula Comm. v. Monterey County Board of Supervisors (2001) 87 Cal.App.4th 99, 131 (internal quotations omitted).</p>	<p>This comment continues the commenter's assertion that there is new information in the Final EIR/EIS which requires additional public review.</p> <p>The Final EIR/EIS does not raise any new or greater impacts than those in the Recirculated Draft EIR/EIS. New material was only used to supplement and enhance the existing analysis in the Recirculated Draft EIR/EIS. The purpose of Appendix 6A was to describe guiding policies and legislation related to flood management in California, potential effects of climate change and seismic risk on levees with or without the project, and compile the information related to construction and operations methods for the Project that are presented in Chapters 3 and 10 and Appendix 3B, including environmental commitments and conservation measures.</p> <p>The additional appendixes associated with Chapters 5 and 11 present background information and alternative methods to present model results that were discussed in the Draft EIR/EIS and Recirculated DEIR/Supplemental DEIS, and to respond to comments submitted on the Draft EIR/EIS and Recirculated DEIR/Supplemental DEIS. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p>
North Delta Water Agency	9	<p>III. Responses to Comments are Vague, Non-Responsive, and Contradictory.</p> <p>A thoughtful and meaningful response to public comment is an integral part of the EIR and EIS. 40 C.F.R. § 1510(a); State of Cal. v. Block (9th Cir. 1982) 690 F.2d 753, 773; CEQA Guidelines, § 15003(a); Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal.3d 553, 564. CEQA and NEPA require a lead agency to confront the significant environmental issues raised in comments, and does not allow these issues to be "swept under the rug." See City of Irvine v. County of Orange (2015) 238 Cal.App.4th 526, 553.</p> <p>This EIR/ EIS fails utterly in this regard. For example, NDWA has, throughout this review process, commented that any final project must conform with DWR's contractual obligations to the Agency. Those obligations include a commitment to maintaining specific, year-round salinity objectives at contract-defined measurement points; avoiding changes in water surface levels that are detrimental to Delta channels or water users; and protections to the physical infrastructure and water delivery systems within NDWA. In response to concerns raised by NDWA regarding compliance with</p>	<p>Regarding the commenter's assertion that responses to comments about the project conforming with existing contracts are too vague, DWR intends to continue to comply with the contract.</p> <p>Regarding the commenter's assertion that the response to comments on the project description was insufficient – The original comment (Comment 1674 – 159) on the Draft EIR/EIS does not identify specific information that is missing from the project description. Therefore, the response to comments could not address any specific concerns by the commenter. The project has continued to be refined since the Draft EIR/EIS and it is likely the commenter's concerns with missing information was addressed in subsequent iterations.</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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North Delta Water Agency	10	<p>IV. Unsubstantiated Assurances that DWR will "Comply With its Contractual Obligations" Do Not Remedy The Projects' Flaws Under CEQA and NEPA</p> <p>The 1981 Contract requires DWR to meet specific obligations, including obligations concerning water quality, maintenance of surface water elevations and prohibitions against modification of flow patterns, which are above and beyond what is required under CEQA/NEPA or permits issued under ESA/CESA. DWR's compliance with its contractual obligations under the 1981 Contract is not discretionary.</p> <p>The Final EIR/EIS provides two general responses to the contractual issues raised by NDWA: (1) that the 1981 Contract was included in the water supply assumptions for the Project; and (2) that DWR intends to comply with its contractual obligations to NDWA See, e.g. Response to Comments 1674-18, 1674-19, 1674-24. NDWA appreciates DWR's commitment to its contractual obligations. NDWA notes at the outset that even assuming DWR can maintain compliance with the 1981 Contract, that compliance does not immunize this project from the significant problems it faces under CEQA and NEPA. The flow changes associated with Water Fix may result in injury to NDWA users even if no contract violations occur.</p> <p>The Final EIR/EIS contains substantial evidence to suggest that DWR has not adequately analyzed the constraints imposed by the 1981 Contract, nor has it realistically assessed its ability to comply with the 1981 Contract under the proposed project operations. For example, the Final EIR/EIS indicates that the Alternative 4A modeling includes an assumption that project operations would "maintain all water quality requirements contained in the NDWA/DWR Contract and other DWR contractual obligations." Final</p>	<p>The multiple responses to comment letter 1674 on the Draft EIR/EIS regarding the 1981 contract remain correct. DWR will continue to comply with the terms of the 1981 NDWA contract.</p> <p>Consistent with what is stated in the Final EIR/EIS, DWR's 1981 contract with NDWA was not explicitly modeled in CALSIM II. However, typically compliance with D1641 standards, which were included in the model, allows DWR to comply with the NDWA contract in the real operations. During the development of the alternatives included in the EIR/EIS, the electrical conductivity conditions from the initial DSM2 model results were compared to criteria in the 1981 Agreement. The electrical conductivity results from the final model runs are presented in Chapter 8.</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>EIR/EIS, Table B-13a, 5A-B129. Aside from this brief reference, the Final EIR/ EIS does not otherwise explain how the 1981 Contract has been included in the modeling assumptions, but explains that "specific regulatory and contractual requirements are input as linear constraints to the system operation." 5A-A11. The Final EIR/EIS's assertions that the 1981 Contract was "included in water supply assumptions" are particularly puzzling, because the 1981 Contract is not a right to a quantifiable volume of water, but rather, an assurance from the State that NDWA water users shall be supplied with "such water as may be required within the Agency to the extent not otherwise available under the water rights of water users." The modeling applied in the Final EIR/ EIS reflects a simulation of hypothetical operations of the new and existing SWP and CVP water delivery facilities, and that hypothetical fails to account in any clear way for the 1981 Contract. The Final EIR/EIS does not identify any clear operations plan that would assure that DWR's contractual obligations to NDWA to be met. Without a commitment to operate the project in accordance with enforceable criteria, DWR's generalized assurances about contract compliance are meaningless.</p> <p>Other elements of the EIR/ EIS cast serious doubt on DWR's assertion that it will continue to comply with the 1981 Contract requirements. For example, the FEIR/EIS evaluates potential changes to electrical conductivity ("EC") based on the standards set by D-1641, which sets water quality objectives at Emmaton from April 1through August 15. The NDWA Contract sets year-round water quality standards at Three Mile Slough, upstream of Emmaton. This requirement was not included in the modeling for the EIR/EIS. See SWRCB Hearing Transcript, Vol. 14; p. 29:15-20 (Aug. 24, 2016); see also id. at 21:1 through 29:23; see generally Final EIR/EIS, Appendix 5A. When the 1981 Contract objectives are applied against the modeling data used in the EIR/EIS analysis, a significant and measurable increase in contract exceedances is apparent. MBK Engineers, Technical Comments on California WaterFix Modeling (August 31, 2016).</p> <p>Other evidence in the Final EIR/EIS demonstrates that the analysis has not, in fact, fully accounted for the demands and requirements of the 1981 Contract. For example, the 1981 Contract requires that "if lands, levees, embankments, or revetments adjacent to Delta channels within the Agency incur seepage or erosion damage or if diversion facilities must be modified as a result of altered water surface elevations as a result of the conveyance of water ...the State shall repair or alleviate the damage, shall improve the channels as necessary, and shall be responsible for all diversion facility modifications required." See Response to Comment 1674-22. Newly-added Appendix 6A suggests that the potential impact during Project construction "could be substantial because levee slopes and stream banks may fail...Structures built on these slopes could be damaged or fail entirely as a result of slope instability." 6A-32:35-39. The 1981 Contract places specific obligations on DWR to remedy these impacts, and the EIR/ EIS contains no mention or analysis of those required measures.</p>	
North Delta Water Agency	11	<p>Conclusion</p> <p>NDWA has long been a stakeholder and highly engaged participant in the BDCP planning process. Unfortunately, the vague assurances in Appendix 6A that the project will be "flood neutral", without further evidence of that claim; the lack of discussion of the significant obligations imposed on DWR via 1981 Contract throughout the EIR/EIS;</p>	<p>This comment summarizes the commenter's concerns with incorporation of the DWR and NDWA 1981 Contract. The 1981 Contract is included in the water supply assumptions in the EIR/EIS analysis. DWR will continue to comply with the terms of the 1981 NDWA Contract. As described in Chapter 3, Section 3.6.1.1, North Delta Intakes, facilities to be constructed along the levees would be designed to provide flood neutrality during construction and operations. Facilities located along the levees,</p>

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		the failure of the Final EIR/EIS to include a clear Operations Plan or finite project description; and the lack of real, meaningful mitigation measures and oversight to minimize impacts from the project show that many of NDWA's concerns have fallen on deaf ears.	including coffer dams at the intake locations, would be designed to provide continued flood management at the same level of flood protection as the existing levees; or if applicable, to a higher standard for flood management engineering and permitting requirements if the standards are greater than the existing levee design. New facilities would be designed to withstand the applicable flood management standards through construction of flood protection embankments or construction on engineered fill to raise the facilities to an elevation above the design flood elevation for that specific location. The levee design criteria would consider the most recent criteria, including new guidelines for urban and rural levees (DWR 2013, 2014). Before and/or during construction of the CWF water conveyance facilities, project proponents will explore opportunities with local reclamation districts and the Central Valley Flood Protection Board (CVFPB) to address potential conflicts regarding levee maintenance, inspection, and flood fighting activities on project and non-project levees. DWR will look to enter into agreements with local reclamation districts with jurisdiction in the Delta to ensure levee management activities by both government and local agencies are not interrupted during construction of the water conveyance facilities. In addition, DWR will comply with all applicable flood protection requirements and regulations to ensure flood neutrality during construction and operations of the CWF. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS. Please see Section 6A.6, Appendix 6A of the Final EIR/EIS, for potential effects to flood protection and levees in the Delta, including measures to minimize and avoid impacts to surface water and river flow. Section 6A.6 includes a discussion on levees modified by construction of the California WaterFix (CWF/Alternative 4A), including responsibilities of the lead agencies. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.
North Delta Water Agency	12	Meaningful public review is the strongest assurance of the adequacy of the EIR. For the reasons laid out above, and described in detail in our prior comments, this EIR/EIS and the analysis contained therein do not meet the requirements of CEQA or NEPA. We urge you to revise and recirculate the document.	This comment summarizes the previous comment that the document should be recirculated. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.
North Delta Water Agency	ATT 1	California WaterFix Overview ppt	This attachment is Exhibit DWR-1 corrected errata presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
North Delta Water Agency	ATT 2	Engineering Overview ppt	This attachment is Exhibit DWR-2 errata presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.

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North Delta Water Agency	ATT 4	Operations ppt	This attachment is Exhibit DWR-4-errata presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
North Delta Water Agency	ATT 5	Modeling ppt	This attachment is Exhibit DWR-5-errata presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
North Delta Water Agency	ATT 6	SWRCB Testimony of Jennifer Pierre	This attachment is Exhibit DWR-51 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
North Delta Water Agency	ATT 7	SWRCB Testimony of Maureen Sergent	This attachment is Exhibit DWR-53 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. 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 Delta Water Agency	ATT 8	SWRCB Testimony of John Bednarski	This attachment is Exhibit DWR-57 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.



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North Delta Water Agency	ATT 9	SWRCB Testimony of Parviz Nader-Tehrani	This attachment is Exhibit DWR-66 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
North Delta Water Agency	ATT 10	SWRCB Testimony of Armin Munevar	This attachment is Exhibit DWR-71 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
North Delta Water Agency	ATT 11	Figure 5 Existing Water Diversions at the Proposed Intake Sites	This attachment is Exhibit DWR-217 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 Delta Water Agency	ATT 12	Table 1-Existing Water Diversions at the Proposed CWF Intake Sites	This attachment is Exhibit DWR-221 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 Delta Water Agency	ATT 13	Contract between the State of California Department of Water Resources and the North Delta Water Agency for the assurance of a dependable water supply of suitable quality	This attachment is Exhibit DWR-306 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 Delta Water Agency	ATT 14	Protest-Petition	This attachment is a protest petition and relates to the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.

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North Delta Water Agency	ATT 15	NDWA Sacramento River at Three-Mile Slough 14-day mean electrical conductivity chart	This attachment is Exhibit NDWA-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 Delta Water Agency	ATT 16	NDWA Sacramento River at Three-Mile Slough 14-day mean electrical conductivity chart	This attachment is Exhibit NDWA-2 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
North Delta Water Agency	ATT 17	Testimony of Gary Kienlen, MBK Engineers	This attachment is Exhibit NDWA-3 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
North Delta Water Agency	ATT 18	Gary Kienlen CV	This attachment is Exhibit NDWA-4 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
North Delta Water Agency	ATT 19	Testimony of Gomathishankar Parvathinathan, MBK Engineers	This attachment is Exhibit NDWA-5 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
North Delta Water Agency	ATT 20	Gomathishankar Parvathinathan CV	This attachment is Exhibit NDWA-6 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.

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North Delta Water Agency	ATT 21	Testimony of Melinda Terry, North Delta Water Agency	This attachment is Exhibit NDWA-7 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
North Delta Water Agency	ATT 22	Statement of Qualifications Melinda Terry	This attachment is Exhibit NDWA-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 Delta Water Agency	ATT 23	Testimony of Steve Mello, North Delta Water Agency	This attachment is Exhibit NDWA-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 Delta Water Agency	ATT 24	Testimony of Tom Slater, Reclamation District 999	This attachment is Exhibit NDWA-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 Delta Water Agency	ATT 25	Delta Points of Diversion Exhibit	This attachment is Exhibit NDWA-11 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
North Delta Water Agency	ATT 26	Agreement	This attachment is Exhibit NDWA-12 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.

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North Delta Water Agency	ATT 27	NDWA Water Quality Monitoring Locations and NDD Intakes Exhibit	This attachment is Exhibit NDWA-13 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 Delta Water Agency	ATT 28	NDWA North Fork Mokelumne River near Walnut Grove, WQ Station B94133 for CY 2014	This attachment is Exhibit NDWA-14 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 Delta Water Agency	ATT 29	NDWA Sacramento River at Rio Vista, WQ Station RVB for CY 2014	This attachment is Exhibit NDWA-15 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 Delta Water Agency	ATT 30	NDWA San Joaquin River at San Andreas Landing, WQ Station SAL for CY 2014	This attachment is Exhibit NDWA-16 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 Delta Water Agency	ATT 31	NDWA Sacramento River at Walnut Grove, WQ Station B91650 for CY 2014	This attachment is Exhibit NDWA-17 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 Delta Water Agency	ATT 32	NDWA Steamboat Slough at Sutter Slough, WQ Station B91479 for CY 2014	This attachment is Exhibit NDWA-18 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.

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North Delta Water Agency	ATT 33	NDWA Mokelumne River at Terminous, WQ Station STI for CY 2014	This attachment is Exhibit NDWA-19 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 Delta Water Agency	ATT 34	NDWA Sacramento River at Three-Mile Slough, WQ Station TMS for CY 2014	This attachment is Exhibit NDWA-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 Delta Water Agency	ATT 35	NDWA North Fork Mokelumne River near Walnut Grove, WQ Station B94133 for CY 2015	This attachment is Exhibit NDWA-21 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
North Delta Water Agency	ATT 36	NDWA Sacramento River at Rio Vista, WQ Station RVB for CY 2015	This attachment is Exhibit NDWA-22 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 Delta Water Agency	ATT 37	NDWA San Joaquin River at San Andreas Landing, WQ Station SAL for CY 2015	This attachment is Exhibit NDWA-23 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 Delta Water Agency	ATT 38	NDWA Sacramento River at Walnut Grove, WQ Station B91650 for CY 2015	This attachment is Exhibit NDWA-24 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.

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North Delta Water Agency	ATT 39	NDWA Steamboat Slough at Sutter Slough, WQ Station B91479 for CY 2015	This attachment is Exhibit NDWA-25 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 Delta Water Agency	ATT 40	NDWA Mokelumne River at Terminous, WQ Station STI for CY 2015	This attachment is Exhibit NDWA-26 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 Delta Water Agency	ATT 41	NDWA Sacramento River at Three-Mile Slough, WQ Station TMS for CY 2015	This attachment is Exhibit NDWA-27 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 Delta Water Agency	ATT 42	NDWA Sacramento River at Emmaton for WY 1989	This attachment is Exhibit NDWA-28 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 Delta Water Agency	ATT 43	NDWA Sacramento River at Emmaton for WY 1990	This attachment is Exhibit NDWA-29 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 Delta Water Agency	ATT 44	NDWA Sacramento River at Emmaton for WY 1991	This attachment is Exhibit NDWA-30 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.

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North Delta Water Agency	ATT 45	NDWA Sacramento River at Emmaton for WY 1992	This attachment is Exhibit NDWA-31 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
North Delta Water Agency	ATT 46	Technical Memorandum dated August 31, 2016 from MBK Engineers	This attachment is Exhibit NDWA-32 errata presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
North Delta Water Agency	ATT 47	county map of Delta area	This attachment is Exhibit NDWA-33 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 Delta Water Agency	ATT 48	NDWA Reclamations Districts by Division	This attachment is Exhibit NDWA-34 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 Delta Water Agency	ATT 49	NDWA Contract Payments to DWR starting in 1982 through January of 2016	This attachment is Exhibit NDWA-39 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 Delta Water Agency	ATT 50	Informational Video of Sacramento and Freeport Intake and Delta/Delta Farms	This attachment is Exhibit NDWA-40 errata presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.

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North Delta Water Agency	ATT 51	GIS map showing NDWA facilities in relation to Alternative 4A	This attachment is Exhibit NDWA-41 presented for the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.
North Delta Water Agency	ATT 52	photo of NDWA facilities	This attachment is Exhibit NDWA-42 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 Delta Water Agency	ATT 53	photo of NDWA facilities	This attachment is Exhibit NDWA-43 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 Delta Water Agency	ATT 54	NDWA Sacramento River at Rio Vista EC	This attachment is Exhibit NDWA-44 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 Delta Water Agency	ATT 55	Opening Statement, North Delta Water Agency	This attachment is NDWA's opening statements 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 Delta Water Agency	ATT 56	Volume 4, Computerized Transcript of CWF Water Right Change Petition Hearing Part 1A	This attachment is a transcript from the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.



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North Delta Water Agency	ATT 57	Volume 6, Computerized Transcript of CWF Water Right Change Petition Hearing Part 1A	This attachment is a transcript from 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 Delta Water Agency	ATT 58	Volume 13, Computerized Transcript of CWF Water Right Change Petition Hearing Part 1A	This attachment is a transcript from 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 Delta Water Agency	ATT 59	Volume 9, Computerized Transcript of CWF Water Right Change Petition Hearing Part 1A	This attachment is a transcript from 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 Delta Water Agency	ATT 60	Volume 14, Computerized Transcript of CWF Water Right Change Petition Hearing Part 1A	This attachment is a transcript from 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 Delta Water Agency	ATT 61	Volume 18, Computerized Transcript of CWF Water Right Change Petition Hearing Part 1A	This attachment is a transcript from 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 Delta Water Agency	ATT 62	Volume 25, Computerized Transcript of CWF Water Right Change Petition Hearing Part 1B	This attachment is a transcript from the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.

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North Delta Water Agency	ATT 63	Volume 25, Computerized Transcript of CWF Water Right Change Petition Hearing Part 1B	This attachment is a transcript from 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 Delta Water Agency	ATT 64	Volume 25, Computerized Transcript of CWF Water Right Change Petition Hearing Part 1B	This attachment is a transcript from 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 Delta Water Agency	ATT 65	Volume 25, Computerized Transcript of CWF Water Right Change Petition Hearing Part 1B	This attachment is a transcript from the hearing proceedings regarding petition filed by the Department of Water Resources and U.S. Bureau of Reclamation requesting change in point of diversion for the California WaterFix. See Section 4, State Water Board Change Petition Process, Developments after Publication of the Proposed Final Environmental Impact Report, for discussion on State Water Recourses Control Board hearing materials.

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North Delta Water Agency	ATT 66	Comments of North Delta Water Agency on the Partially Recirculated Bay-Delta Conservation Plan EIR/EIS with New CA WaterFix Sub-Alternatives	See separate NDWA comment table for ATT 66, Comments of North Delta Water Agency on the Partially Recirculated Bay-Delta Conservation Plan EIR/EIS with New CA WaterFix Sub-Alternatives.

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North Delta Water Agency 10-30-15	1	<p>ATT 66: Comments of North Delta Water Agency on the Partially Recirculated Bay-Delta Conservation Plan EIR/EIS with New CA WaterFix Sub-Alternatives</p> <p>To secure the current contractual and individual water rights of Agency landowners to adequate water supply and quality, the North Delta Water Agency (“NDWA” or “Agency”) submits these comments on the new CA WaterFix alternatives (4A, 2D, and 5A) added to the Bay Delta Conservation Plan (“BDCP”) project and the Draft Recirculated Environmental Impact Report/Supplemental Environmental Impact Statement (“DREIR/DSEIS”). In 1981, the NDWA and the Department of Water Resources (“DWR” or “Department”) executed the Contract for the Assurance of a Dependable Water Supply of Suitable Quality (1981 Contract)</p> <p>The Agency values DWR’s commitment to maintain the assurances provided to North Delta water users for the last thirty-four years, but is concerned how the large diversion facilities proposed in most of the BDCP/CA WaterFix alternatives will alter hydrodynamics, potentially preventing DWR from complying with 1981 Contract obligations if constructed and operated as proposed. NDWA’s successful negotiation of a water supply and quality contract with the State in 1981, and its more recent efforts to actively participate and provide expertise as a Cooperating Agency under NEPA in the development of the BDCP Plan has proven the Agency’s willingness to act in good faith as a water contractor with DWR.</p> <p>The comments provided herein on the CA WaterFix project alternatives, as well as the NDWA comments on the 2012 and 2013 Administrative Drafts and the 2014 BDCP Draft EIR/EIS seek to incorporate compliance with the 1981 Contract into the design, location, and operation of the BDCP/CA WaterFix proposed facilities, and to ensure that the impacts associated with the proposed project are properly described, analyzed, and mitigated in accordance with applicable law.</p> <p>The findings and recommendations set forth in the following attachments are submitted with this letter and incorporated herein by reference:</p> <p>Exhibit A: DWR-NDWA, Contract for the Assurance of a Dependable Water Supply of Suitable Quality (1981)</p> <p>Exhibit B: Steiner/MBK Engineers, Report on Review of Bay Delta Conservation Program Modeling (June 20, 2014);</p> <p>Exhibit C: MBK Engineers, Technical Comments on Bay-Delta Conservation Plan Modeling (July 29, 2014)</p> <p>Exhibit D: MBK Engineers, Technical Comments on Bay Delta Conservation Plan/California Water Fix Partially Recirculated Draft EIR/Supplemental Draft EIS(October 28, 2015)</p>	This section provides introductory and background information, as well as a description of the contents of the letter, only. 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>These comments are also being submitted on behalf of the following districts that exist and operate, in whole or in part, within NDWA:</p> <ul style="list-style-type: none"> <li>• Reclamation District 501</li> <li>• Reclamation District 551</li> <li>• Reclamation District 563</li> <li>• Reclamation District 900</li> <li>• Reclamation District 999</li> <li>• Reclamation District 2060</li> <li>• Reclamation District 2068</li> <li>• Maine Prairie Water District</li> </ul>	
North Delta Water Agency 10-30-15	2	<p>I. INCORPORATION OF PREVIOUS COMMENTS BY REFERENCE</p> <p>All of the extensive legal and technical comments on the 2014 Draft Bay Delta Conservation Plan (BDCP) and Environmental Impact Report/Environmental Impact Statement (EIR/EIS) contained in letters submitted by the following are incorporated by reference herein.</p> <ol style="list-style-type: none"> <li>1. Contra Costa Water District, July 25, 2014</li> <li>2. North State Water Alliance, July 28, 2014</li> <li>3. CA Central Valley Flood Control Association, July 29, 2014</li> <li>4. Local Agencies of the North Delta, July 29, 2014</li> </ol> <p>NDWA anticipates that Contra Costa Water District, North State Water Alliance, CA Central Valley Flood Control Association, and the Local Agencies of the North Delta will submit additional comments on the CA WaterFix RDEIR/SDEIS. In addition, the Delta Independent Science Board presented their review of environmental documents for CA WaterFix to the Delta Stewardship Council on September 30, 2015. All of these comments are likewise incorporated herein by reference.</p> <p>As a responsible agency under CEQA, and a cooperating agency under NEPA, NDWA expects to receive a response to our comments at least ten days prior to the Department taking any final action on the CA WaterFix Project EIR/EIS.</p>	<p>This section describes that the commenter incorporates all previous comments listed in the current letter. Responses to these comment letters have been provided previously. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p>
North Delta Water Agency 10-30-15	3	<p>II. SUMMARY OF COMMENTS AND CONCERNS</p> <p>The NDWA recognizes the importance of achieving the State's coequal goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem and has a clear statutory mandate to assure that the lands within the North Delta have a dependable supply of water of suitable quality sufficient to meet present and future needs in accordance with the 1981 Contract.</p> <p>For this reason, NDWA has repeatedly asserted during the various Delta planning processes that any projects, programs, and actions pursued in the name of coequal goals, including the BDCP/CA WaterFix, must be: 1) based on the best available science; 2) consistent with the contractual obligations of the State under the 1981 Contract; and 3) undertaken in compliance with all applicable state and federal law.</p>	<p>This section describes the commenter's assertion that the various Delta planning processes in the name of coequal goals must include the listed items. The BDCP/CWF planning process has met these requirements. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p>
North Delta Water Agency	4	Key issues of concern NDWA has with BDCP/CA WaterFix project alternatives and	For more information regarding water quality, please see Master Response 14,

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10-30-15		associated EIR/EIS are:  1) Unequal – May improve water supply reliability for water contractors in Export Service Areas, water supply reliability and quality for in-Delta and upstream users is diminished.	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.
North Delta Water Agency 10-30-15	5	2) Indecipherable - Document organization and relationships between BDCP analysis and CA WaterFix alternatives is confusing at best, and sometimes incomprehensible	For more information regarding the document's length and complexity please see Master Response 38, 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.
North Delta Water Agency 10-30-15	6	3) Conceptual – The project design/description is preliminary and subject to change, so the impact analysis conclusions are mostly conjecture based on limited facts or actual assessment.	Although final project design is subject to change from the proposed plans described in the Final EIR/EIS, changes will not be such that the impacts will not have been fully disclosed by the Final EIR/EIS. However, should the project be altered in a way that new or different impacts would occur, subsequent CEQA/NEPA compliance would be required. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.
North Delta Water Agency 10-30-15	7	4) Incomplete – Project operations rely on levee corridor through the Delta for conveyance to south Delta pumps, but comprehensive levee and flood protection analysis is deferred, and cost-sharing of levee maintenance is absent.	Please see Section 6A.6 in Appendix 6A, Final EIR/EIS, for potential effects to flood protection and levees in the Delta, including measures to minimize and avoid impacts to surface water and river flow. Also, see Section 6A.6 for a discussion on potential future hydraulic analyses during the Section 408 permitting process.  Section 6A.6 includes a discussion on levees modified by construction of the California WaterFix (CWF/Alternative 4A), including responsibilities of the project proponents.  Before and/or during construction of the CWF water conveyance facilities, project proponents will explore opportunities with local reclamation districts and the Central Valley Flood Protection Board (CVFPB) to address potential conflicts regarding levee maintenance, inspection, and flood fighting activities on project and non-project levees. DWR will look to enter into agreements with local reclamation districts with jurisdiction in the Delta to ensure levee management activities by both government and local agencies are not interrupted during construction of the water conveyance facilities. In addition, DWR will comply with all applicable flood protection requirements and regulations to ensure flood neutrality during construction and operations of the CWF. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.
North Delta Water Agency 10-30-15	8	5) Pre-Determined – Submission of 404 permit to USACE and change of diversion petition to SWRCB appear to have already determined the outcome of the ongoing CEQA/NEPA environmental review process.	All alternatives were evaluated and considered to the proposed project extensively. Please see Master Response 4, Volume 2, Final EIR/EIS, for further discussion of the range of alternatives analyzed, how the alternatives were evaluated at an equal level of detail, the preferred alternative, and modeling used for alternatives 4A, 2D and 5A. Neither agency has pre-determined the outcome of the CEQA or NEPA process by submitting permit applications to other regulatory agencies pending the completion of the CEQA and NEPA processes. All responsible agencies (under CEQA) and cooperating agencies (under NEPA) will rely on the Final EIR/EIS, and any

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			supplemental analysis they may require, before they issue state or federal permits needed for the California WaterFix, as required under CEQA and NEPA. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.
North Delta Water Agency 10-30-15	9	<p>An overarching and inherent issue with the BDCP/WaterFix alternatives and associated EIR/EIS is the fact that the CA WaterFix project is still in a state of flux according to recent engineering report by DWR:</p> <ul style="list-style-type: none"> <li>•alignment and features are “preliminary and subject to change”</li> <li>•all information presented in the report is considered “conceptual or preliminary”</li> <li>•“need to be verified as part of additional investigations and detailed design” according to</li> </ul> <p>Reliance on a “conceptual” project design results in an inadequate “preliminary” project description being used as the basis for conducting environmental assessment and determining CEQA/NEPA impact conclusions.</p>	Although final project design is subject to change from the proposed plans described in the Final EIR/EIS, the lead agencies anticipate that the changes will not be such that the impacts will not have been fully disclosed by the Final EIR/EIS. However, should the project be altered in a way that new or different impacts would occur, subsequent CEQA/NEPA compliance would be required. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.
North Delta Water Agency 10-30-15	10	<p>In addition, the Agency agrees with many of the observations and general conclusion in the 2015 Delta ISB review that the CA WaterFix alternatives and RDEIR/SDEIS lack key information, analyses, summaries, and comparisons necessary to adequately inform decision-makers, resources managers, scientists, or the broader public. The Delta ISB also points out that the BDCP which was already one of the most complex projects to evaluate has been made even more complicated and confusing with the addition of three new alternatives that propose to only construct CM1 and eliminate many of the actions in CMs 2-22.</p>	<p>For responses to comments from the DSC and Delta Independent Science Board on the RDEIR/SDEIS, see responses to RECIRC 2546, Volume 2, Final EIR/EIS.</p> <p>For responses to comments from the DSC and Delta Independent Science Board comments on the BDCP, see comment letter 1448, Volume 2, Final EIR/EIS.</p> <p>For more information regarding the document's length and complexity please see Master Response 38, Volume 2, Final EIR/EIS.</p>
North Delta Water Agency 10-30-15	11	<p>In NDWA's view, the new project description and environmental analysis is a jumbled mess, resulting in a complex labyrinth that is hard to navigate, and even harder to decipher. The degree of difficulty is heightened by the fact that the new CA WaterFix alternatives rely on modeling done for BDCP and continually refer back to BDCP alternatives for project description and environmental impact analysis.</p> <p>For example, throughout the recirculated CA WaterFix chapters, the impact analysis and conclusions for Alt. 4A refer to BDCP Alt. 4, which then often refers readers to BDCP Alt. 1A for a description of how CEQA/NEPA conclusions and mitigation measures were determined.</p> <p>Simply put, NDWA finds the description of CA Waterfix construction and operation is often internally inconsistent, preventing a full and meaningful disclosure of the scope, purpose, intensity, duration, and true effects in the RDEIR/SDEIS. This is not unexpected since the design is still at a very preliminary conceptual level according to the July 1, 2015 Conceptual Engineering Report by the Delta Habitat Conservation &amp; Conveyance Program (DHCCP).</p>	For more information regarding the document's length and complexity please see Master Response 38, 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.
North Delta Water Agency 10-30-15	12	<p>Finally, there is acknowledgment throughout the new CA WaterFix documents that the water conveyance facilities construction under Alt. 4A would be identical to that of Alt. 4, with similar operations. (e.g., Water Supply chapter, page 4.3.1-1, lines 3-6, 2015</p>	All comments from NDWA's July 29, 2014 letter on the BDCP and Draft EIR/EIS (BDCP 1674, Volume 2, Final EIR/EIS) were responded to previously. These responses are included in the Final EIR/EIS. This comment does not raise any

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		DREIR/DSEIS). Because the construction, operation, and impacts of the new CA WaterFix preferred alternative (Alt. 4A) is substantially similar to the prior preferred alternative (Alt. 4), most of the significant adverse impacts identified in the 2014 BDCP Alt. 4 and 2014 BDCP comments still apply to CA WaterFix Alt. 4A.	substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.
North Delta Water Agency 10-30-15	13	<p>III. FACTUAL BACKGROUND</p> <p>A. North Delta Water Agency</p> <p>Beginning approximately 160 years ago, farmers within the area now comprising NDWA began reclaiming lands from flooding, appropriating water to beneficial use and establishing vibrant agricultural communities pursuant to the federal Swamp Land Act of 1850. In the 1930s, the U.S. Bureau of Reclamation (Bureau/USBR) began constructing the Central Valley Project (CVP), damming the major tributaries on the Sacramento River and holding back substantial quantities of the Delta water supply. Before government reservoirs began withholding much of the Sacramento River system’s high winter flows, the Delta channels stored sufficient fresh water to sustain water quality in the northern Delta throughout and often beyond the irrigation season. In addition, because the tides raised surface water elevations twice a day, a supply of water always remained physically available in the Delta.</p> <p>This natural phenomenon of the Sacramento-San Joaquin Delta in its natural state acting as a freshwater reservoir instead of a stream, as evidenced by water quality monitoring conducted in the western Delta since 1914 by the East Contra Costa Irrigation District, is commonly referred to as the Delta Storage Concept.</p> <p>On the eve of the parties signing the 1981 Contract, DWR told the North Delta landowners that the benefits of becoming a SWP water contractor would be receiving “more water, or water of better quality, than they did before the construction of the Central Valley Project and State Water Project.” Since the SWP and CVP water supply operations commenced, however, the reduction of naturally occurring high flushing flows from upstream storage combined with the pull of the State and federal export pumps have contributed to the intrusion of salinity into the Delta.</p> <p>Now, the SWP and CVP water conveyance project operations have effectively transformed the natural Delta freshwater “reservoir” into more of a flowing stream, resulting in relatively minor decreases in outflow that can have a serious impact on Delta water quality. These changed conditions are the basis for DWR executing a water supply availability and quality contract with the NDWA.</p> <p>In 1973, the NDWA was formed by a special act of the Legislature to represent northern Delta interests in negotiating a contract with both the Bureau and DWR in order to mitigate the water rights impacts of the CVP/SWP Projects. Representing nearly one-half of the legal Delta, the Agency’s boundaries encompass approximately 300,000 acres. This includes all of that portion of the Sacramento-San Joaquin Delta, as defined in Water Code Section 12220, situated within Sacramento, Yolo and Solano Counties, including New Hope Tract, Canal Ranch and Staten Island in northeastern San Joaquin County.</p>	This comment provides background information on the North Delta Water agency and its history. This comment does not raise any environmental issues related to the Final EIR/EIS.



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		After undertaking extensive analysis, study, and review between 1974 and 1979, the Bureau, DWR, and the NDWA collectively determined the outflow necessary to meet water quality standards for irrigated agriculture, reviewed the paramount water rights of landowners within North Delta's boundaries, and evaluated the Delta channels' historical function as natural seasonal storage for purposes of executing a water supply and quality contract.	
North Delta Water Agency 10-30-15	14	<p>B. The 1981 Contract</p> <p>The crux of the 1981 Contract, which remains in full force and effect, is a guarantee by the State of California that, on an ongoing basis, DWR will ensure through the operation of the SWP that suitable water will be available to satisfy all agricultural and other reasonable and beneficial uses in all channels within NDWA's boundaries. Specifically, the State is obligated to furnish "such water as may be required within the Agency to the extent not otherwise available under the water rights of water users."</p> <p>The 1981 Contract contains numerous provisions that protect water users and channels in the North Delta from detrimental impacts associated with changes in conveyance of SWP water; specifies year-round water quality criteria; and includes specific remedies, which include limitations on the operations of the SWP. In return for the benefits received, NDWA makes an annual payment to DWR. NDWA further expressly consents to the export of water from the Delta "so long as this contract remains in full force and effect and the State is in compliance herewith."</p>	This comment provides background information on the 1981 North Delta Water Contract with DWR. It does not raise any issues with the Final EIR/EIS. The 1981 Contract is included in the water supply assumptions in the EIR/EIS analysis. DWR will continue to comply with the terms of the 1981 NDWA Contract. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.
North Delta Water Agency 10-30-15	15	<p>IV. SPECIFIC IMPACTS TO NDWA AND CONTRACTUAL ASSURANCES</p> <p>DWR's compliance with the binding terms of the 1981 Contract is not discretionary. Moreover, the legal standards that govern DWR's discharge of its obligations under the 1981 Contract are quite different from those that govern DWR's compliance with CEQA and other applicable law. For example, while CEQA requires DWR to implement feasible mitigation measures to reduce significant impacts of the project to less-than-significant levels, DWR may not, as a matter of contract law, choose not to comply with the specific requirements of the 1981 Contract based on a determination of infeasibility, or otherwise.</p>	DWR will continue to comply with the terms of the 1981 NDWA contract. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.
North Delta Water Agency 10-30-15	16	In light of the statewide significance and consequences associated with implementation of CA WaterFix, NDWA concurs with the Delta ISB statement, "This EIR/EIS must be uncommonly complete in assessing important environmental impacts, even if that means going beyond what is legally required."	This section expresses the opinion of the commenter that the BDCP/CWF EIR/EIS should go beyond what is legally required in terms of completeness. DWR and Reclamation assert that they have gone beyond their legal obligations in completing the EIR/EIS in several ways. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.
North Delta Water Agency 10-30-15	17	NDWA appreciates the RDEIR/SDEIS stating the intention of CA WaterFix to meet contractual obligations under Alt. 4A operations (Section 4.1.2.2). How this will be accomplished is not apparent however, particularly under drought conditions.	This section expresses the opinion of the commenter that how the lead agencies will meet contractual obligations under Alternative 4A is not apparent, particularly under drought conditions. This comment does not raise any environmental issues related to the Final EIR/EIS.
North Delta Water Agency 10-30-15	18	An example of language in CA WaterFix that casts doubt on DWR's ability to maintain the 1981 Contract water quality criteria is on page 4.2-4, lines 25-37:	The statement cited refers to the effects of the No Action Alternative in ELT (NAA_ELT) relative to Existing Conditions. Therefore, this result is primarily due to

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		<ul style="list-style-type: none"> <li>•“There would be a decrease in carryover storage at the end of September for Lake Oroville, Trinity Lake, Shasta Lake, and Folsom Lake in all years”</li> <li>•“These changes in storage would reduce the ability of the CVP and SWP to meet system water demands and environmental water needs.”</li> </ul> <p>The increased frequency under CA WaterFix Alt. 4A operations in which lack of carryover storage occurs could result in decreased Delta outflows and water quality.</p>	<p>future 2025 climate conditions and is completely independent of the CA WaterFix. The cited passage goes on to indicate that “Adaption measures would need to be implemented on upstream operations to manage coldwater pool storage levels under future sea level rise and climate change conditions” (page 4.2-4, lines 32-34). This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p>
North Delta Water Agency 10-30-15	19	<p>The CA WaterFix project description and RDEIR/SDEIS indicate that implementation of the preferred alternative (Alt. 4A) would impact North Delta water quality and availability, and potentially violate several provisions of the 1981 Contract:</p> <ul style="list-style-type: none"> <li>•Alteration of existing water elevations to the detriment of North Delta channels and water users;</li> <li>•Alteration of natural flow patterns (reverse flows created at Georgiana Slough and Delta Cross Channel) to the detriment of North Delta channels and water users;</li> <li>•Decrease Delta outflow in winter and summer months;</li> <li>•Meeting spring outflow requirements relies on annually purchasing sufficient water supply from willing sellers, which is a speculative proposition at best; and</li> <li>•Seepage and erosion damage to the lands, levees, embankments, or revetments adjacent to Delta channels from water conveyance changing the estuary’s hydrodynamics.</li> </ul>	<p>DWR will continue to comply with the terms of the 1981 NDWA contract. The analysis for the Alternative 4A (California WaterFix) indicates that changes in surface water flows would be minor and that effects on water quality constituents would be less than significant with proposed mitigation measures. Please refer to Chapter 6, Surface Water and Chapter 7, Water Quality, of the Final EIR/EIS. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p>
North Delta Water Agency 10-30-15	20	<p>The following CA WaterFix operational assumptions are also disclosed in the DHCCP Conceptual Engineering Report (July 1, 2015), but not analyzed in the RDEIR/SDEIS:</p> <ul style="list-style-type: none"> <li>•Must be able to deliver up to 9,000 cfs from north Delta intakes at the low water level in the Sacramento River;</li> <li>•Must be able to deliver 9,000 cfs flow rate 99% of the time;</li> <li>•Operating volume of the new North Clifton Court Forebay (NCCF) is significantly less than the existing Clifton Court Forebay.</li> </ul>	<p>The text related to design criteria for the intakes referred to in this comment is related to design criteria for the conceptual design of the intakes and associated pumping plants in a manner that would provide a conservative estimate for construction activities to be analyzed in the EIR/EIS. In Chapter 3 of the FEIR/EIS, there are further restrictions of diversions from both the north and south Delta intakes, including north Delta bypass flows and Old and Middle River flow criteria. The anticipated diversion patterns from both the north and south Delta intakes are presented in Appendix 5A, Section C, of the FEIR/EIS.</p> <p>The Clifton Court Forebay in its entirety will be expanded. Although the North Clifton Court Forebay will be modified to store water from the north Delta intakes, the southern portion of the forebay will be expanded to maintain adequate volume for operations of the DWR south Delta intakes. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p>
North Delta Water Agency 10-30-15	21	<p>In addition, the following are a few examples of numerous major omissions that the NDWA identified in previous comments that still appear to have not been analyzed, disclosed, or mitigated in RDEIR/SDEIS:</p> <ul style="list-style-type: none"> <li>•Complying with contractual assurances within the NDWA boundaries are not adequately quantified or addressed in the new alternative or DREIR/DSEIS.</li> <li>•Cumulative adverse impacts disclosed in the Groundwater, Water Quality, Health, and Agriculture Chapters result in a significant adverse water supply impacts on Delta water users.</li> </ul>	<p>Regarding NDWA contractual assurances, DWR will continue to comply with the terms of the 1981 NDWA contract.</p> <p>Regarding cumulative adverse effects, the cumulative effects of other relevant projects combined with the action alternatives are addressed in each EIR/EIS resource chapter. Mitigation measures are described where necessary. These analyses are adequate for the purposes of CEQA and NEPA.</p> <p>Regarding effects of surface water elevation, the EIR/EIS addresses changes in Delta</p>

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		<ul style="list-style-type: none"> <li>•The effects of lowered surface water elevations from reduced flows on the overall local water supply and water quality in the Delta region.</li> <li>•The economic, health, and agriculture impacts due to lowered groundwater elevations from extensive dewatering activities during 10-14 year construction.</li> <li>•Water quality impacts resulting from levee reconfiguration or failures.</li> <li>•Emergency response and evacuation or recovery plans.</li> </ul>	<p>flow in Final EIR/EIS Chapter 6, Surface Water, effects on groundwater in Chapter 7 and levee effects in Chapter , Soils. Please also refer to Chapter 10, Geology and Seismicity. Cumulative effects of other relevant projects combined with the action alternatives are addressed in each EIR/EIS resource chapter. Flood protection is discussed in Appendix 6A of this Final EIR/EIS.</p> <p>Regarding economic, health, and agricultural effects from construction-driven groundwater reductions, mitigation measures are provided where necessary. When required, DWR would provide compensation to property owners for economic losses due to implementation of the preferred alternative.</p> <p>Regarding water quality impacts resulting from levee reconfiguration or failures, please see Appendix 6A Final EIR/EIS for the BDCP/CWF purpose and need and for a discussion on existing levee improvement programs and funding mechanisms, which would not be affected by the BDCP/CWF. Also, see Appendix 6A for a discussion on DWR consistency with the State Plan of Flood Control (SPFC) and project consistency with USACE, CVFPB, and DWR flood standards and regulations.</p> <p>Regarding emergency response and evacuation or recovery plans, Final EIR/EIS Chapter 19, Transportation, identifies interference with emergency services as an effect. Impact TRANS-3 further discusses this problem and its effects. Mitigation Measure TRANS-1a includes provisions to ensure that construction vehicles allow continual access for emergency vehicles at the time of an emergency. Mitigation Measure TRANS-1c also seeks to work with affected jurisdictions to enhance capacity of congested roadway segments where construction traffic will substantially affect transportation facilities. However, some significant impacts may be unavoidable as discussed in Chapter 19, Transportation of the Final EIR/EIS. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p>
North Delta Water Agency 10-30-15	22	<p>V. CEQA/NEPA AND OTHER LEGAL DEFICIENCIES</p> <p>Beyond the requirements of the 1981 Contract, the CA WaterFix and associated RDEIR/DSEIS also fail to satisfy the requirements of CEQA/NEPA, the federal Endangered Species Act (ESA), and various Delta protection laws.</p> <p>Very few of the prior comments and suggestions have been addressed in the new CA WaterFix alternatives or the DREIR/DSEIS. As a result, the BDCP/CA WaterFix project alternatives and EIR/EIS still fail to:</p> <ul style="list-style-type: none"> <li>•Accurately and comprehensively assess the current ecological conditions or compare the full extent, duration, intensity, and severity of potential adverse impacts;</li> <li>•Utilize the best available science;</li> <li>•Protect listed or covered species consistent with ESA/CESA laws;</li> <li>•Comply with state and federal law governing economic analysis of public water infrastructure;</li> <li>•Develop an appropriate range of feasible alternatives or least environmentally damaging</li> </ul>	<p>All of the comments in NDWA’s previous letter (DEIRS 1674) have been addressed as required under CEQA and NEPA. Responses to this letter were included in Volume 2, Final EIR/EIS. Specifically, please refer to the response to comment DEIRS 1674-17. 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>preferred alternative;</p> <ul style="list-style-type: none"> <li>•Include any direct benefits for, residents, communities and local governments in the Plan Area;</li> <li>•Properly identify or mitigate cumulative impacts; or</li> <li>•Include oversight of project construction, operation, or effectiveness of mitigation measures.</li> </ul>	
North Delta Water Agency 10-30-15	23	<p>VI. RECENT SCIENCE REVIEW CITES MAJOR DEFICIENCIES</p> <p>A. Inadequate, Inconsistent, and Confusing Project Description</p> <p>A proper environmental analysis of a project of this size and scope requires an accurate, stable, and finite description of all major project components and the existing baseline conditions. Otherwise, the public cannot determine the true nature and extent of the actual impacts likely to be caused by the Project.</p> <p>However, a recent DWR engineering report discloses that CA Waterfix design is still at a very preliminary conceptual level:</p> <ul style="list-style-type: none"> <li>•alignment and alignment features are “preliminary and subject to change”</li> <li>•alignment and alignment features will ultimately “need to be verified as part of additional investigations and detailed design.”</li> <li>•the facility locations, dimensions, and elevations (both topographic and facility) are “approximate” and “subject to change”</li> <li>•geotechnical information for the proposed tunnel alignment is currently limited, so preliminary designs will be refined “once adequate geotechnical investigations have been performed.”</li> </ul>	<p>This section contains the commenter’s view on the sufficiency of project description. The Final EIR/S has an accurate, stable, and finite project description that sufficiently meets the 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 Delta Water Agency 10-30-15	24	<p>NEPA requires that the proposal in an EIS is properly defined (§ 1502.4(a)). Under CEQA, the fundamental purpose of an EIR “is to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action.”</p> <p>Unfortunately, trying to decipher the description of the project’s new alternatives is particularly daunting. For instance, the conclusions for Alt. 4A often refer to BDCP 4 impact analysis, which then refers readers to BDCP sections n BDCP Alt. 1A. Frankly, the project is a jumbled mess, resulting in a complex labyrinth that has created an even higher level of navigation difficulty and fails to substantiate environmental conclusions, as pointed out in several reviews by scientific panels.</p> <p>As a result, NDWA cannot properly evaluate the full extent of the environmental consequences of the CA WaterFix alternatives, or provide meaningful input in terms of recommendations for avoiding or reducing the adverse impacts of the proposed project.</p>	<p>This section describes the difficulty that the commenter had navigating the document. For more information on the complexity of the document, please see Master Response 38, Length and Complexity of the EIR/EIS, 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>
North Delta Water Agency 10-30-15	25	<p>B. Environmental Impact Conclusions Are Unsubstantiated and Overly Optimistic</p> <p>Under CEQA the lead agency’s factual conclusions must be supported by substantial evidence – facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts (CEQA Guidelines §15384(b)). Speculation does not constitute substantial evidence, and unsubstantiated narrative or expert opinion asserting nothing more than “it is reasonable to assume” that something “potentially may occur” is not analysis supported by factual evidence (e.g.; 2,600 dewatering radius).</p>	<p>The 2015 RDEIR/SDEIS and 2016 Final EIR/EIS are complete in their evaluation of impacts, direct and cumulative, that project description is complete and satisfies the requirements of NEPA, that the project objectives are also precise and complete and satisfy the requirements of CEQA. The 2015 RDEIR/SDEIS provided the public and decision-makers with sufficient information on which to make informed comments which have been considered and incorporated into the Final EIR/EIS. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p>

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North Delta Water Agency 10-30-15	26	<p>There are too many chapters and individual impact statements that rely on conjecture instead of providing evidence to support the CEQA/NEPA conclusions to list them all. The following are general examples of the extensive amount of environmental analysis that is lacking from the Delta ISB's review of CA Waterfix:</p> <ul style="list-style-type: none"> <li>•“the Current Draft fails to consider how levee failures would affect the short-term and long-term water operations spelled out in Table 4.1-2.” (Pg 7)</li> <li>•“The Current Draft does not evaluate how the proposed project may affect estimates of the assets that the levees protect.” (Pg 8)</li> <li>•“Neither the Previous Draft nor the Current Draft, however, provides a resource chapter about Delta levees.” (Pg 8)</li> <li>•“Although sensitivity modeling was used to address the effects of changes in the footprint and other minor changes of the revised project, full model runs were not carried out to assess the overall effects of the specific changes.” (Pg 11)</li> <li>•“Current draft generally neglects recent literature, suggesting a loose interpretation of ‘best available science.’” (Pg 11)</li> <li>•“Confounding interactions that may enhance or undermine the effectiveness of proposed actions were overlooked.” (Pg 12)</li> </ul>	<p>The 2015 RDEIR/SDEIS and 2016 Final EIR/EIS are complete in their evaluation of impacts, direct and cumulative, that project description is complete and satisfies the requirements of NEPA, that the project objectives are also precise and complete and satisfy the requirements of CEQA. The 2015 RDEIR/SDEIS provided the public and decision-makers with sufficient information on which to make informed comments which have been considered and incorporated into the Final EIR/EIS. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p>
North Delta Water Agency 10-30-15	27	<p>CA WaterFix's CEQA/NEPA conclusions lack credibility because they are typically general and vague in making overly optimistic assumptions without site-specific identification of where, for how long impacts will occur, or who will be impacted.</p>	<p>The 2015 RDEIR/SDEIS and 2016 Final EIR/EIS are complete in their evaluation of impacts, direct and cumulative, that project description is complete and satisfies the requirements of NEPA, that the project objectives are also precise and complete and satisfy the requirements of CEQA. The 2015 RDEIR/SDEIS provided the public and decision-makers with sufficient information on which to make informed comments which have been considered and incorporated into the Final EIR/EIS. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p>
North Delta Water Agency 10-30-15	28	<p>As detailed in the report of fisheries biologist Dave Vogel filed herewith, the new North Delta intakes and accompanying fish screens will lead to “ideal conditions” for predation of juvenile salmon by creating flow conditions that disorient juvenile salmon and pull them to one side of the Sacramento River directly into a target-rich environment for predators waiting to feed.</p> <p>Furthermore, when the North Delta intakes are operating the pumping facilities will cause reduced Sacramento River stream flow which will adversely affect migration of juvenile winter- run Chinook salmon who will be pulled into the Central Delta by increased reverse flows created at the Delta Cross Channel and Georgiana Slough. These impacts will occur under both BDCP and CA WaterFix alternatives, including Preferred Alternatives 4 and 4A.</p> <p>Currently, CM1 as proposed will require the three new North Delta intakes to undergo some operational fish screen testing prior to full pumping – but only after all three North Delta diversions have been built. If these never-before-used screens do not function as planned, then this gamble will end up a losing proposition for the Delta fisheries, Delta-as-Place, or CVP/SWP Delta water contractors (who will be stuck with long-term payments on a very expensive stranded asset).</p> <p>It is important to point out a fact that is rarely discussed in BDCP/WaterFix alternatives –</p>	<p>This section summarizes comments from fisheries biologist Dave Vogel. Please refer to the responses to comments from Mr. Vogel in Draft EIR/EIS Letters DEIRS 1597 and DEIRS 1674, as well as RECIRC 2623, 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>SIZE matters. The average size of the Delta’s agricultural water diversion intakes is about 12 inches with a 10-15 cfs capacity (mostly siphon, not pumps) while the urban intakes are less than 300 cfs. The precedent for the size selected for CM1 is the Glenn-Colusa Irrigation District’s (GCID) 3,000 cfs intake. However, GCID’s facilities are not located in a tidal estuary, do not have to screen for smelt, and were not without their own problems.</p>	
<p>North Delta Water Agency 10-30-15</p>	<p>29</p>	<p>To reduce the level of adverse impacts, the preferred alternative (4/4A) should be modified to either delay CEQA/NEPA analysis until the project is at a 60% design level, or require phasing of construction for the intakes and two main tunnels. To address uncertainties, the original the Peripheral Canal conveyance project approved by the State Legislature in 1980 (SB 200 and ACA 90), required the intakes to be installed one at a time and environmental impacts analyzed for two years before proceeding with further construction. The extreme amount of risk warrants a similar phased construction approach so that the altered Delta hydraulic and surface water elevation changes to flood protection, and local water supply and quality can be analyzed and mitigated before building the other intakes/tunnel. Governor Jerry Brown’s Administration obviously agreed to this precautionary approach the first time around and should do no less with CA WaterFix.</p>	<p>Appendix 3A, in Section 3A.11.5, DSC Staged Proposal, provides an overview of the consideration of this approach and the reasons for it not being carried forward for EIR/EIS analyses. Among other considerations, the cost for such an approach is thought to be not viable based on this evaluation. It should be noted that the range of alternatives evaluated in the Final EIR/EIS does capture the potential for environmental effects from implementing one intake (Alternatives 5 and 5A), two intakes (Alternative 3) and three intakes (Alternatives 4 and 4A). This approach captures the range of potential effects that could occur if construction implementation were phased or staged as suggested in this comment. For more information regarding construction assumptions please see Appendix 3C of the Final EIR/EIS. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p>
<p>North Delta Water Agency 10-30-15</p>	<p>30</p>	<p>Examples of the Delta ISB finding CA WaterFix to be overly optimistic in regards to impacts and uncertainties, include:</p> <ul style="list-style-type: none"> <li>•“In the Current Draft, uncertainties and their consequences remain inadequately addressed, improvements notwithstanding.” (Pg 11)</li> <li>•“The level of certainty seems optimistic, and it is unclear whether there are any contingency plans in case things don’t work out as planned. This problem persists from the Previous Draft.” (Pg 17)</li> <li>•“Here, as in many other places, measures are assumed to function as planned, with no evidence to support the assumptions.” (Pg 17)</li> <li>•“A scientific basis for this statement is lacking, and an adaptive or risk-based management framework is not offered for the likely event that such optimism is unfulfilled.” (Pg 10)</li> <li>•“Despite the lack of specific data on how well screens function, the conclusion that there will be no significant impact is stated as certain” (Pg 17)</li> </ul>	<p>For responses to comments from the DSC and Delta Independent Science Board on the RDEIR/SDEIS, see RECIRC 2546, Volume 2, Final EIR/EIS.</p> <p>For responses to comments from the DSC and Delta Independent Science Board comments on the BDCP, see comment letter DEIRS 1448, Volume 2, Final EIR/EIS.</p> <p>This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p>
<p>North Delta Water Agency 10-30-15</p>	<p>31</p>	<p>C. Adaptive Management, Funding, and Mitigation Commitments are Vague</p> <p>Under CEQA, an EIR must be sufficiently descriptive and specific to allow the public to clearly understand exactly how significant effects will be mitigated so they can weigh in on the adequacy of such measures. Unfortunately, neither the BDCP nor the CA WaterFix EIR/EIS documents meet CEQA or NEPA requirements in terms of assurances necessary for adaptive management, funding, or mitigation measure commitments.</p> <p>Neither the BDCP nor the CA WaterFix EIR/EIS documents meet CEQA or NEPA requirements in terms of assurances necessary for adaptive management, funding, or mitigation measure commitments.</p> <p>For instance, 4.1-15, line 7 states that “Specific locations for implementing many of the activities associated with these commitments have not been identified at this time.” In</p>	<p>The 2013 Draft EIR/EIS and 2015 RDEIR/SDEIS are complete in their evaluation of impacts, direct and cumulative. The project description and objectives are also complete and satisfy the requirements of NEPA CEQA. The 2013 Public Draft EIR/EIS and 2015 RDEIR/SDEIS provided the public and decision-makers with sufficient information on which to make informed comments which have been considered and incorporated into the Final EIR/EIS. Please see Section 3.6.4.4 in Chapter 3 of the FEIR/EIS for an updated description of the Adaptive Management and Monitoring Program to be implemented under the new preferred alternative, 4A. Also, see Master Response 33 Volume 2, Final EIR/EIS, regarding adaptive management. 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>addition, the “restoration and protection principles” are apparently not enforceable like mitigation measures according to page 4.1-37, line 32, “these activities are considered part of the alternative and are not defined as ‘mitigation measures’ in order to avoid confusion with those measures proposed for the purposes of CEQA and NEPA compliance.”</p>	
<p>North Delta Water Agency 10-30-15</p>	<p>32</p>	<p>Fundamental concerns regarding the effectiveness of adaptive management and mitigation measures due to vague descriptions and deferred commitments were noted by the Delta ISB:</p> <ul style="list-style-type: none"> <li>•“The lack of substantive treatment of adaptive management in the Current Draft indicates that it is not considered a high priority or the proposer have been unable to develop a substantive idea of how adaptive management would work for the project.” (Pg 5)</li> <li>•“We did not find examples of how adaptive management would be applied to assessing – and finding ways to reduce – the environmental impacts of project construction and operations.” (Pg 5)</li> <li>•“The missing details also include commitments and funding needed for science-based adaptive management and restoration to be developed, and more importantly, to be effective.” (Pg 6)</li> <li>•“The Current Draft does little more than promise that collaborations will occur and that adaptive management will be implemented.” (Pg 6)</li> <li>•“The test will be whether the measures will be undertaken as planned, be as effective as hoped, and continue long enough to fully mitigate effects. This is where adaptive management and having contingency plans in place becomes critically important. It is not apparent that the mitigation plans include these components.” (Pg 13)</li> <li>•“Monitoring is mentioned, but details of organization, intent, and resources seem lacking. Adequate funding to support monitoring, collaborative science, and adaptive management is a chronic problem.” (Pg 15)</li> </ul>	<p>For responses to comments from the DSC and Delta Independent Science Board on the RDEIR/SDEIS, see RECIRC 2546, Volume 2, Final EIR/EIS.</p> <p>For responses to comments from the DSC and Delta Independent Science Board comments on the BDCP, see comment letter 1448, Volume 2, Final EIR/EIS.</p> <p>This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p>
<p>North Delta Water Agency 10-30-15</p>	<p>33</p>	<p>Finally, environmental conclusions in the RDEIR/SDEIS simply stating that future projects/actions/designs will comply with applicable law does not constitute avoidance of all impacts and does not suffice to replace mitigation. All of the EIR/EIS Chapters we reviewed also had many examples where the adverse impacts identified in the title and description were left unmitigated in the CEQA Conclusion.</p>	<p>Please refer to Master Response 22, Volume 2, Final EIR/EIS, regarding the adequacy of mitigation measures. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p>
<p>North Delta Water Agency 10-30-15</p>	<p>34</p>	<p>D. Defers Analysis of Significant Components of the Project</p> <p>The new CA WaterFix alternatives and RDEIR/RDEIS continue to defer essential material to the Final EIR/EIS which prevents NDWA from understanding the true nature and scope of project impacts to water quality and supply.</p> <p>In order to approve a project, the lead agencies must identify feasible mitigation measures or alternatives that would avoid or substantially lessen any significant adverse environmental effects of the project. The mitigation measures must also be specific and mandatory, such that they are fully enforceable.</p> <p>The EIR/EIS cannot defer the determination of the scope and nature of significant impacts until future studies and reports are prepared without including specific performance standards, timeframes for completion, and a commitment to mitigate. However, many</p>	<p>Addressing some mitigation more programmatically is appropriate when the specifics of certain impacts cannot reasonably be determined because, for example, they are dependent on future actions. Where appropriate, performance standards are set forth for such measures. Please see Master Response 22, Volume 2, Final EIR/EIS, for a discussion on mitigation measures and Master Response 2 for a discussion of the project vs. program level analysis in the Final EIR/EIS and why this is adequate and allowed under CEQA and NEPA. 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>Alt. 4/4A Mitigation Measures fail to set specific performance standards or criteria for surveying, relocating, repairing, replacing, compensating, or restoring the impacted resource.</p> <p>Misleading conclusions and missing impacts associated with Alt 4A that would adversely affect Delta water quality and supply are common throughout the EIR/EIS, mostly because studies about the existing baseline conditions and the Project's impacts are deferred to a later time</p>	
North Delta Water Agency 10-30-15	35	<p>The amount of environmental analysis that is deferred to a later date identified by the Delta ISB is concerning to NDWA:</p> <ul style="list-style-type: none"> <li>•“It defers essential material to the Final EIR/EIS” (09-3-15 cover letter)</li> <li>•“overall incompleteness through deferral of content to the Final EIR/EIS” (Pg 4)</li> <li>•“modeling of the effects of levee failure would be presented in the Final Report.” (Pg 4)</li> <li>•“The Current Draft does not demonstrate consideration of recently available climate science, and it defers to the Final Report analysis of future system operations under potential climate and sea-level conditions.” (Pg 11)</li> </ul> <p>The Agency contends that it is reckless to assume that the details of mitigation will be fleshed out at an unknown future date.</p>	<p>For responses to comments from the DSC and Delta Independent Science Board on the RDEIR/SDEIS, see RECIRC 2546, Volume 2, Final EIR/EIS.</p> <p>For responses to comments from the DSC and Delta Independent Science Board comments on the BDCP, see comment letter 1448, Volume 2, Final EIR/EIS.</p> <p>This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p>
North Delta Water Agency 10-30-15	36	<p>NDWA shares the concerns regarding the extensive amount of environmental analysis that is deferred to a later date raised by the Delta ISB:</p> <ul style="list-style-type: none"> <li>•“It defers essential material to the Final EIR/EIS” (09-3-15 cover letter)</li> <li>•“overall incompleteness through deferral of content to the Final EIR/EIS” (Pg 4)</li> <li>•“Steve Centerwall told us on August 14 that modeling of the effects of levee failure would be presented in the Final Report.” (Pg 4)</li> <li>•“analysis describing potential scenarios for future SWP/CVP system operations and uncertainties [related to climate change] will be provided in the Final Report.” (Pg 4)</li> <li>•“The Current Draft states that comparisons of alternatives will be summarized in the Final Report (p. 1-35).” (Pg 4)</li> <li>•“some of the missing content has been deferred to the Final Report” (Pg 4)</li> <li>•“The Current Draft defers details on how adaptive management will be made to work:” (Pg 6)</li> <li>•“This is too late. If adaptive management and monitoring are central to California WaterFix, then details of how they will be done and resourced should be developed at the outset (now) so they can be better reviewed, improved, and integrated into related Delta activities.” (Pg 6)</li> <li>•“The Current Draft does not demonstrate consideration of recently available climate science, and it defers to the Final Report analysis of future system operations under potential climate and sea-level conditions.” (Pg 11)</li> </ul>	<p>For responses to comments from the DSC and Delta Independent Science Board on the RDEIR/SDEIS, see RECIRC 2546, Volume 2, Final EIR/EIS.</p> <p>For responses to comments from the DSC and Delta Independent Science Board comments on the BDCP, see comment letter DEIRS 1448, Volume 2, Final EIR/EIS.</p> <p>This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p>
North Delta Water Agency 10-30-15	37	<p>E. Uncertainties Confounded by Significant Analytical Omissions and Data Gaps</p> <p>CEQA conclusions in CA WaterFix lack credibility because they are typically general and vague in making optimistic assumptions without site-specific identification of where, for how long impacts will occur, or who will be impacted. The RDEIR/SDEIS fails to specify the scientific background on how these assumptions were made.</p>	<p>The 2013 Draft EIR/EIS and 2015 RDEIR/SDEIS are complete in their evaluation of impacts, direct and cumulative, that project description is complete and satisfies the requirements of NEPA, that the project objectives are also precise and complete and satisfy the requirements of CEQA. The 2013 Public Draft EIR/EIS and 2015 RDEIR/SDEIS provided the public and decision-makers with sufficient information on which to make informed comments which have been considered and incorporated</p>



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		<p>The numerous examples of significant issues that are not acknowledged or analyzed undermines the credibility of the BDCP as a biologically justified project, and erodes the public's trust in DWR and the State to uphold statutory, regulatory, and contractual obligations to protect the value of the Delta's unique ecosystem, water supply, agricultural longevity, and socioeconomic environment.</p>	<p>into the Final EIR/EIS. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p>
<p>North Delta Water Agency 10-30-15</p>	<p>38</p>	<p>The Delta ISB had the following to say about the "unwarranted optimism" that continues to persist in CA WaterFix:</p> <ul style="list-style-type: none"> <li>•"The level of certainty seems optimistic, and it is unclear whether there are any contingency plans in case things don't work out as planned. This problem persists from the Previous Draft." (Pg 17)</li> <li>•"Here, as in many other places, measures are assumed to function as planned, with no evidence to support the assumptions." (Pg 17)</li> <li>•"This conclusion is built on questionable assumptions;" (Pg 8)</li> <li>•"A scientific basis for this statement is lacking, and an adaptive or risk-based management framework is not offered for the likely event that such optimism is unfulfilled." (Pg 10)</li> <li>•"The literature does not support this assumption." (Pg 18)</li> </ul>	<p>For responses to comments from the DSC and Delta Independent Science Board on the RDEIR/SDEIS, see RECIRC 2546, Volume 2, Final EIR/EIS.</p> <p>For responses to comments from the DSC and Delta Independent Science Board comments on the BDCP, see comment letter DEIRS 1448, 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>
<p>North Delta Water Agency 10-30-15</p>	<p>39</p>	<p>F. Cumulative Impacts Analysis is Inadequate</p> <p>Every action has a reaction, and there are hundreds of actions in each of the new CA WaterFix alternatives, but very little analytical attention to the cumulative impacts of these actions to each other, environmental trade-offs, or how other foreseeable projects and actions will affect this project.</p> <p>Examples of the many cumulative adverse impacts in the Plan Area (Delta) the EIR/EIS should specifically describe, analyze, and quantify include:</p> <ul style="list-style-type: none"> <li>•Cumulative impacts to in-Delta water supply (agriculture and drinking water) from 7 significant and "unavoidable" adverse impacts identified in Water Quality Chapter 8.</li> <li>•Cumulative impacts to levee stability and Delta flood risk from CM1 pile driving, dewatering lowering groundwater 10-20 feet, sediment loading, 9 cofferdams in the Sacramento River and tributaries, and damage from erosion, seepage, and overtopping;</li> <li>•Cumulative impacts to Delta agriculture from land conversion, seepage damage, water quality degradation, soil contamination (salinity absorption), blocked access to parcels, and reduce water elevations (surface and groundwater) stranding diversion intakes and wells;</li> </ul>	<p>The cumulative effects of other relevant projects combined with the action alternatives are addressed in each EIR/EIS resource chapter. Mitigation measures are described where necessary. These analyses are adequate for the purposes of CEQA and NEPA. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p>
<p>North Delta Water Agency 10-30-15</p>	<p>40</p>	<p>The failure to adequately analyze the cumulative impacts was also pointed out by the Delta ISB:</p> <ul style="list-style-type: none"> <li>•"The proposed project is part of the broader array of management actions in the Delta and should be considered in that broader context." (Pg 18)</li> <li>•"the Current Draft fails to consider how levee failures would affect the short-term and long-term water operations spelled out in Table 4.1-2." (Pg 7)</li> <li>•"What are the cumulative impacts of wetland losses in the Delta? What is the tipping point beyond which further wetland losses must be avoided?" (Pg 18)</li> </ul>	<p>For responses to comments from the DSC and Delta Independent Science Board on the RDEIR/SDEIS, see RDEIR/SDEIS comment letter RECIRC 2546, Volume 2, Final EIR/EIS.</p> <p>For responses to comments from the DSC and Delta Independent Science Board comments on the BDCP, see comment letter DEIRS 1448, Volume 2, Final EIR/EIS.</p> <p>This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p>

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		<ul style="list-style-type: none"> <li>•“Up to 14 years of construction activities were predicted for some areas (e.g., San Joaquin Co.); this would have cumulative impacts (e.g., dewatering would affect soil compaction, soil carbon, microbial functions, wildlife populations, and invasive species).” (Pg 19)</li> </ul>	
North Delta Water Agency 10-30-15	41	<p>G. Insufficient Modeling and Analysis of Water Supply and Quality Impacts</p> <p>The use of flawed models and failure to conduct full model runs for the new CA WaterFix alternatives, once again results in underestimated impacts, particularly for Delta water supply and quality, as well as overly optimistic conclusions regarding the ability to mitigate impacts.</p> <p>The Delta ISB also pointed out the following issues with the modeling and water operations:</p> <ul style="list-style-type: none"> <li>•“Although sensitivity modeling was used to address the effects of changes in the footprint and other minor changes of the revised project, full model runs were not carried out to assess the overall effects of the specific changes.” (Pg 11)</li> <li>•“Consequently, modeling that would help bracket ranges of uncertainties or (more importantly) assess propagation of uncertainties is still inadequate.” (Pg 11)</li> <li>•“There are also uncertainties with the data generated from model outputs, although values are often presented with no accompanying error estimates.” (pg 11)</li> <li>•“The operating guidance for the new alternatives seems isolated from the many other water management and environmental activities in and upstream of the Delta likely to be important for managing environmental and water supply resources related to Delta diversions.” (Pg 14)</li> <li>•“The dynamics of the Delta are largely determined by water flows. The Current Draft acknowledges that water flows and salinity will change in complex ways. There are statements about how inflows, outflows, and exports will change in Alternative 4A in relation to baseline (No-Action) conditions (p. 4.3.8-13). What is the scientific basis on which these changes will be managed? Will models be used? What confidence should we have in current projections? Have the effects of drought or deluges been considered?” (Pg 15)</li> <li>•“the Current Draft is probably outdated in its information on climate change and sea-level rise. It relies on information used in modeling climate change and sea-level rise in the Previous Draft, in which the modeling was conducted several years before December 2013.” (Pg 11)</li> <li>•“The absence of the climate-change chapter (Chapter 20) in the Previous Draft from Appendix A in the Current Draft indicates that no changes were made.” “Yet climatic extremes, in particular, are a topic of intense scientific study, illustrated by computer simulations of ecological futures and findings about unprecedented drought.” (Pg 11)</li> <li>•“How sensitive are project water supply and environmental performance to changes in operating criteria?” (Pg 14)</li> <li>•“The new Sustainable Groundwater Management Act (SGMA) seems likely to increase demands for water diversions from the Delta to the south to partially compensate for the roughly 1.5-2 maf/year that is currently supplied by groundwater overdraft.” (Pg 15)</li> <li>•“The climate change analysis of changes in Delta inflows and outflows is useful, but isolating the graphs in a separate document disembodies the discussion.” (Pg 15)</li> <li>•“the failure to consider how climate change and sea-level rise could affect the outcomes</li> </ul>	<p>The Final EIR/EIS includes updated modeling for the additional sub-alternatives, in addition to sensitivity analyses demonstrating similarities and differences between the previous and new modeling runs conducted for the project alternatives. Also, see Master Response 30, Volume 2, Final EIR/EIS, regarding the MBK modeling.</p> <p>For responses to comments from the DSC and Delta Independent Science Board on the RDEIR/SDEIS, see RDEIR/SDEIS comment letter RECIRC 2546, Volume 2, Final EIR/EIS.</p> <p>For responses to comments from the DSC and Delta Independent Science Board comments on the BDCP, see comment letter DEIRS 1448, Volume 2, Final EIR/EIS.</p> <p>Despite commenter’s expert’s difference of opinion on certain assumptions used in the modeling, the modeling and assumptions within the modeling relied upon by the lead agencies reflect their own expertise and is considered appropriate to support the lead agencies’ analysis of environmental impacts associated with the Proposed Project.</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>of the proposed project is a concern that carries over from our 2014 review and is accentuated by the current drought” (Pg 8)</p> <ul style="list-style-type: none"> <li>•“Graphs of changes and listing of extreme highs and lows during a model run would have more biological meaning. Also, comparisons were made using current baseline conditions and did not consider climate change effects on temperatures.” (Pg 17)</li> </ul>	
North Delta Water Agency 10-30-15	42	<p>VII. ECONOMIC IMPACTS AND FISCAL ASSURANCES</p> <p>A. Economic Evaluation of BDCP Is Inadequate and Biased</p> <p>A new economic analysis does not appear to have been conducted on the new CA WaterFix alternatives. Therefore, the NDWA’s previous comments on BDCP alternatives in 2014 regarding the inherent inequities that exist in the BDCP and EIR/EIS assumptions used in the cost-benefit analysis, also apply to the CA WaterFix alternatives.</p> <p>DWR should undertake objective and comprehensive cost-benefit and socioeconomic analyses for the CA WaterFix alternatives that is consistent with applicable economic analysis standards and independently peer-reviewed for accuracy and efficacy of the methodology, assumptions, models, and results.</p>	The Final EIR/EIS (and RDEIR/SDEIS) is not required to provide a cost-benefit analysis of a proposed action, only the effects on the human environment of that proposed action. However, potential effects to socioeconomics are discussed in Chapter 16, Socioeconomics, and Master Response 5, Volume 2, of the Final EIR/EIS. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.
North Delta Water Agency 10-30-15	43	<p>B. 1981 Contract Compliance Costs Are Not Included in the Finance Chapter or the Underlying Economic Analysis</p> <p>CA WaterFix should acknowledge the financial obligations associated with implementing remediation measures to comply with DWR’s assurances that are specified in the NDWA 1981 Contract. Costs to comply with the 1981 Contract will be incurred in the design, construction and operational phases of the BDCP/CA WaterFix alternatives (assuming, arguendo, that the project is constructed), so DWR’s binding obligations under the 1981 Contract will most certainly have economic repercussions during the ongoing operation of these water conveyance facilities. Yet neither the Finance Chapter of the BDCP, the new CA WaterFix alternatives, nor the economic analyses mention or quantify the costs of complying with the 1981 Contract.</p>	This comment presumes effects of the Proposed Project on NDWA’s contract terms. Assumptions for NDWA’s contract are included in the appropriate EIR/EIS analyses. No changes to the BDCP/CWF funding plan have been made. DWR is complying and will continue to comply with the terms of the 1981 NDWA contract. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.
North Delta Water Agency 10-30-15	44	<p>C. Reduction in NDWA Assessments Needs to be Addressed</p> <p>Like other local agencies dependent on property assessments to fund its core functions, NDWA is concerned that the massive permanent conversion of land and long-term (up to 14 years) disruption of existing land use activities during construction would result in a significant loss of assessment revenues which could seriously impede the Agency’s ability to administer and enforce the 1981 Contract. Local government agencies in the Plan Area, including NDWA, need a reliable mechanism and funding source to replace lost local government revenues (taxes, assessments).</p> <p>DWR and USBR not only have a duty under CEQA and NEPA to identify these significant fiscal impacts; they also have a duty to mitigate these impacts. Moreover, the 1981 Contract imposes other, contractual obligations on DWR including, inter alia, the implied covenant of good faith and fair dealing, not to take actions that undermine the Agency’s ability to perform under, or enforce, the 1981 Contract.</p> <p>Resolution of this matter is additionally critical to the Agency because state agencies do</p>	<p>When required, DWR would provide compensation to property owners for economic losses due to implementation of the alternative. Please refer to Final EIR/EIS Chapter 16, Socioeconomics for discussion of economic and fiscal effects and Master Response 5 for discussion of BDCP/CWF funding. Should BDCP/CWF be chosen during project decision, funding/costs for implementation may be revisited.</p> <p>DWR will continue to comply with the terms of the 1981 NDWA contract. Please see also Master Response 5, Volume 2, Final EIR/EIS.</p> <p>This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p>

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		<p>not have a good track record of paying local property taxes and assessments, forcing NDWA and other local government agencies to sue for recovery. In fact, the two largest delinquent landowners who have not paid current NDWA assessments are State agencies.</p> <p>The BDCP/CA WaterFix project alternatives and associated RDEIR/SDEIS should explicitly acknowledge the obligations of the State to financially offset “any detriments” to North Delta channels and water users resulting from the operation of the CVP and SWP, as required by the 1981 Contract, and declare DWR’s commitment to enter into a binding agreement prior to the start of construction to mitigate lost assessment revenues associated with a 14-year construction time period and ongoing operations of BDCP/CA WaterFix project. This is consistent with BDCP’s existing obligation under the Delta Reform Act to enter into contracts for payment of local agency tax or assessments for all lands associated with implementation of CM1 conveyance facilities. A reduction of 1981Contract payments for any lands transferred from private to public ownership (whether owned by State, federal, or local agencies) for purposes of implementing BDCP/CA WaterFix project is one option for mitigating these fiscal impacts.</p>	
North Delta Water Agency 10-30-15	45	<p>D. Additional Funding Assurances for BDCP/WaterFix Implementation Are Needed</p> <p>Costs incurred by DWR actions to avoid or remedy 1981 Contract violations, or pay in-lieu assessments to NDWA, are not theoretical and should be budgeted in a way that recognizes the fiscal gravity and significant impact to the Agency. NDWA is particularly concerned about the availability of funding to implement mitigation measures for the hundreds of impacts identified in the RDEIR/SDEIS and individual actions called for in Avoidance and Minimization Measures.</p> <p>The precariousness of BDCP/WaterFix funding is exacerbated by documents stating finance plans will be developed separately by “various funding agencies” through future discussions. The elusive nature of the ability of BDCP/WaterFix to fully fund permit activities, including adaptive management and mitigation measures is illustrated by the lack of funding agreements signed by SWP or CVP water contractors. In order to be reliable funding streams over long-term operation of these new water conveyance facilities, the funding mechanisms should be unencumbered by the vagaries of legislative appropriations.</p> <p>NDWA requests the certainty of reliable funding being available for mitigation implementation, reimbursement of in-lieu assessments, payment of 1981 Contract violation remedies, and compensation to third parties for damages be described and committed to in detail in BDCP/WaterFix project description and RDEIR/SDEIS.</p>	<p>The proposed project (Alternative 4A) includes compensation to the five Delta counties (Yolo, Solano, San Joaquin, Sacramento, and Contra Costa), Delta cities and towns, and applicable reclamation districts to offset the property taxes that would be lost as a result of public acquisition of land within these jurisdictions. Currently, more than \$48 million will be set aside for this purpose (see Exhibit E of Design and Construction Enterprise Draft Agreement released by DWR on January 15, 2016, “2081/Section 7 Mitigation Cost Estimate” Table).</p> <p>For further information regarding funding, please see Master Response 5, Volume 2, Final EIR/EIS.</p> <p>This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p>
North Delta Water Agency 10-30-15	46	<p>VIII. OVERSIGHT OF IMPLEMENTATION</p> <p>A. BDCP/WaterFix Lacks Accountability for Compliance with Laws and Permits</p> <p>Under NEPA, mitigation includes avoiding, minimizing, rectifying, reducing over time, or compensating for an impact. CEQA contains similar requirements. In order to ensure compliance with all permit terms and conditions, permitting agencies will need to have a robust tracking mechanism to monitor whether the thousands of discrete mitigation actions listed in the EIR/IES chapters and contained in the Avoidance and Minimization</p>	<p>DWR and Reclamation are responsible for implementing the EIR/EIS mitigation measures and monitoring their success. A Mitigation Monitoring and Reporting Plan was circulated with the Final EIR/EIS that describes the environmental commitments, mitigation measures and avoidance and minimization measures that would be implemented to reduce significant environmental effects of Alternative 4A (the preferred CEQA/NEPA alternative) to a less-than-significant level. Further, Master Response 22, Volume 2, Final EIR/EIS, provides additional information regarding mitigation, environmental commitments, avoidance and minimization measures and alternative-specific environmental commitments.</p>

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		<p>Measures (Plan Appendix 3.C) are being implemented properly, and that the mitigation measures are performing as intended to reduce the hundreds of significant impacts listed in the RDEIR/SDEIS.</p> <p>In accordance with NEPA/CEQA, the BDCP/WaterFix permitting agencies must be clear with each other and transparent with the public as to who is proposing each mitigation measure, and who will monitor and enforce measures that are adopted as terms and conditions of the approved permits. Failure to ensure the implementation and effectiveness of these mitigation measures will result in a substantial increase in “Significant and Unavoidable” adverse impacts.</p> <p>NDWA could find no mitigation monitoring plan, governance oversight entity, or adaptive management process specifically described for developing replacement mitigation measures in the event that an action portrayed in the RDEIR/SDEIS is ineffective.</p>	<p>For more information regarding adaptive management please see Master Response 33, Volume 2, Final EIR/EIS.</p> <p>This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p>
North Delta Water Agency 10-30-15	47	<p>Neither did the Delta ISB according to the following concerns regarding the effectiveness of adaptive management and mitigation measures due to inadequate funding and oversight:</p> <ul style="list-style-type: none"> <li>•“We did not find examples of how adaptive management would be applied to assessing – and finding ways to reduce – the environmental impacts of project construction and operations.” (Pg 5)</li> <li>•“The missing details also include commitments and funding needed for science-based adaptive management and restoration to be developed, and more importantly, to be effective.” (Pg 6)</li> <li>•“The Current Draft does little more than promise that collaborations will occur and that adaptive management will be implemented.” (Pg 6)</li> <li>•“The test will be whether the measures will be undertaken as planned, be as effective as hoped, and continue long enough to fully mitigate effects. This is where adaptive management and having contingency plans in place becomes critically important. It is not apparent that the mitigation plans include these components.” (Pg 13)</li> <li>•“Monitoring is mentioned, but details of organization, intent, and resources seem lacking. Adequate funding to support monitoring, collaborative science, and adaptive management is a chronic problem.” (Pg 15)</li> </ul>	<p>For responses to comments from the DSC and Delta Independent Science Board on the RDEIR/SDEIS, see RDEIR/SDEIS comment letter RECIRC 2546, Volume 2, Final EIR/EIS.</p> <p>For responses to comments from the DSC and Delta Independent Science Board comments on the BDCP, see comment letter DEIRS 1448, Volume 2, Final EIR/EIS.</p> <p>This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p>
North Delta Water Agency 10-30-15	48	<p>Of most concern to the NDWA is the potential for breach of the 1981 Contract by DWR that could result in substantial adverse impacts on water users and the physical and human environment in the North Delta, if BDCP/WaterFix fails to properly implement compliance measures and/or mitigation measures to avoid or remedy violations of the 1981 Contract.</p>	<p>The EIR/EIS does not include any description or analysis related to NDWA’s 1981 contract because modification of the contract is not a component of any of the alternatives. DWR will continue to comply with the terms of the 1981 NDWA contract. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p>
North Delta Water Agency 10-30-15	49	<p>In order to protect Delta-as-Place in accordance with the coequal goals of the Delta Reform Act, the project description and RDEIR/SDEIS for the newly added CA WaterFix alternatives should explicitly describe at a minimum the entity responsible for:</p> <ul style="list-style-type: none"> <li>•Oversight, administration, and approval of program funding, contracting , and resources;</li> <li>•Oversight and implementation of mitigation measures, particularly their effectiveness in reducing adverse impacts consistent with CEQA/NEPA requirements;</li> <li>•Implementation of compliance monitoring and adaptive management measures;</li> </ul>	<p>Please refer to response to Comment 48, Volume 2, Final EIR/EIS, for more information about the Mitigation Monitoring and Reporting Plan. 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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		<ul style="list-style-type: none"> <li>•Acquisition of interests in real and personal property, and sequencing of permits and other authorizations; and</li> <li>•Compliance of water operations with permit conditions and contractual obligations.</li> </ul>	
North Delta Water Agency 10-30-15	50	<p>B. Enforcement Oversight and Mechanisms Needed</p> <p>The Agency could only find cursory references to the NDWA and the 1981 Contract in BDCP/WaterFix. As the Agency asserts in comments above, the assurances provide to NDWA by DWR are particularly relevant to proposed SWP and CVP water operations in BDCP/WaterFix because the 1981 Contract requirements could significantly constrain such operations.</p> <p>NDWA’s prior comments also establish the fiscal ramifications if the terms and conditions of the 1981 Contract are violated as a result of BDCP/WaterFix operations. Despite DWR’s long- standing acceptance and commitment to uphold the provisions of the 1981 Contract, NDWA is concerned about DWR’s ability to do so, based upon recent exceedances of the Contract’s water quality criteria during drought conditions experienced in 2015.</p>	The EIR/EIS analyses include NDWA’s contract in the assumptions. DWR will continue to comply with the terms of the 1981 NDWA contract. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.
North Delta Water Agency 10-30-15	51	<p>Permit conditions for CA WaterFix should therefore incorporate, at a minimum, the following requirements:</p> <ul style="list-style-type: none"> <li>•Specific year-round water quality criteria, and avoid alteration of surface water elevations and natural flows that are detrimental to water users and Delta channels as 1981 Contract metrics to be achieved, including identification of enforcement triggers and mechanisms.</li> <li>•Require DWR to annually disclose any operational changes, remedies for damages caused by prior year’s operations that were implemented, and any significant physical modifications made to SWP facilities (i.e., alternative water supply infrastructure) implemented as a result of complying with water quality and supply obligations under the 1981 Contract.</li> <li>•Require “compliance “with any and all DWR and USBR contractual obligations still in full force and effect that are associated with the operations of the SWP and CVP, including the NDWA 1981 Contract.”</li> <li>•Identify the entity responsible (among construction contractors, NMFS, USFWS, DWR, USBR, BDCP Implementation Office, and the other key players)) for the timing, implementation, and effectiveness of mitigation actions contained in Mitigation Measures and Avoidance and Minimization Measures including the development of studies, field surveys, avoidance protocols, reports, best management practices, etc. to be implemented during all phases of the project from design to maintenance, monitoring, and adaptive management.</li> <li>•The entity responsible for ensuring adequate funding is available for all mitigation and Avoidance and Minimization Measures associated with CM1 and for annually reporting the fiscal costs of mitigation.</li> <li>•What the Project and permit ramifications will be if the hundreds of mitigation and avoidance actions are not being properly implemented in a timely manner to alleviate adverse impacts.</li> <li>•An annual assessment by the Delta ISB of DWR’s compliance with the timing and effectiveness of mitigation measures in Final EIR/EIS and required as permit terms and</li> </ul>	Please refer to response to Comment 48, Volume 2, Final EIR/EIS, for more information about the Mitigation Monitoring and Reporting Plan. DWR will continue to comply with the terms of the 1981 NDWA contract. 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>conditions, with particular attention to any mitigation measures and actions that are behind in implementation or not performing as intended to reduce adverse impacts, and provide recommendations for alternative mitigation measures/actions to replace those that are not working. This will ensure that mitigation occurs and that adaptive management is properly applied to mitigation associated with construction of new water conveyance facilities</p>	
<p>North Delta Water Agency 10-30-15</p>	<p>52</p>	<p>C. Significant Environmental Uncertainty Warrants a Phased Approach</p> <p>The NDWA agrees with Project proponents that uncertainty is not a good reason to do nothing. However, in the case of the BDCP/WaterFix, the high degree of uncertainty for achieving any meaningful benefits for covered species as expressed by independent science reviews and ESA permitting agencies, results in a fundamental failure to comply with NEPA, CEQA, or state and federal endangered species laws. According to the independent review of the Plan and Effects Analysis by fisheries biologist Dave Vogel, every aspect of the impacts of BDCP Preferred Alternative 4 on salmonids is either “uncertain” or “highly uncertain.” Because WaterFix Preferred Alt. 4A relies on Effects Analysis for BDCP Alt. 4, Dr. Vogel’s comments also apply to the new preferred alternative.</p> <p>Despite the criticism of these uncertainties by independent scientists and fish agencies, the CA Waterfix fails to include precautionary measures such as phased construction so that a single intake in Hood would be operated long enough to include at least one dry year to establish adequate fish screen and operational criteria before additional intakes could be constructed.</p> <p>Currently, the three new North Delta intakes would undergo some operational fish screen testing prior to full pumping but only after all three North Delta diversions have been built. If these never before-used screens do not function as planned in terms of fish protection, then this gamble will end up a losing proposition for at least one of the following: the Delta ecosystem, Delta-as- Place, or the CVP/SWP Delta export water contractors (who will be stuck with long-term payments on a very expensive stranded asset).</p> <p>To mitigate environmental and human resource impacts, BDCP/WaterFix construction should be phased so that one intake is built and fish screen effectiveness and compliance with permits is tested and the water quality, elevation, and reverse flows monitored to assure the 1981 Contract and California’s “No Injury” water rights rule are not being violated. The administration of Governor Edmund G. Brown, Jr. obviously agreed to this precautionary approach the first time around in the Peripheral Canal legislation (ACA 90 and SB 200) and should do no less now with BDCP/WaterFix.</p>	<p>Uncertainty is inherent in any planning effort of this geographic and temporal scale. However, DWR and project proponents strived to use the best available science throughout the effects analysis, consistent with the requirements of the ESA. Additionally, the official public review process for the proposed project provides an opportunity for formal public comment on the proposed project and project alternatives. Public and agency comments on the public draft have led to further refinement of the proposed project, as evidenced in the Final EIR/EIS. Implementing the project takes into consideration uncertainty and adaptive management and monitoring will occur, as described in Final EIR/EIS Chapter 3, Description of Alternatives and in Master Response 33, to meet Delta and other environmental requirements.</p> <p>Since 2006, the proposed project has been developed based on sound science, data gathered from various agencies and experts over many years, input from agencies, stakeholders and independent scientists, and more than 600 public meetings, working group meetings and stakeholder briefings. Please see Master Response 3 Volume 2, Final EIR/EIS, for additional information regarding the Purpose and Need and Master Response 28 Volume 2, Final EIR/EIS, for a discussion of the proposed project’s Operational Criteria.</p> <p>The EIR/EIS evaluates the project as a whole according to the construction schedule available at the time of this EIR/EIS. While phasing intake construction was considered it was not included as a project element in any of the action alternatives because of issues related to constructability and project performance.</p> <p>This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p>
<p>North Delta Water Agency 10-30-15</p>	<p>53</p>	<p>IX. EFFECTS ANALYSIS AND MODELING FLAWS</p> <p>A. Flawed Modeling Underlying the Plan and EIR/EIS Prevents Evaluation of Impacts</p> <p>The models used for evaluating water project operations, hydrodynamics, and water quality have been extensively modified for BDCP studies to calibrate for salinity, reflect current Biological Opinion operational constraints, and incorporate the proposed actions</p>	<p>Please refer to Master Response 30, Volume 2, Final EIR/EIS, related to modeling adequacy. Attachment 2 is addressed in Response to Comments 1674-162 through 1674-317. The comments provided by MBK and Dan Steiner are addressed in the comment letter containing these attachments and are not repeated here. Please refer to the list of commenters and the appropriate comment letter responses for these modeling adequacy comments.</p>

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		<p>and water operations proposed in Alt. 4 and 4A.</p> <p>These modified models have been found to be unreliable due to problems highlighted by an independent review, incorporated herein by reference in a report by MBK Engineers and Dan Steiner entitled Report on Review of Bay-Delta Conservation Program Modeling (“Modeling Report”).</p> <p>As explained in the Modeling Report, the BDCP model is an outdated version of the CalSim II model, which contains known errors. By definition, utilization of an outdated version of the CalSim II model does not constitute utilization of best available science. Project proponents should conduct new model runs and Effects Analysis results using the current version of CalSim II for CA WaterFix alternatives.</p> <p>The Modeling Report describes other significant problems with the BDCP modeling that should be addressed before running new modeling runs for WaterFix alternatives:</p> <ul style="list-style-type: none"> <li>•Methodology used to incorporate climate change contains errors and does not incorporate reasonably foreseeable adaptation measures that would lessen the dramatic effects predicted by the model;</li> <li>•Climate change hydrology in the Upper San Joaquin River basin was incorporated incorrectly into the BDCP Model;</li> <li>•Includes predicted changes in precipitation and temperature without other changes, resulting in insufficient water needed to meet all regulatory objectives and user demands.</li> </ul> <p>Each one of the above problems contained in the BDCP’s models and methodology alter the outcomes in ways that could mask a greater severity in impacts to Delta water quality, temperature, elevations, and unnatural flows posed by BDCP/WaterFix alternatives. The cumulative nature of these miscalculations essentially renders the BDCP modeling and Effects Analysis useless for making impact conclusions for new CA WaterFix alternatives. In particular, the modeling and Effects Analysis does not adequately evaluate water quality and supply data critical to enforcement of NDWA’s 1981 Contract.</p> <p>Once these modeling anomalies are corrected and an operations plan is defined, the NDWA will be able to evaluate whether proposed BDCP/WaterFix reconfiguration of SWP and CVP water facilities and alteration of Delta hydrology will be in compliance with DWR’s assurances provided to North Delta water users in the 1981 Contract.</p>	<p>The EIR/EIS impact analysis is based upon a comparison of conditions under action alternatives and conditions under the Existing Conditions and No Action Alternative. The results are not predictive and cannot be used to project absolute values. The No Action Alternative and action alternatives include the same assumptions for sea level rise and climate change; therefore, the results of these comparisons indicate changes due to the action alternatives.</p> <p>The models do not include changes in reservoir or SWP and CVP water supply operations due to climate change and sea level rise. It is recognized that operations of the SWP and CVP reservoirs and other reservoirs probably will be modified in the future in response to climate change and other water resources operations. However, it would be speculative to develop changes in operations under the No Action Alternative or Cumulative Impact Analysis; and these changes are not consistent with the Project Objectives and Purpose and Need statement for the action alternatives. Future changes in reservoir operations would require separate engineering environmental analyses under CEQA and NEPA, and revised reservoir operations permits which could affect SWP and CVP operations.</p> <p>The results of the CALSIM II model runs do include increased frequency of “dead pool” conditions in the SWP and CVP reservoirs. These conditions in the CALSIM II model results in the EIR/EIS are developed from calculated monthly average reservoir volumes. Because the model only calculates and reports SWP and CVP water operations at an average monthly basis, the model cannot simulate changes that occur on a weekly basis by water users and SWP and CVP operations. In addition, the model cannot make decisions that occur in real-time, such as drought operations during the ongoing drought. Instead the model includes average operating criteria for all dry periods, and does not reflect specific changes. The dead pool conditions occur in the No Action Alternative as compared to the Existing Conditions because the model includes changes in precipitation without making changes in water diversion patterns. The EIR/EIS analysis considers changes between the frequency of dead pool conditions under the alternatives and the No Action Alternative (both with the same climate change assumptions) to determine if the changes are adverse or beneficial.</p> <p>The climate change assumptions were consistent across all the action alternatives including the No Action Alternative. As shown in the Final EIR/EIS, San Joaquin River operations remain unchanged under the action alternatives compared to the No Action Alternative. The error in the Millerton Lake climate-modified inflow was found to only affect Millerton Lake storage and flows in the San Joaquin River, and it had only minor impacts to the Delta and Sacramento River operations.</p> <p>Despite commenter’s expert’s difference of opinion on certain assumptions used in the modeling, the modeling and assumptions within the modeling relied upon by the lead agencies reflect their own expertise and is considered appropriate to support the lead agencies’ analysis of environmental impacts associated with the Proposed Project.</p> <p>This comment does not raise any substantive new environmental information or</p>



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			analysis that was not previously addressed in the Final EIR/EIS.
North Delta Water Agency 10-30-15	54	<p>B. The Modeling Fails to Include the 1981 Contract Requirements</p> <p>Under CEQA and NEPA, an EIR/EIS must include a description of the physical environmental conditions in the vicinity of the project from both a local and regional perspective. An accurate description of the environmental setting of the Project is critical because it establishes the baseline physical conditions against which a lead agency can determine whether an impact is significant. Most importantly, the baseline helps the public discern its impact on the local natural resources and human environments.</p> <p>Therefore, to comply with CEQA guidelines and case law, all hydrologic modeling undertaken in connection with BDCP/WaterFix must assume as part of the “baseline” condition that the terms and conditions of the 1981 Contract will remain in full force and effect. This includes DWR’s obligations to operate the SWP to maintain water quality and supply in accordance with Articles 2, 6 and 8.</p> <p>To date, the hydrologic modeling underlying BDCP/WaterFix and EIR/EIS fails to do so – even though the NDWA at its own expense has provided a modeling tool to incorporate into BDCP’s Effects Analysis modeling to ensure the Contract’s criteria is analyzed as a baseline condition of SWP operations. This inclusion is important because the Contract’s salinity objectives differ in certain key respects from the water quality requirements in the SWRCB’s current Water Quality Control Plan for the Delta (D-1641), particularly in the late summer months where the 1981 Contract requirements are more stringent from a water quality standpoint.</p> <p>The California Water and Environmental Modeling Forum and ISB should perform an independent verification of the modeling tools prior to conducting new model runs, to ensure that the best science available is deployed in the best manner possible.</p>	<p>The 1981 Contract is included in the water supply assumptions in the EIR/EIS analysis. The No Action Alternative and Alternative 4A include assumptions for water quality compliance in the North Delta along the Sacramento River at Emmatton. The other action alternatives include an assumption to modify the compliance location to Three Mile Slough in accordance with an interpretation of the 1981 Contract. Changes in flow, water quality, and aquatic resources are presented in Chapters 5, 6, 8, and 11 of the Final EIR/EIS. It should be noted that as with other surface water flow and water quality criteria, the criteria are not fully met at all times under the Existing Conditions, No Action Alternative, or action alternatives, as described in Chapters 5, 6, 8, and 11 in the Final EIR/EIS. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p>
North Delta Water Agency 10-30-15	55	<p>C. Averaging in Modeling Methodology Can Obscure Significant Fluctuation of Salinity Increases</p> <p>The BDCP Effects Analysis makes extensive use of averaging, which is also used in the CA WaterFix alternatives. Unfortunately, by its nature, averaging obscures the extreme values that – for some variables and biological and hydrological systems – masks true water quality, water supply, flood risk, and species impacts. For example, the Effects Analysis analyzes X2 values averaged from December to May, even though that period encompasses a huge seasonal range in natural Delta outflow patterns.</p> <p>Averaging across these periods tends to conceal larger changes in Delta outflow within and across years that may occur over operation of new CA WaterFix facilities. CA WaterFix’s reliance on the BDCP’s use of a 5-month average in the modeling of compliance with X2 requirements could have problematic results, such as a decrease in the temporal variability in salinity that historical conditions and existing Delta standards provide. Improperly treating water quality as a long-term average rather than a daily issue could result in hiding the significant fluctuation of salinity increases that could occur under Alt. 4/4A water operations as proposed. Depending on water quality conditions,</p>	<p>Please see Master Response 5, Volume 2, Final EIR/EIS, which responds to comments on the Draft BDCP. The modeling analysis approach and limitations are fully disclosed in Chapter 5, Water Supply and Appendix 5A of this Final EIR/EIS. In general these modeling analyses are intended to compare potential effects of the alternatives and should not be interpreted to include absolute values. Please also refer to Master Response 30, Volume 2, Final EIR/EIS, which addresses modeling adequacy in this 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>water users may make decisions on water diversions on a daily basis and sometimes hourly basis, sometimes diverting only during certain tidal cycles. Thus, averaging salinity impacts particularly over a long period fails to identify impacts to local water users.</p>	
<p>North Delta Water Agency 10-30-15</p>	<p>56</p>	<p>D. Modeling Flaws Mask Nature, Extent, And Severity of Salinity Impacts</p> <p>Changes in Delta hydrology can influence water quality across a broad range of constituents. Currently, all of the waterways of the Bay Delta are water-quality impaired for one or more contaminants;33 therefore, any changes that worsen the existing conditions also exponentially increases the level of significance of each impact under each alternative.</p> <p>The following salinity impacts are of particular concern to NDWA:</p> <ul style="list-style-type: none"> <li>•Sea water intrusion as a result of sea level rise or decreased Delta outflow can increase the concentration of salts (i.e. bromides, chlorides, etc.).</li> <li>•Long-term average annual Delta outflow is anticipated to decrease under Alt. 4/4A by between 864 (scenario H1) and 5 TAF (scenario H4) relative to the No Action Alternative, attributable only to changes in operations. The result of this will be increased sea water intrusion in the western Delta.</li> <li>•Overall effects would be greatest at Barker Slough, where substantial increase in long-term average bromide concentrations under all operational scenarios are predicted, but would be greatest for Scenario H2.</li> <li>•Salinity level increases in South and Western Delta are labeled as “unavoidable” adverse impacts due to uncertainties surrounding the effectiveness of the mitigation measures to reduce adverse water quality effects. (Impact WQ-11)</li> </ul>	<p>The Final EIR/EIS proposes Alternative 4A as the preferred alternative. Alternative 4A would result in substantially lesser water quality impacts to salinity-related parameters, including EC, bromide, and chloride, as compared to the preferred alternative in the Draft EIR/EIS. Alternative 4A would still have significant impacts to EC; however, feasible mitigation measures were introduced to reduce the identified impacts to less than significant levels to protect beneficial uses and achieve compliance with SWRCB D-1641 standards. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p>
<p>North Delta Water Agency 10-30-15</p>	<p>57</p>	<p>X. WATER SUPPLY AND QUALITY CONCERNS</p> <p>A. Alteration of Natural Tides Create Elevation and Water Quality Concerns</p> <p>When export levels are low, the Sacramento River’s flow is dominantly tidal with both positive (flow to the north) and negative (flow to the south) oscillations of similar magnitudes with the tides, averaging to a net flow of approximately zero. As exports increase in mid- to late-June, the oscillations shift such that the net flow becomes negative and the number of hours each day when the flow moves to the north is reduced. From mid-July through August, when total exports at South Delta continuously exceed 10,000 cfs, the flow becomes primarily to the south, effectively eliminating the natural ebb tidal flow that would occur otherwise. This creates an unnatural flow pattern in which water no longer oscillates between north and south, but simply flows constantly south in a reverse flow.</p> <p>The subsequent impact on water quality within the Delta is likely to be substantial according to BDCP’s modeling results for Alt. 4/4A.</p> <p>BDCP/WaterFix should conduct new modeling using the recalibrations requested in previous comments to provide a robust analysis of the changes in tidal excursions in the Plan Area and identification of impacts in the EIR/EIS to provide more detail on water quality, surface water elevations (water supply), and covered fish species. This analysis should include specific details on the timing, locations, duration, and intensity of the</p>	<p>The evaluation of the effects of Alternative 4A are included in the RDEIR/SDEIS, with specific acknowledgement that real-time monitoring and associated triggers would allow for adjustments to the North Delta Diversion operations to minimize and avoid impacts to migrating fish. Effects would be mitigated with a nonphysical barrier at the entrance to Georgiana Slough, which would reduce the entry of outmigrating juvenile salmonids into the low-survival interior Delta. Alternative 4A does not include large-scale restoration. Restoration proposed would be designed to mitigate for lost habitat values. 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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		alteration of natural tides in the Plan Area and appropriate mitigations to reduce any adverse impacts on beneficial uses.	
North Delta Water Agency 10-30-15	58	<p>B. Altered Water Elevations Not Analyzed for Impacts to Delta Water Supply or Potential for Specific Damages Under NDWA 1981 Contract</p> <p>The Preferred Alternatives 4/4A construction and ongoing operations will alter both surface and groundwater elevations within NDWA, including reduced surface flows in September within NDWA in about half of all years.</p> <p>The NDWA is concerned about the water supply availability impacts that alterations in water elevations pose to water users and other beneficial uses in the North Delta:</p> <ul style="list-style-type: none"> <li>•More than 2,500 water diversions, including diversions for agricultural uses, in the Plan area.</li> <li>•Groundwater is used throughout the Delta for agricultural, municipal, and industrial beneficial uses, particularly in the North Delta for irrigation of orchards. In the upland peripheral Delta areas, average annual groundwater pumping is estimated to range between 100,000 and 150,000 acre-feet, both for domestic and agricultural uses.</li> </ul> <p>The NDWA is particularly concerned with potential reductions in water surface water elevations within the North Delta that could constitute a breach of DWR's obligations under Article 6 of the 1981 Contract. Such violations of the 1981 Contract would give rise to damage claims against the State by water diverters within NDWA.</p>	<p>The effects on agricultural activities are addressed under Agricultural Impact AG-2 (see Chapter 14, Agricultural Resources, in the Final EIR/EIS), including impacts to agricultural production due to temporary construction activities that could result in disruption of irrigation or drainage infrastructure, and could jeopardize agricultural production. Potential impacts to groundwater levels nearby construction activities are evaluated in Final EIR/EIS Chapter 7. Implementation of Mitigation Measures AG-1, GW-1, GW-5, and WQ-11 will reduce the severity of these impacts by implementing activities such as siting project footprints to encourage continued agricultural production; monitoring changes in groundwater levels during construction; offsetting domestic water supply losses; monitoring seepage effects; relocating or replacing agricultural infrastructure in support of continued agricultural activities; identifying, evaluating, developing, and implementing feasible phased actions to reduce EC levels; engaging counties, owners/operators, and other stakeholders in developing optional agricultural stewardship approaches; and/or preserving agricultural land through off-site easements or other agricultural land conservation interests. However, these impacts remain significant and unavoidable and adverse to agricultural resources.</p> <p>Delta surface water effects are addressed in Chapter 6, Surface Water, of the Final EIR/EIS. Results of these analyses generally indicate that only relatively minor changes in flow would occur that are not expected to affect beneficial uses. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.</p>
North Delta Water Agency 10-30-15	59	A reduction in surface water elevations would adversely affect water supply availability within NDWA in ways that were neither acknowledged nor analyzed. For example, the impact to agricultural water diverters that utilize gravity siphons and other irrigation systems designed to optimize water diversion and conveyance based on the current flow and water level regime have not been analyzed. The gravity siphons and pumps that are used to divert surface water in NDWA simply will not work effectively if water surface elevations are significantly reduced, as contemplated in the Plan. If siphons are rendered inoperable it would become necessary for Delta diverters to install mechanical pumps powered either by electricity (which is often infeasible) or internal combustion engines. If the latter are used, this would cause air quality and other impacts that also are not analyzed in the RDEIR/SDEIS.	Please see comment 58. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.
North Delta Water Agency 10-30-15	60	In addition, the irrigation systems designed based on the use of siphons and gravity diversions would need to be reconfigured. The increased capital and operation and maintenance costs associated with reconfiguring conveyance systems and the conversion to mechanical pumps would be substantial. NEPA requires that the "human" (including economic) impacts associated with increased costs of Delta water diversions be fully analyzed. BDCP/WaterFix fails to analyze these impacts, because it does not weigh the substantial increased capital and operation and maintenance costs associated with conversion to mechanical pumps.	Please see comment 58. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.
North Delta Water Agency 10-30-15	61	Due to the Delta's high reliance on groundwater for agricultural and domestic water supplies, the lowering of groundwater elevations during construction dewatering would	Please see comment 58. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final

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		<p>also create significant adverse impacts on those beneficial uses, including a loss of sub-irrigation. A reduction in sub-irrigation would, in turn, require increased surface water diversions by agricultural water users.</p> <p>Using the updated CalSim model, DWR should conduct new Effects Analysis modeling with a robust emphasis on analyzing the water supply impacts on NDWA water users and channels caused by altered surface elevations (higher and lower). Further, the BDCP/WaterFix EIR/EIS should identify, disclose and mitigate contractual issues in the Water Supply Chapter, including the potential for increased salinity intrusion, erosion and seepage damage, reversed or otherwise unnatural flows, fish stranding, and other local diversion intake effects. Impacts analysis and disclosure in the EIR/EIS needs to provide details on specific locations, durations, timing, size, and intensity in order to comply with NEPA requirements. (40 CFR § 1508.27(a))</p>	EIR/EIS.
North Delta Water Agency 10-30-15	62	<p>C. Water Supply Chapter Silent on Impacts to Delta Water Users</p> <p>Inexplicably, the EIR/EIS Chapter 5 Water Supply contains no discussion, disclosure, or mitigation of adverse impacts to water supplies in the Plan Area (Delta) caused under any of the BDCP/WaterFix alternatives. The chapter's section on regional water use mentions the role of entities such as NDWA which does not even divert or supply water as is implied, but then fails to actually describe how, where, by what method, or for what purpose water is used in the Plan Area. The absence of describing the context in which local water supplies are accessed and used, results in the EIR/EIS Water Supply Chapter 5 failing to properly disclose the level of significant impacts imposed on agricultural and municipal water users in the Plan Area.</p> <p>The reduced water quality conditions created by BDCP/WaterFix operations is a "taking" of water rights due to the water supplies in the Plan Area essentially being degraded to the point of significant impairment of existing beneficial uses, requiring compensation under the law and under the 1981 Contract. The EIR/EIS must acknowledge and mitigate these adverse impacts in the Water Supply Chapter and consider whether the damage to water users is a violation of California's "No Injury Rule," statutes governing "Priority of Water Rights," or standards in CEQA and NEPA governing disclosure, weighting of impacts, and cumulative effects on environmental and human resources.</p>	<p>As described in Chapter 5, Water Supply, in the Final EIR/EIS, changes to water supply are not environmental impacts because they would not, by themselves, create a physical change in the environment. Changes to water supply, however, could be considered as part of economic or social changes that may indirectly lead to a physical change in the environment. Therefore, as required under CEQA, any potential physical environmental impacts indirectly caused by changes to water supply are appropriately addressed in the various resource chapters in the Final EIR/EIS. The potential impacts related to reductions in groundwater elevations on water supplies are described in Chapter 7, Groundwater. The potential impacts related to changes in salinity in the Delta are described in Chapter 8, Water Quality. The potential impacts to agricultural and community water supplies are discussed in Chapters 14, Agricultural Resources, and Chapter 20, Public Services and Utilities.</p> <p>The commenter refers to the No Injury Rule that is the focus of the pending Change Petition before the SWRCB.</p> <p>DWR intends to meet its contractual obligations to the NDWA.</p> <p>The proposed project would not affect water rights or entitlements and will comply with water quality objectives set by the SWRCB which provide reasonable protection to beneficial uses in the Bay-Delta estuary. It aims to allow the federal and state water projects to deliver more reliable water supplies, in a way less harmful to fish. The project does not increase the amount of water to which DWR holds water rights or for use as allowed under its contracts. The CALSIM II modeling performed for conveyance facility operations takes into account projected future demand for water supply in areas upstream of the Delta (as part of the future No Action baseline) prior to calculating Proposed Project diversion estimates to ensure that no area-of-origin protections or upstream water rights are affected by project conveyance facilities. Please see Appendix 5A of the Final EIR/EIS for additional modeling details. Please see Master Response 26, Volume 2, Final EIR/EIS, regarding water resources in northern California. 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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North Delta Water Agency 10-30-15	63	<p>Conclusion</p> <p>The very preliminary conceptual nature of the BDCP/CA WaterFix project alternatives, results in a failure to assess numerous significant impacts and development of CEQA/NEPA conclusions that are primarily based on conjecture. In addition, the water quality and availability impacts are nearly impossible to decipher due to the disjointed document organization and presentation; and therefore fails to satisfy the most basic requirement of CEQA – to inform the public about the environmental consequences of a proposed decision or project.</p> <p>As pointed out by the Delta Independent Science Board, the CA WaterFix project alternatives and RDEIR/SDEIS lack completeness, defer essential material to the Final EIR/EIS, and retain a number of deficiencies inherent in the 2014 BDCP DEIR/DEIS.</p> <p>These limiting factors prevent NDWA, its water users, and the general public from fully understanding the true scope, severity, and duration of potential environmental and economic effects associated with the construction, permitting, operation, and mitigation of BDCP/WaterFix project components.</p> <p>The substantial inadequacies of the BDCP/WaterFix alternatives and RDEIR/SDEIS fail to protect people and property in the Plan Area or meet the legal requirements for state and federal endangered species, environmental assessment, or various Delta protection laws. Therefore, the Agency requests the State to revise per comments contained herein and once again recirculate the Plan and EIR/EIS for public review and comment.</p>	This section is a summary of comments described above. Please refer to individual comment responses. This comment does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.
North Delta Water Agency 10-30-15	ATT 1	DWR-NDWA, Contract for the Assurance of a Dependable Water Supply of Suitable Quality (1981)	This attachment describes NDWA’s 1981 contract and related agreements in an attachment to this comment letter. DWR will continue to comply with the terms of the 1981 NDWA contract. This attachment does not raise any substantive new environmental issues that were not previously addressed in the Final EIR/EIS.
North Delta Water Agency 10-30-15	ATT 2	Steiner/MBK Engineers, Report on Review of Bay Delta Conservation Program Modeling (June 20, 2014);	Please see responses to comment letter 1674, Attachment 3. Despite commenter’s expert’s difference of opinion on certain assumptions used in the modeling, the modeling and assumptions within the modeling relied upon by the lead agencies reflect their own expertise and is considered appropriate to support the lead agencies’ analysis of environmental impacts associated with the Proposed Project.
North Delta Water Agency 10-30-15	ATT 3	MBK Engineers, Technical Comments on Bay-Delta Conservation Plan Modeling (July 29, 2014)	Please see responses to comment letter 1674, Attachment 4. Despite commenter’s expert’s difference of opinion on certain assumptions used in the modeling, the modeling and assumptions within the modeling relied upon by the lead agencies reflect their own expertise and is considered appropriate to support the lead agencies’ analysis of environmental impacts associated with the Proposed Project.
North Delta Water Agency 10-30-15	ATT 4	MBK Engineers, Technical Comments on Bay Delta Conservation Plan/California Water Fix Partially Recirculated Draft EIR/Supplemental Draft EIS(October 28, 2015)	Please refer to Master Response 30, Modeling Approach and Availability of Newer Versions of the Models. Despite commenter’s expert’s difference of opinion on certain assumptions used in the modeling, the modeling and assumptions within the modeling relied upon by the lead agencies reflect their own expertise and is considered appropriate to support the lead agencies’ analysis of environmental impacts associated with the Proposed Project. This attachment does not raise any substantive new environmental issues that were not previously addressed in the Final EIR/EIS.

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North Delta Water Agency	ATT 5	Cover letter, NDWA Resubmittal for WaterFix RDEIR-EIS Comments, 01-23-17	This attachment describes new material submitted during the NEPA 30-Day comment period. This attachment does not raise any environmental issue related to the Final EIR/EIS. Please see Federal Register Notice Period for the California WaterFix Final Environmental Impact Report/Environmental Impact Statement (EIR/EIS) letter regarding requests for extending NEPA review period.
North Delta Water Agency	ATT 6	Delta Habitat Conservation & Conveyance Program (DHCCP), Conceptual Engineering Report Dual Conveyance Facility Modified Pipeline/Tunnel Option – Clifton Court Forebay Pumping Plant, July 1, 2015.	This attachment is a 2015 Conceptual Engineering Report and does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S.

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North Delta Water Agency	ATT 7	Water Resources Department, Contra Costa Water District "Historical Fresh Water and Salinity Conditions in the Western Sacramento-San Joaquin Delta and Suisun Bay: A summary of historical reviews, reports, analyses and measurements (Technical Memorandum WR10-001) (February 2010)	This attachment is a 2010 Technical Memorandum regarding salinity and does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S.
North Delta Water Agency	ATT 8	DWR Director Ronald Robie quoted in the Sacramento Bee, "Water Payment Progress Helped By Fear Of Canal." (March 21, 1980).	This attachment is referencing a 1980 news article that does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S.
North Delta Water Agency	ATT 9	Hanak et.al, Managing California's Water: From Conflict to Reconciliation (Public Policy Institute of California 2011). ("Delta farmers complained of increasing salinity in their water supplies as upstream diversions and combined CVP/SWP operations depleted more of the natural flow.")	This attachment is a 2011 PPIC report regarding managing California's Water and does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.

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North Delta Water Agency	ATT 10	<p>See, e.g.,: 1) September 30, 2015, Review of the Partially Recirculated Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement (California WaterFix) conducted by Delta Independent Science Board; 2) National Academy of Science Panel to Review California's Draft Bay Delta Conservation Plan, 2011, A Review of the Use of Science and Adaptive Management in California's Draft Bay Delta Conservation Plan ("The lack of an appropriate structure creates the impression that the entire effort is little more than a post-hoc rationalization of a previously selected group of facilities, including an isolated conveyance facility, and other measures for achieving goals and objectives that are not clearly specified.")  <a href="http://www.nap.edu/openbook.php?record_id=13148">http://www.nap.edu/openbook.php?record_id=13148</a>; 3) Delta Independent Science Board, Review of the Draft EIR/EIS for the Bay Delta Conservation Plan (May 15, 2014), . ("The DEIR/DEIS provides an exhausting wealth of information about the Delta and the likely impacts of the proposed alternatives. However, this wealth of information and data is not organized in a way that can usefully inform difficult public and policy discussions.")  <a href="http://deltacouncil.ca.gov/sites/default/files/documents/files/Item_9_Attachment_3.pdf">http://deltacouncil.ca.gov/sites/default/files/documents/files/Item_9_Attachment_3.pdf</a>.</p>	<p>This attachment was received during a previous comment period and does not raise any substantive new environmental issues that were not previously addressed in Volume 2, response to comment letter 2546, and comment letter 1448, Volume 2, of the Final EIR/S.</p>



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North Delta Water Agency	ATT 11	See, e.g., NEPA and CEQA: Integrating State and Federal Environmental Reviews, Draft for Public Review and Comment, March 2013, the U.S. Council on Environmental Quality (CEQ) and CA Governor's Office of Planning and Research	This attachment is a document regarding integrating State and Federal environmental reviews and does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/EIS.
North Delta Water Agency	ATT 12	Vogel Report, NAS Comments, ISB Comments , Latour, R., Ph.D., Technical Review of the Bay-Delta Conservation Plan (BDCP) and Related Environmental Impact Review (EIR) (May 16, 2014) ("Latour Report")	This attachment was received during a previous comment period and does not raise any substantive new environmental issues that were not previously addressed in Volume 2, response to comment letter 1674, Volume 2, of the Final EIR/S.
North Delta Water Agency	ATT 13	United States Environmental Protection Agency, Staff Report: Analysis of Water Quality Issues in EPA's February 2011 ANPR (2011). Available at <a href="http://www2.epa.gov/sites/production/files/documents/actionplan-appx1.pdf">http://www2.epa.gov/sites/production/files/documents/actionplan-appx1.pdf</a>	This attachment is a 2011 EPA staff report regarding water quality and does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S.
North Delta Water Agency	ATT 14	Council On Environmental Quality, Executive Office Of The President, A Citizen's Guide to the NEPA ("NEPA requires Federal agencies to consider environmental effects that include, among others, impacts on social, cultural, and economic resources, as well as natural resources.")	This attachment references A Citizen's Guide to NEPA and does not raise any substantive new environmental information or analysis that was not previously addressed in the Final EIR/S.